

THE
STATUTES AT LARGE

OF THE
UNITED STATES OF AMERICA,

FROM
DECEMBER, 1899, TO MARCH, 1901,

AND
RECENT TREATIES, CONVENTIONS, EXECUTIVE PROCLAMATIONS,

AND
THE CONCURRENT RESOLUTIONS OF THE TWO HOUSES OF CONGRESS.

EDITED, PRINTED, AND PUBLISHED UNDER THE DIRECTION
OF THE SECRETARY OF STATE.

VOL. XXXI.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1901.

LIST

OF THE

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PUBLIC LAWS

OF THE

UNITED STATES OF AMERICA,

PASSED BY

THE FIFTY-SIXTH CONGRESS.

1899-1901.

PUBLIC ACTS OF THE FIFTY-SIXTH CONGRESS

OF THE

UNITED STATES

Passed at the first session, which was begun and held at the city of Washington, in the District of Columbia, on Monday the fourth day of December, 1899, and was adjourned without day on Thursday the seventh day of June, 1900.

WILLIAM MCKINLEY, President; WILLIAM P. FRYE, President of the Senate, *pro tempore*; DAVID B. HENDERSON, Speaker of the House of Representatives.

CHAP. 1.—An Act To extend the time for examination of monthly accounts by
bureaus and offices of the War Department. December 20, 1899.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time for examination of monthly accounts by the bureaus and offices of the War Department after the date of actual receipt and before transmitting the same to the Auditor for the War Department, as limited by section twelve of the legislative, executive, and judicial appropriation Act, approved July thirty-first, eighteen hundred and ninety-four, is hereby extended from twenty days to sixty days for the period of one year from the date of the passage of this Act.

War Department.
Examination of
monthly accounts;
time extended.

Vol. 28, p. 209.

Approved, December 20, 1899.

CHAP. 2.—An Act To authorize the Secretary of the Navy to change the material to be used in the construction of the dry docks at the navy-yards at League Island, Pennsylvania, and Mare Island, California, from timber to concrete and stone. January 25, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of "An Act making appropriations for the naval service for the fiscal year ending June thirtieth, eighteen hundred and ninety-nine, and for other purposes," approved May fourth, eighteen hundred and ninety-eight, relating to the construction of dry docks, as modified by "An Act making appropriations for the naval service for the fiscal year ending June thirtieth, nineteen hundred, and for other purposes," approved March third, eighteen hundred and ninety-nine, are hereby further modified so that the Secretary of the Navy may, in his discretion, contract for the construction of the dry docks at League Island, Pennsylvania, and at Mare Island, California, in addition to those at Boston, Massachusetts, and Portsmouth, New Hampshire, to be built of concrete and stone, and in such case the limit of cost of the dry docks for

League Island and
Mare Island Navy-
Yards.
Change of material
for dry docks author-
ized.

Vol. 30, pp. 379, 1035.

Mare Island, California, and League Island, Pennsylvania, is so far modified that the total additional increased cost for the two dry docks aforesaid shall not in the aggregate exceed seven hundred thousand dollars.

Approved, January 25, 1900.

January 27, 1900.

CHAP. 3.—An Act Extending the time for the completion of a wagon and motor bridge across the Missouri River at Saint Charles, Missouri, as provided by an Act approved June third, eighteen hundred and ninety-six.

Time extended for
bridging Missouri
River at St. Charles.
Vol. 29, p. 195.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time for completing the construction of a wagon and motor bridge across the Missouri River at Saint Charles, Missouri, as fixed by an Act approved June third, eighteen hundred and ninety-six, be extended to June third, nineteen hundred and two.

Approved, January 27, 1900.

January 30, 1900.

CHAP. 4.—An Act Relative to the widening and extension of Sixteenth street in the District of Columbia.

District of Columbia.
Extension, etc., of
Sixteenth street.

Vol. 30, p. 1344.
Proviso.
Assessments against
abutting property.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed, within thirty days after the dedication to said District of seventy-five per centum of the lands lying within the lines of Sixteenth street northwest, as extended according to the highway plans, between the Piney Branch and the Blagden Mill road, and also between the Military road and the District of Columbia boundary line, to institute proceedings to condemn the land necessary for the extension of Sixteenth street from Morris street to the District of Columbia boundary line with a uniform width of one hundred and sixty feet, under the terms and provisions of an Act entitled "An Act to extend S street in the District of Columbia, and for other purposes:" *Provided,* That of the amount found due and awarded as damages for and in respect of the land condemned for the extension of Sixteenth street, as in this section provided, not less than one-half thereof shall be assessed by said jury in said proceedings against those pieces or parcels of ground situated and lying on each side of said Sixteenth street northwest between Morris street and the Blagden subdivision, and between the Blagden Mill road and the Rock Creek or Milkhouse Ford road, and between lots seven, four, and eleven of A. R. Shepherd's subdivision, to the depth of two hundred and fifty feet, or to such greater depths as the benefits may be found by said jury to extend, measured on each side thereof from the building lines of said Sixteenth street as extended.

Dedication of land
by infants, etc.

SEC. 2. That the supreme court of the District of Columbia, sitting as an equity court, shall have authority to empower, order, and decree the committee or guardian of any person of unsound mind, and the guardian or trustee of any infant, owning or having an interest or estate in any land within the limits above described, to dedicate to the District of Columbia for and as a part of said Sixteenth street any land or part thereof owned by such person of unsound mind or by such infant, or in which they may have an interest or estate, if, upon the application of such committee, guardian, or trustee, and after the testimony of witnesses shall be taken and such other proceedings had as the court may deem proper, the court shall determine that such

dedication will be to the interest and advantage of such person of unsound mind or such infant.

SEC. 3. That all Acts or parts of Acts inconsistent herewith are hereby repealed. Repeal.

Approved, January 30, 1900.

CHAP. 5.—An Act To provide an American register for the steam whaler Bowhead. January 31, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of Navigation is hereby authorized and directed to cause the foreign-built steam whaler Bowhead, owned by John A. Cook, Preston B. Keith, F. B. Howard, E. T. Packard, D. W. Field, A. W. Barrows, George Bickford, W. H. Bryant, and H. B. Madison, citizens of the United States, to be registered as a vessel of the United States whenever it shall be shown to the Commissioner of Navigation that the repairs put upon such vessel in the United States are equal to three-fourths of the cost of such vessel when so repaired.

Whaler "Bowhead."
Granted American
register.

Approved, January 31, 1900.

CHAP. 6.—An Act To authorize the Chicago, Rock Island and Pacific Railway Company to construct and operate a railway through the Fort Reno and Fort Sill military reservations in the Territory of Oklahoma, and for other purposes. January 31, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Chicago, Rock Island and Pacific Railway Company, a corporation created under and by virtue of the laws of the States of Illinois and Iowa, be, and the same is hereby, empowered to survey, locate, construct, and maintain a railway, telegraph, and telephone line through the Fort Reno and Fort Sill military reservations in the Territory of Oklahoma, upon such a line as shall be determined and approved by the Secretary of War.

Chicago, Rock
Island and Pacific
Railway granted right
of way through Fort
Reno and Fort Sill
Reservations, Okla.

SEC. 2. That said corporation is authorized to take and use for all purposes of a railway, telegraph, and telephone line, and for no other purpose, a right of way one hundred feet in width through said Fort Reno and Fort Sill military reservations and a right to take and use a strip of land in each of said reservations two hundred feet in width, with a length of three thousand feet, in addition to right of way, for stations, with the right to use such additional ground when cuts and fills may be necessary for the construction and maintenance of the roadbed, not exceeding one hundred feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no part of the lands herein authorized to be taken shall be leased or sold by the company, and they shall not be used except in such manner and for such purposes as shall be necessary for the construction and convenient operation of said railway, telegraph, and telephone lines; and when any portion thereof shall cease to be used, such portion shall revert to the United States, from which the same shall have been taken.

—width

Land for stations,
etc.

Proviso.
Restrictions on
grant.

Approved, January 31, 1900.

CHAP. 7.—An Act Relating to the Twelfth and subsequent censuses, and giving to the Director thereof additional power and authority in certain cases, and for other purposes. February 1, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to the power and authority conferred upon the Director of the Census by an Act

Twelfth Census.
Vol. 30, p. 1014.

Additional employ-
ees authorized.

Vol. 30, p. 1019.

Collection of statis-
tics of deaf, dumb, and
blind.

Provisos.
—scope limited.

—pay, etc., of super-
visors.

—enumerators.

Purchase of books,
etc., authorized.

—limit.

Statistics of live
stock.

—pay of enumerators.

Proviso.
—special agents may
be appointed.

Payment to widow
of supervisor etc., for
his services.

entitled "An Act to provide for taking the Twelfth and subsequent censuses," approved March third, eighteen hundred and ninety-nine, said Director of the Census shall have power, and is hereby authorized, to appoint and employ, as the necessity therefor may arise, one purchasing agent, at an annual salary of two thousand five hundred dollars; two chiefs of division, at an annual salary of two thousand dollars each; five clerks of class four; six clerks of class three, and eight clerks of class two; to employ such number of special agents, not exceeding thirty-five in all, as may be proper and necessary for the purpose of gathering any information or data in relation to or required by the agricultural schedules; to employ special agents to assist the supervisors in large cities whenever he may deem it proper, in connection with the work of preparation for, or during the progress of, the enumeration, or in connection with the reenumeration of any district, or a part thereof; to employ as special agents such of the supervisors of census as he may deem wise and proper, at the compensation provided for in section seventeen of said Act, the intent and purpose being that the supervisors of census may be appointed special agents at the time they are acting as supervisors, and receive the compensation to which they are entitled as supervisors, and also as special agents; and the Director of the Census is authorized and directed to collect statistics relating to all of the deaf, dumb, and blind, notwithstanding the restrictions and limitations contained in section eight of said Act entitled "An Act to provide for taking the Twelfth and subsequent censuses:" *Provided*, That in taking the census of said classes the inquiries shall be confined to the following four questions, namely: Name, age, sex, and post-office address; and the Director of the Census is hereby specifically authorized to pay such supervisors for their services as special agents the compensation which he may authorize out of any general or special appropriation which may be made for the payment of special agents, and to allow any supervisor of census, in addition to the contingencies provided for in section eleven of said Act, actual and necessary traveling expenses and an allowance in lieu of subsistence not exceeding three dollars per day during his necessary absence from his usual place of residence in connection with the work of preparation for the enumeration; to allow, in fixing the compensation of enumerators, not more than five cents for each death reported; to purchase any and all law books, books of reference, or periodicals, which may be required from time to time in the Census Office, and pay for the same out of the sum appropriated by the said Act of March third, eighteen hundred and ninety-nine, or any other appropriation hereafter made for the census work, whether there be a specific authorization for such purchases or not: *Provided*, That the aggregate amount of such purchases shall not exceed the sum of three thousand dollars.

SEC. 2. That in addition to the other statistics required to be collected by section seven of said Act approved March third, eighteen hundred and ninety-nine, there shall be collected on the agricultural schedules information concerning the number and kinds of live stock not on farms; and the Director of the Census shall have power to pay the enumerators for collecting such information, in his discretion, not less than five nor more than ten cents for each barn or inclosure visited in which such live stock may be found: *Provided, however*, That the Director of the Census may appoint special agents to gather the information required by this section whenever he may deem it proper.

SEC. 3. That in the event of the death of any supervisor or enumerator after his appointment and entrance on his duties, the Director of the Census be, and he is, authorized to pay to his widow, if there be one, and if not to his legal representative such sum as may be just and fair for the services rendered by said supervisor or enumerator prior to his death.

Approved, February 1, 1900.

CHAP. 8.—An Act To present to the city of Nashville, State of Tennessee, the cannon on the gunboat Nashville from which was fired the first shot in the Spanish-American war.

February 3, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy is hereby authorized and directed to condemn and detach from the gunboat Nashville the cannon from which was fired the first shot in the Spanish-American war and to deliver the same to the said city of Nashville, to be placed in some public place in that city, the title to the said cannon to be vested in the said city: *Provided,* That no expense shall be caused to the United States through delivery of said cannon.

Nashville, Tenn.
Presentation to, authorized of certain cannon.

proviso.
Expense of delivery.

Approved, February 3, 1900.

CHAP. 9.—An Act Authorizing payment of commutation of ration to the petty officers of the Navy who served on detached duty between March first, eighteen hundred and ninety-eight, and November fourth, eighteen hundred and ninety-nine.

February 7, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the petty officers of the Navy who served on detached duty between March first, eighteen hundred and ninety-eight, and November fourth, eighteen hundred and ninety-nine, be, and hereby are, allowed commutation of ration for the time they so served.

Navy.
Commutation of rations allowed certain petty officers.

Approved, February 7, 1900.

CHAP. 10.—An Act To create a new division in the eastern judicial district of the State of Tennessee.

February 7, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a new division of the eastern judicial district of the State of Tennessee, to be known as the northeastern division judicial district of Tennessee, be, and the same is hereby, established, to be composed of the following counties, to wit: Johnson, Carter, Unicoi, Sullivan, Washington, Greene, Hawkins, Hancock, Cocke, and Hamblen; and said counties be, and the same are hereby, transferred to said northeastern division of said eastern district of Tennessee, but no additional clerk or marshal shall be appointed in or for said district.

Tennessee.
Northeastern judicial district established.

—composition.

No additional officers.

SEC. 2. That terms of the circuit court and of the district court of the northeastern division judicial district of Tennessee shall be held at Greeneville, in said State, each year, on the fourth Mondays in August and February, after the passage of this Act.

Terms of court at Greeneville.

SEC. 3. That the clerks of the district and circuit courts for the eastern district of Tennessee, and the marshal and district attorney for said district, shall perform the duties appertaining to their offices, respectively, for said courts of said northeastern division judicial district, and except when court is in session, and a judge present, the clerk's office of the said courts may be at Knoxville, where all records for said courts may be kept as of the same court, and all duties performed as though the clerk were at Greeneville, but should, in the judgment of the district judge and the clerk, the business of said courts hereafter warrant the employment of a deputy clerk at Greeneville, Tennessee, new books and records may be opened for the courts herein created, and kept at Greeneville, and a deputy clerk appointed to reside and keep his office at Greeneville.

Judicial officers.

Clerk's office at Knoxville, etc.

Deputy clerk at Greeneville.

Suits against one or more defendants, where brought.

Jurisdiction of future crimes.

— pending, etc.

Jurors.

Process.

Removal of causes.

Court buildings.

Effect.

Repeal.

SEC. 4. That all suits not of a local nature in said circuit and district courts against a single defendant, inhabitant of said State, must be brought in the division of the district where he resides; but if there are two or more defendants residing in different divisions of the district, such suits may be brought in either division.

SEC. 5. That all prosecutions for crimes or offenses hereafter committed in either of the divisions of said district shall be cognizable within such division, and all prosecutions for crimes or offenses heretofore committed in the eastern district as heretofore constituted shall be commenced and proceeded with as if this Act had not been passed.

SEC. 6. That all grand and petit jurors summoned for service in each division shall be residents of such division. All mesne and final process subject to the provisions hereinbefore contained, issued in either of said divisions, may be served and executed in either or both of the divisions.

SEC. 7. That in all cases of removal of suits from the courts of the State of Tennessee to the courts of the United States in the eastern district of Tennessee such removal shall be to the United States courts in the division in which the county is situated from which the removal is made, and the time within which the removal shall be perfected, in so far as it refers to or is regulated by the terms of the United States courts, shall be deemed to refer to the terms of the United States courts held in said northeastern judicial district.

SEC. 8. That each of said courts shall be held in a building to be provided for that purpose by the county or municipal authorities and without expense to the United States.

SEC. 9. That this Act shall be in force from and after the thirtieth day of June, anno Domini nineteen hundred, and all Acts and parts of Acts so far as inconsistent herewith are hereby repealed.

Approved, February 7, 1900.

February 7, 1900.

CHAP. 11. An Act Fixing the salary of the postmaster at Washington City, District of Columbia.

District of Columbia.
Salary of postmaster fixed.
Vol. 22, p. 600.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of section four of the Act entitled "An Act to adjust the salaries of postmasters," approved March third, eighteen hundred and eighty-three, as fixes the salary of the postmaster at Washington City, District of Columbia, is hereby repealed, and the salary of said postmaster shall hereafter be adjusted, as provided in the cases of other postmasters, under section one of said Act.

Approved, February 7, 1900.

February 8, 1900.

CHAP. 12.—An Act To provide for improvements in the tax departments of the District of Columbia.

District of Columbia.
Improvements in offices of assessor and collector of taxes authorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to enable the Commissioners of the District of Columbia to enlarge the rooms now occupied by the assessor and collector of taxes of the District of Columbia, and to rearrange the space so as to better accommodate the public who have occasion to transact business with those offices, and to provide fixtures and pay other necessary expenses incident thereto, and to put in operation the card system for the improvement of the business methods of those offices, including the temporary hire of clerks, the sum of four thousand dollars, or so much thereof as may

be needed, is hereby appropriated, one-half out of any moneys in the Treasury not otherwise appropriated and the other half out of the revenues of the District of Columbia, to be immediately available.

Approved, February 8, 1900.

CHAP. 13.—An Act To amend section forty-eight hundred and forty-three of the Revised Statutes.

February 9, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section forty-eight hundred and forty-three of the Revised Statutes be amended by inserting the word "Pay" in line eight after the word "Quartermaster's," so that the paragraph will read: "Second. Civilians employed in the Quartermaster's, Pay, and Subsistence Departments of the Army who may be, or may hereafter become, insane while in such employment."

Pay Department Army.
Admission to the Government Hospital for the Insane authorized of civilian employees.
R. S., sec. 4843, p. 939, amended.

Approved, February 9, 1900.

CHAP. 14.—An Act Making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June thirtieth, nineteen hundred, and for prior years, and for other purposes.

February 9, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in the appropriations for the fiscal year nineteen hundred, and for prior years, and for other objects hereinafter stated, namely:

Deficiencies appropriations.

EXECUTIVE OFFICE.

Executive office.

For contingent expenses of the Executive Office, including stationery therefor, as well as record books, telegrams, telephones, books for library, miscellaneous items, and furniture and carpets for offices, care of office carriage, horses, and harness, being for the fiscal years as follows:

Contingent expenses.

For the fiscal year nineteen hundred, two thousand two hundred and seventy-nine dollars and eighteen cents.

For the fiscal year eighteen hundred and ninety-nine, seven hundred and twenty dollars and eighty-two cents.

TREASURY DEPARTMENT.

Treasury Department.

To continue the employment of the following clerks and other employees from April first to June thirtieth, nineteen hundred, inclusive, rendered necessary because of increase of work incident to the war with Spain, namely:

Temporary employees.

OFFICE OF THE SECRETARY: For two clerks, at the rate of nine hundred dollars per annum each; and six paper counters and laborers, at the rate of six hundred and twenty dollars per annum each, in the division of loans and currency; in all, one thousand three hundred and eighty dollars.

—in office of Secretary.

OFFICE OF AUDITOR FOR TREASURY DEPARTMENT: For three clerks of class one, nine hundred dollars.

—Auditor.

OFFICE OF AUDITOR FOR WAR DEPARTMENT: For eight clerks of class four; seventeen clerks of class three; ten clerks of class two; thirty clerks of class one; ten clerks, at the rate of one thousand dollars per annum each; ten clerks, at the rate of nine hundred dollars per annum each; and three laborers, at the rate of six hundred and

—Auditor for War Department.

	sixty dollars per annum each; in all, twenty-eight thousand one hundred and forty-five dollars.
—Auditor for Navy Department.	OFFICE OF AUDITOR FOR NAVY DEPARTMENT: For two clerks of class three; three clerks of class two; four clerks of class one; six clerks, at one thousand dollars each; and four clerks, at nine hundred dollars each; in all, five thousand four hundred and fifty dollars.
—Register of the Treasury.	OFFICE OF THE REGISTER OF THE TREASURY: For three clerks of class one; and three clerks, at one thousand dollars each; in all, one thousand six hundred and fifty dollars.
—Treasurer's office.	OFFICE OF THE TREASURER OF THE UNITED STATES: For the following from February first to June thirtieth, nineteen hundred, inclusive, namely: Three clerks, at the rate of nine hundred dollars per annum each; and three expert counters, at the rate of seven hundred and twenty dollars per annum each; in all, two thousand and twenty-five dollars.
—Supervising Architect's Office.	OFFICE OF THE SUPERVISING ARCHITECT: The amount authorized to be paid from appropriations for public buildings, and equitably charged against such appropriations during the fiscal year nineteen hundred, for the services of skilled draftsmen, civil engineers, computers, accountants, assistants to the photographer, copyists, and such other services as the Secretary of the Treasury may deem necessary and specially order, to be employed in the office of the Supervising Architect exclusively to carry into effect the various appropriations for public buildings, is hereby increased from two hundred and ten thousand dollars to two hundred and fifty thousand dollars; and the Secretary of the Treasury shall in the annual estimates report to Congress the number of persons so employed and the amount paid to each.
Draftsmen, etc.	FURNISHING NEW POST-OFFICE BUILDING, WASHINGTON, DISTRICT OF COLUMBIA: To enable the Secretary of the Treasury to provide the new post-office building, Washington, District of Columbia, with furniture, including gas and electric-light fixtures, carpets, awnings, window shades, five thousand five hundred dollars.
New post-office building, District of Columbia, furnishing, etc.	CONTINGENT EXPENSES: For purchasing material for binding important records, two hundred dollars.
Contingent expenses.	CONTINGENT EXPENSES, INDEPENDENT TREASURY: For contingent expenses under the requirements of section thirty-six hundred and fifty-three of the Revised Statutes of the United States, for the collection, safe-keeping, transfer, and disbursement of the public money, and for transportation of notes, bonds, and other securities of the United States, fifty thousand dollars.
—Independent Treasury. R. S., sec. 3653, p. 719	To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Contingent expenses, Independent Treasury," for the fiscal year eighteen hundred and ninety-nine, twenty thousand two hundred and eighteen dollars and twenty cents.
Transporting silver coin.	TRANSPORTATION OF SILVER COIN: For transportation of silver coin, including fractional silver coin, by registered mail or otherwise, twenty thousand dollars; and in expending this sum the Secretary of the Treasury is authorized and directed to transport from the Treasury or subtreasuries, free of charge, silver coin when requested to do so: <i>Provided</i> , That an equal amount in coin or currency shall have been deposited in the Treasury or such subtreasuries by the applicant or applicants. And the Secretary of the Treasury shall report to Congress the cost arising under this appropriation.
—free of charge on request.	TRANSPORTATION OF MINOR COINS: To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Transportation of minor coins," for the fiscal year eighteen hundred and ninety-nine, two thousand one hundred and seventy-four dollars and twenty-two cents.
<i>Proviso.</i> —deposit of equal amount.	DISTINCTIVE PAPER FOR UNITED STATES SECURITIES: For paper, including transportation, salaries of register, two counters five watch-
Minor coin.	
United States securities. Distinctive paper.	

men, one laborer, and expenses of officer detailed from the Treasury as superintendent, twenty-three thousand two hundred and fifty dollars.

PAY OF ASSISTANT CUSTODIANS AND JANITORS: For pay of assistant custodians and janitors, including all personal services in connection with the care of all public buildings under control of the Treasury Department outside of the District of Columbia, thirty-four thousand five hundred dollars; and the Secretary of the Treasury shall so apportion this sum as to prevent a deficiency therein.

Assistant custodians and janitors, public buildings.

COLLECTING THE REVENUE FROM CUSTOMS: To defray the expenses of collecting the revenue from customs, being additional to the permanent appropriation for this purpose, for the fiscal year nineteen hundred, one million two hundred thousand dollars.

Collecting customs revenue.

To defray the expenses of collecting the revenue from customs, being for amounts found due by the accounting officers for the fiscal year ending June thirtieth, eighteen hundred and ninety-nine, one hundred thousand dollars.

To defray the expenses of collecting the revenue from customs, being for amounts found due by the accounting officers for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight, one hundred thousand dollars.

REVENUE-CUTTER SERVICE.

Revenue-Cutter Service.

That the sum of one hundred thousand dollars of the unexpended balance of the appropriation for the expenses of the Revenue-Cutter Service for the fiscal year eighteen hundred and ninety-eight is hereby reappropriated and made available for expenditure for said service during the fiscal year nineteen hundred.

Reappropriation of unexpended balance.

ENGRAVING AND PRINTING.

Bureau of Engraving and Printing.

For labor and expenses of engraving and printing: For salaries of all necessary clerks and employees, other than plate printers and plate printers' assistants, ninety-four thousand five hundred and ninety-two dollars, to be expended under the direction of the Secretary of the Treasury: *Provided*, That no portion of this sum shall be expended for printing United States notes or Treasury notes of larger denomination than those that may be canceled or retired.

Salaries.

For wages of plate printers, at piece rates to be fixed by the Secretary of the Treasury, not to exceed the rates usually paid for such work, including the wages of printers' assistants, at one dollar and twenty-five cents a day each when employed, seventy-one thousand and sixty-one dollars and fifty cents, to be expended under the direction of the Secretary of the Treasury: *Provided*, That no portion of this sum shall be expended for printing United States notes or Treasury notes of larger denomination than those that may be canceled or retired.

Wages.

For engravers' and printers' materials and other materials, except distinctive paper, and for miscellaneous expenses, on account of the fiscal year eighteen hundred and ninety-nine, three thousand six hundred and eighty-five dollars and fifty-seven cents.

Proviso.
Notes of larger denomination.

Materials.

For rent of building now occupied by the Bureau of Engraving and Printing for storage and other purposes, at a rental of sixty dollars a month, seven hundred and twenty dollars.

Rent.

INTERNAL REVENUE.

Internal Revenue.

For salaries and expenses of collectors and deputy collectors and surveyors, and clerks, including transportation of public funds, and

Salaries collectors deputies, etc.

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also including expenses of enforcing the Act of August second, eighteen hundred and eighty-six, taxing oleomargarine, and the Act of August fourth, eighteen hundred and eighty-six, imposing upon the Government the expense of the inspection of tobacco exported; also the Act of June sixth, eighteen hundred and ninety-six, imposing a tax on filled cheese, being for the fiscal year eighteen hundred and ninety-nine, thirty-five thousand dollars.

For salaries and expenses of agents, fees and expenses of gaugers, salaries and expenses of storekeepers and storekeeper-gaugers, and miscellaneous expenses, being for the fiscal year eighteen hundred and ninety-nine, twenty-five thousand dollars.

Stamp paper.

For paper for internal-revenue stamps, including freight, twenty-five thousand dollars.

Mints and assay offices.

MINTS AND ASSAY OFFICES.

Freight on bullion and coin.

For freight on bullion and coin, by registered mail or otherwise, between mints and assay offices, fifty thousand dollars.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Freight on bullion and coin, mints and assay offices," for the fiscal year eighteen hundred and ninety-nine, one thousand eight hundred and ninety-seven dollars and sixty cents.

Seattle, contingent expenses.

For wages of workmen, rent, and contingent expenses of the assay office at Seattle, Washington, seventeen thousand dollars.

Boise, repairs, etc.

For the construction of steel doors with combination locks to the vault of the United States assay office at Boise, and also for the purchase of a burglar and fireproof safe for the use of said institution, two thousand dollars.

Light-House Establishment.

LIGHT-HOUSE ESTABLISHMENT.

Vessels.

EXPENSES OF LIGHT-VESSELS: For seamen's wages, rations, repairs, salaries, supplies, and temporary employment and incidental expenses of light-vessels, one hundred thousand dollars.

Keepers' salaries.

SALARIES OF KEEPERS OF LIGHT-HOUSES: For salaries, fuel, rations, rent of quarters where necessary, and similar incidental expenses of light-house and fog-signal keepers and laborers attending other lights, ten thousand dollars, and the total number of light-house and fog-signal keepers and laborers attending lights that may be employed during the fiscal year nineteen hundred is hereby increased from one thousand four hundred to one thousand four hundred and fifty.

Public buildings.

PUBLIC BUILDINGS.

Kansas City, Mo.

POST-OFFICE AND COURT-HOUSE, KANSAS CITY, MISSOURI: For painting and installation of passenger elevators, thirty-five thousand dollars.

Helena, Mont.

PUBLIC BUILDING AT HELENA, MONTANA: The limit of cost of site for public building at Helena, Montana, is hereby fixed at thirty-three thousand five hundred and two dollars and thirty-five cents, in lieu of the sum named in the sundry civil appropriation Act, approved June fourth, eighteen hundred and ninety-seven, but the aggregate cost of the site and building shall not be increased.

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Quarantine Service.

QUARANTINE SERVICE.

Maintenance.

For the maintenance and ordinary expenses, including pay of officers and employees of quarantine stations at Delaware Breakwater, Reedy Island, Cape Charles and supplemental station, Cape Fear, South Atlantic, Brunswick, Gulf, Tortugas, San Diego, San Francisco, Astoria, and Port Townsend, twenty-five thousand dollars.

COAST AND GEODETIC SURVEY.

Coast and Geodetic Survey.

For unusual and unexpected repairs to the steamships Blake and Patterson and for boilers for the latter, fifteen thousand dollars.

"Blake" and "Patterson," repairs.

GOVERNMENT IN THE TERRITORIES.

Oklahoma Territory.

For contingent expenses of the Territory of Oklahoma, to be expended by the governor for rents, private secretary, stenographer and typewriter, and typewriter supplies, janitor, messenger, fuel, lights, stationery and printing, postage, telegrams, furniture for office, express, and other incidentals, five hundred dollars.

Contingent expenses.

FISH COMMISSION.

Fish Commission.

That the unexpended balance of the appropriation of five thousand dollars for completing the construction of the fish hatchery at Spearfish, South Dakota, fiscal year eighteen hundred and ninety-nine, made in the deficiency Act approved July seventh, eighteen hundred and ninety-eight, is hereby made available for expenditure during the fiscal year nineteen hundred, and the accounting officers of the Treasury Department are authorized to credit the disbursing agent of the United States Commission of Fish and Fisheries with the amounts heretofore paid upon proper vouchers during said fiscal year.

Spearfish, S. Dak. Unexpended balance reappropriated.

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For continuing special investigations with the object of preserving and increasing the lobster and clam supply of the Atlantic coast, seven thousand five hundred dollars.

Lobster, etc., investigations.

UNDER THE SMITHSONIAN INSTITUTION.

Smithsonian Institution.

ASTROPHYSICAL OBSERVATORY.

OBSERVATION OF ECLIPSE OF MAY TWENTY-EIGHTH, NINETEEN HUNDRED: For cost of apparatus, transportation of observers and equipment, subsistence, reduction of observations, printing and publishing of results, not exceeding one thousand five hundred copies, and employment of such temporary aid as may be required, including all necessary field and other expenses, four thousand dollars.

Observing eclipse, May 28, 1900.

DISTRICT OF COLUMBIA.

District of Columbia.

FOR SURVEYOR'S OFFICE: For such employees as may be required in accordance with the provisions of the Act of Congress making the surveyor of the District of Columbia a salaried officer, two thousand five hundred dollars.

Surveyor's office.

FREEDMEN'S HOSPITAL AND ASYLUM: That the appropriation for salaries for the Freedmen's Hospital and Asylum, for the current fiscal year, shall be available for the payment of an assistant clerk, a pharmacist, an assistant pharmacist, and a steward at said institution.

Freedmen's Hospital.

PROVIDENCE HOSPITAL: For the completion of the isolating building at the Providence Hospital, including the necessary grading and paving of the approaches thereto, five thousand dollars, to be expended under the direction of the Commissioners of the District of Columbia.

Providence Hospital.

MILITIA OF THE DISTRICT OF COLUMBIA: That the unexpended balance of the appropriation for rifle practice and matches for the fiscal year eighteen hundred and ninety-nine, amounting to seven hundred and eight dollars and sixty-one cents, is hereby reappropriated and made available for the service of the fiscal year nineteen hundred.

Militia.

One-half of the foregoing amounts under the District of Columbia shall be paid from the revenues of said District and one-half from any money in the Treasury not otherwise appropriated.

Half of appropriations from District revenues.

War Department.

WAR DEPARTMENT.

Additional temporary force.

For continuing the employment during the three months beginning April first, nineteen hundred, of such additional temporary force of clerks, messengers, laborers, and other assistants as in the judgment of the Secretary of War may be proper and necessary to the prompt, efficient, and accurate dispatch of official business in the War Department and its bureaus, to be allotted by the Secretary of War to such bureaus and offices as the exigencies of the needs of the service may demand, one hundred and fifty thousand dollars. Persons in the classified service of the Government shall not be eligible to appointment under this appropriation, or to be transferred from any position in the classified service to positions paid hereunder.

Classified service ineligible for appointment, etc.

Postage stamps.

For postage stamps for the War Department and its bureaus, as required under the Postal Union, to prepay postage on matters addressed to Postal Union countries, five hundred dollars.

Fourth Arkansas Mounted Infantry. Expenses investigation of claims of.

For payment of the expenses connected with the investigation of the claims of the members of the Fourth Arkansas Mounted Infantry, including pay of clerk, stenographer, cost of printing, advertising and stationery, traveling and hotel expenses, expenses of witnesses and all other incidental expenses actually and necessarily incurred under the provisions of the Act of Congress approved February twenty-seventh, eighteen hundred and ninety-nine, for the relief of the Fourth Arkansas Mounted Infantry, two thousand dollars.

Vol. 30, p. 894.

Miscellaneous.

MISCELLANEOUS OBJECTS, WAR DEPARTMENT.

Deep Waterways Commission.

DEEP WATERWAYS COMMISSION: For completing surveys, examinations, and investigations (including estimate of cost) of deep waterways, and the routes thereof, between the Great Lakes and the Atlantic tide waters, as recommended by the report of the Deep Waterways Commission, transmitted by the President to Congress January eighteenth, eighteen hundred and ninety-seven; such surveys, examinations, and investigations to be made by the board of three engineers designated and appointed by the President for this purpose July twenty-eighth, eighteen hundred and ninety-seven, in compliance with the provisions of the Act of June fourth, eighteen hundred and ninety-seven, twenty thousand dollars: *Provided*, That the member of the Deep Waterways Commission appointed from the Corps of Engineers shall be entitled to receive compensation from the date of his appointment, in addition to his regular army pay and allowances, equal to the difference between such annual army pay and allowances and the compensation of the other two members of the commission, said additional compensation to be paid from funds appropriated for the Deep Waterways Commission.

Vol. 30, p. 50.

Proviso.
Compensation of member from Engineer Corps.

Vicksburg Military Park.

VICKSBURG NATIONAL MILITARY PARK: For such engineering and topographical work in connection with the Vicksburg National Military Park as may be proper and necessary, and for the payment of salaries and clerical expenses and such other incidental expenses as are provided for in the Act of February twenty-first, eighteen hundred and ninety-nine, to remain available until expended: *Provided*, That the sum of five thousand dollars, or so much of said amount as may be necessary, may be expended, with the approval of the Secretary of War, in addition to the amount authorized by section one of the Act approved February twenty-first, eighteen hundred and ninety-nine, in the purchase of lands to be used as a part of the site of said park, twenty thousand dollars.

Vol. 30, p. 841.

Proviso.
Purchase of land as part of site.

National Home for Disabled Volunteer Soldiers.
Hampton, Va.

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

SOUTHERN BRANCH, AT HAMPTON, VIRGINIA: For transportation, namely: For transportation of members of the Home, fiscal year

eighteen hundred and ninety-nine, five hundred and seventy-five dollars and eighty-four cents.

PACIFIC BRANCH, AT SANTA MONICA, CALIFORNIA: For household, namely: Expenditures for furniture for officers' quarters; for bedsteads, bedding, bedding material, and all other articles required in the quarters of the members, and for their repair, if they are not repaired by the Home; for fuel, including fuel for cooking, heat, and light; for engineers and firemen, bath-house keepers, hall cleaners, laundrymen, gas and soap makers, and privy watchmen, and for all labor, materials, and appliances required for household use, and for their repair, unless the repairs are made by the Home, fiscal year eighteen hundred and ninety-nine, one thousand six hundred and thirty-four dollars and thirty-six cents.

Santa Monica, Cal.

For hospital, namely: Pay of assistant surgeons, matrons, druggists, hospital clerks and stewards, ward masters, nurses, cooks, waiters, readers, hospital carriage drivers, hearse drivers, gravediggers, funeral escort, and for such other services as may be necessary for the care of the sick; for surgical instruments and appliances, medical books, medicines, liquors, fruits, and other necessities for the sick not on the regular ration; for bedsteads, bedding, and bedding materials, and all other articles necessary for the wards; for hospital kitchen and dining room furniture and appliances, including aprons, caps, and jackets for hospital, kitchen and dining room employees; for carriage, hearse, stretchers, coffins; for tools of gravediggers, and for all repairs to hospital furniture and appliances not done by the Home, fiscal year eighteen hundred and ninety-nine, four hundred and seventy-three dollars and twenty-six cents.

MARION BRANCH, AT MARION, INDIANA: For household, including the same objects specified under this head for the Pacific Branch, four hundred and seventy-four dollars and sixty cents.

Marion, Ind.

For hospital, including the same objects specified under this head for the Pacific Branch, fiscal year eighteen hundred and ninety-nine, four hundred and sixty-five dollars and forty-four cents.

For gas mains to leased land, wrought-iron pipe, gate valves, fittings, line separators, digging trenches, laying pipe, and back filling, and right of way through farms, nine thousand one hundred and seventeen dollars.

CLOTHING: For clothing, for all the Branches, namely: Expenditures for clothing, underclothing, hats, caps, boots, shoes, socks, and overalls; also all sums expended for labor, materials, machines, tools, and appliances employed and for use in the tailor shops, knitting shops, and shoe shops, or other Home shops in which any kind of clothing is made or repaired, fiscal year eighteen hundred and ninety-nine, five hundred dollars.

Clothing.

STATE OR TERRITORIAL HOMES: For continuing aid to State or Territorial Homes for the support of disabled volunteer soldiers, in conformity with the Act approved August twenty-seventh, eighteen hundred and eighty-eight, on account of fiscal years as follows:

State or Territorial
Homes.
Vol. 25, p. 450.

For the fiscal year eighteen hundred and ninety-eight, four thousand nine hundred and seventy-eight dollars and seven cents;

For the fiscal year eighteen hundred and ninety-nine, one hundred and thirteen thousand seven hundred and thirty-one dollars and six cents: *Provided*, That one-half of any sum or sums retained by State homes on account of pensions received from inmates shall be deducted from the aid herein provided for.

Proviso.
Deductions.

MILITARY ESTABLISHMENT.

Army.

Out of the aggregate balances remaining unexpended July first, eighteen hundred and ninety-nine, of the appropriations made by the deficiency appropriation Acts approved May fourth and June eighth,

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696.

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eighteen hundred and ninety-eight, respectively, and by section two of the deficiency appropriation Act approved July seventh, eighteen hundred and ninety-eight, for the six months beginning July first, eighteen hundred and ninety-eight, on account of war expenses under the titles "War Department" and "Military establishment," and reappropriated by the Act approved January fifth, eighteen hundred and ninety-nine, for the last six months of the fiscal year eighteen hundred and ninety-nine, there is hereby reappropriated and made available for expenditure during the fiscal year nineteen hundred, for objects hereinafter specified under the title "Military establishment," the following sums, namely:

Signal Service.

UNDER THE CHIEF SIGNAL OFFICER.

Appropriation for expenses.

For expenses of the Signal Service of the Army, as follows: Purchase, equipment, and repair of field electric telegraphs, signal equipments and stores, binocular glasses, telescopes, heliostats, and other necessary instruments, including necessary meteorological instruments for use on target ranges; war balloons; telephone apparatus (exclusive of exchange service) and maintenance of the same; electrical installations and maintenance at military posts; maintenance and repair of military telegraph lines and cables, including salaries of civilian employees, supplies, and general repairs, and other expenses connected with the duty of collecting and transmitting information for the Army by telegraph or otherwise, one hundred and sixty-five thousand dollars.

Fort Myer, Va.

For construction of balloon house and administration and instruction building at the Signal Corps post, at Fort Myer, Virginia, eighteen thousand five hundred dollars.

Pay Department.

PAY DEPARTMENT.

For pay of officers of the line, nine hundred and fifty three thousand nine hundred dollars;

For pay to officers for length of service, to be paid with current monthly pay, one hundred and four thousand three hundred dollars;

For pay of enlisted men, three million one hundred and ninety-seven thousand one hundred and forty-nine dollars;

For additional pay for length of service, three hundred and seven thousand seven hundred and fifty-two dollars;

For pay of the general staff, seventy thousand three hundred and eighty dollars;

For pay of retired enlisted men, forty-six thousand two hundred and thirty-six dollars and sixty-one cents;

For eleven senior veterinary surgeons, sixteen thousand five hundred dollars;

For eleven junior veterinary surgeons, nine thousand nine hundred dollars;

For paymasters' clerks and messengers, twenty-three thousand dollars;

For expenses of courts-martial, courts of inquiry, and compensation for reporters and witnesses attending the same, ten thousand dollars;

For commutation of quarters to officers on duty without troops at stations where there are no quarters, one hundred and seventy-five thousand dollars;

For travel allowance to enlisted men on discharge, four million dollars;

For clothing not drawn, due enlisted men on discharge, one million five hundred thousand dollars;

For mileage to officers traveling without troops and to contract surgeons, two hundred thousand dollars;

For additional twenty per centum increase on pay of enlisted men, four million five hundred and twenty-four thousand seven hundred and fifteen dollars;

For additional pay for increased rank when in command by competent authority, fifty thousand dollars;

In all, fifteen million one hundred and eighty-eight thousand eight hundred and thirty-two dollars and sixty-one cents.

All the money hereinbefore reappropriated, except "for mileage to officers traveling without troops and to contract surgeons," under Pay Department shall be disbursed and accounted for by the Pay Department as pay of the Army, and for that purpose shall constitute one fund.

SUBSISTENCE DEPARTMENT.

Subsistence Department,

PURCHASE OF SUBSISTENCE SUPPLIES: For issue as rations to troops, civil employees when entitled thereto, hospital matrons and nurses, general prisoners of war (including Indians held by the Army as prisoners, but for whose subsistence appropriation is not otherwise made); for sales to officers and enlisted men of the Army; for authorized issues of candles; of toilet articles, barbers', laundry, and tailors' materials for use of general prisoners confined at military posts without pay or allowances and recruits at recruiting stations; for matches for lighting public fires and lights at posts and stations and in the field; of flour used for paste in target practice; of salt and vinegar for public animals, and to Indians employed with the Army, without pay, as guides and scouts; for payments for meals for recruiting parties and recruits; for hot coffee, canned beef, and baked beans for troops traveling, when it is impracticable to cook their rations; for scales, weights, measures, utensils, tools, stationery, blank books and forms, printing, advertising, commercial newspapers, use of telephones, office furniture; for temporary buildings, cellars, and other means of protecting subsistence supplies (when not provided by the Quartermaster's Department); for commissary chests complete, and for the renewal of their outfits; for field desks of commissaries; for compensation of civilians employed in the Subsistence Department, and for other necessary expenses incident to the purchase, care, preservation, issue, sale, and accounting for subsistence supplies for the Army; for the payment of the regulation allowances of commutation in lieu of rations to enlisted men on furlough, to ordnance sergeants on duty at ungarrisoned posts, to enlisted men stationed at places where rations in kind can not be economically issued, to enlisted men traveling on detached duty when it is impracticable to carry rations of any kind, to enlisted men selected to contest for places or prizes in department and army rifle competitions while traveling to and from places of contest; to be expended under the direction of the Secretary of War, three million seven hundred and ninety thousand dollars.

Supplies.

Payments.

Commutation in lieu of rations.

For difference between the cost of the ration at twenty-five cents and the amount of forty cents per day, to be expended by the medical officers in charge of hospitals for the diet of enlisted men while undergoing hospital treatment under their charge, one hundred and fifty thousand dollars.

Increased cost of ration for convalescents, etc.

For difference between the cost of the ration at twenty-five cents and the cost of rations differing in whole or in part from the ordinary ration, to be issued to enlisted men in camp during periods of recovery from low conditions of health consequent upon service in unhealthy regions or in debilitating climates, to be expended only under special authority of the Secretary of War, sixty thousand dollars.

Total for Subsistence Department, four million dollars; to be disbursed and accounted for as "Subsistence of the Army," and for that purpose shall constitute one fund.

Quartermaster's Department.

QUARTERMASTER'S DEPARTMENT.

Regular supplies.

REGULAR SUPPLIES: For regular supplies of the Quartermaster's Department, including their care and protection, consisting of stoves and heating apparatus required for heating offices, hospitals, barracks and quarters, and recruiting stations; also ranges and stoves, and appliances for cooking and serving food, and repair and maintenance of such heating and cooking appliances; of fuel and lights for enlisted men, including recruits, guards, hospitals, storehouses, and offices; and for sale to officers; for post bakeries; for the necessary furniture, text-books, paper, and equipment for the post schools and libraries; for the tableware and mess furniture for kitchens and mess halls, each and all for the enlisted men, including recruits; of forage in kind for the horses, mules, and oxen of the Quartermaster's Department at the several posts and stations and with the armies in the field, and for the horses of the several regiments of cavalry, the batteries of artillery, and such companies of infantry and scouts as may be mounted, and for the authorized number of officers' horses, including bedding for the animals; of straw for soldiers' bedding, and of stationery, including blank books for the Quartermaster's Department, certificates for discharged soldiers, blank forms for the Pay and Quartermaster's Departments, and for printing Department orders and reports, seven hundred and fifty thousand dollars.

Forage, etc.

Incidental expenses.

INCIDENTAL EXPENSES: For postage; cost of telegrams on official business received and sent by officers of the Army; for expenses of expresses to and from frontier posts and armies in the field, of escorts to paymasters and other disbursing officers and to trains where military escorts can not be furnished; expenses of the interment of officers killed in action or who die when on duty in the field, or at military posts, or on the frontiers, or when traveling under orders, and of non-commissioned officers and soldiers; and that in all cases where they would have been lawful claims against the Government, reimbursement may be made of expenses heretofore or hereafter incurred by individuals of burial and transportation of remains of officers, including acting assistant surgeons, not to exceed what is now allowed in the cases of officers, and for the reimbursement in the cases of enlisted men of what is now allowed in their cases, may be paid out of the proper funds appropriated by this Act, and that the disbursing officers shall be credited with such reimbursements heretofore made; authorized office furniture; hire of laborers in the Quartermaster's Department, including the hire of interpreters, spies, or guides for the Army; compensation of clerks and other employees to the officers of the Quartermaster's Department, and incidental expenses of recruiting; for the apprehension, securing, and delivering of deserters, and the expenses incident to their pursuit, and no greater sum than fifty dollars for each deserter shall, in the discretion of the Secretary of War, be paid to any officer or citizen for such services and expenses; for a donation of five dollars to each dishonorably discharged prisoner upon his release from confinement, under court-martial sentence, involving dishonorable discharge; for the following expenditures required for the several regiments of cavalry, the batteries of light artillery, and such companies of infantry and scouts as may be mounted, the authorized number of officers' horses, and for the trains, to wit: Hire of veterinary surgeons, purchase of medicines for horses and mules, picket ropes, blacksmiths' tools and materials, horseshoes and blacksmiths' tools for the cavalry service, and for the shoeing of horses and mules, and such additional expenditures as are necessary and authorized by law in the movements and operation of the Army and at military posts, and not expressly assigned to any other department, five hundred thousand dollars.

For the purchase of horses for the cavalry and artillery, and for the Indian scouts, and for such infantry and members of the Hospital Corps and Signal Corps in field campaigns as may be required to be mounted, and the expenses incident thereto, two hundred and fifty thousand dollars.

Purchase of horses.

BARRACKS AND QUARTERS: For barracks and quarters for troops, storehouses for the safe-keeping of military stores; for offices, recruiting stations, and for the hire of buildings and grounds for summer cantonments, and for temporary buildings at frontier stations; for the construction of temporary buildings and stables, and for repairing public buildings at established posts: *Provided*, That no part of the moneys so appropriated shall be paid for commutation of fuel; and for quarters to officers or enlisted men, one million dollars: *Provided further*, That from the foregoing amount, if in the judgment of the Secretary of War the emergency exists, the sum of one hundred and thirty thousand dollars, or so much thereof as in his discretion may be necessary, shall be used for the purchase of a site or sites for the location of barracks for the accommodation of a garrison in charge of fortifications.

Barracks and quarters.

Proviso.
Not available for commutation of fuel, etc.

Sites for garrisons in charge of fortifications.

TRANSPORTATION OF THE ARMY AND ITS SUPPLIES: For transportation of the Army, including baggage of the troops when moving either by land or water, and including, also, the transportation of recruits and recruiting parties heretofore paid from the appropriation for "Expenses for recruiting;" of supplies to the militia furnished by the War Department; of the necessary agents and employees; of clothing, camp and garrison equipage, and other quartermaster stores, from army depots or places of purchase or delivery to the several posts and army depots, and from those depots to the troops in the field; of horse equipments and subsistence stores from the places of purchase, and from the places of delivery under contract to such places as the circumstances of the service may require them to be sent; of ordnance, ordnance stores, and small arms from the foundries and armories to the arsenals, fortifications, frontier posts, and army depots; freights, wharfage, tolls, and ferriages; the purchase and hire of draft and pack animals and harness, and the purchase and repair of wagons, carts, and drays, and of ships and other seagoing vessels and boats required for the transportation of supplies and for garrison purposes; for drayage and cartage at the several posts; hire of teamsters and other employees; transportation of funds of the Army; the expenses of sailing public transports on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific oceans; for procuring water, and introducing the same to buildings, at such posts as from their situation require it to be brought from a distance, and for the disposal of sewage and drainage, and for constructing roads and wharves; including not exceeding seven hundred and fifty thousand dollars for transportation of Spanish prisoners held by the United States and by the insurgents in the Philippine Islands from those islands to Spain, as provided by the Treaty of Paris; for the payment of army transportations lawfully due such land-grant railroads as have not received aid in Government bonds (to be adjusted in accordance with the decisions of the Supreme Court in cases decided under such land-grant Acts), but in no case shall more than fifty per centum of full amount of service be paid: *Provided*, That such compensation shall be computed upon the basis of the tariff or lower special rates for like transportation performed for the public at large, and shall be accepted as in full for all demands for such service: *Provided further*, That in expending the money appropriated by this Act, a railroad company which has not received aid in bonds of the United States, and which obtained a grant of public land to aid in the construction of its railroad on condition that such railroad should be a post route and military road, subject to the use of the United States for

Transportation.

Payment to land-grant railroads.

—maximum.

Proviso.
Compensation, how computed.

Fifty per cent to railroads not bond aided.

postal, military, naval, and other Government services, and also subject to such regulations as Congress may impose restricting the charge for such Government transportation, having claims against the United States for transportation of troops and munitions of war and military supplies and property over such aided railroads, shall be paid out of the moneys appropriated by the foregoing provision only on the basis of such rate for the transportation of such troops and munitions of war and military supplies and property as the Secretary of War shall deem just and reasonable under the foregoing provision, such rate not to exceed fifty per centum of the compensation for such Government transportation as shall at the time be charged to and paid by private parties to any such company for like and similar transportation; and the amount so fixed to be paid shall be accepted as in full for all demands for such service, twenty million seven hundred and fifty thousand dollars.

Clothing, camp and garrison equipage.

CLOTHING, AND CAMP AND GARRISON EQUIPAGE, NAMELY: For cloth, woollens, materials, and for the manufacture of clothing for the Army, for issue and for sale at cost price according to the Army Regulations; for altering and fitting clothing and washing and cleaning, when necessary; for equipage, and for expenses of packing and handling, and similar necessities; for a suit of citizen's outer clothing to cost not exceeding ten dollars, to be issued upon release from confinement to each prisoner who has been confined under a court-martial sentence involving dishonorable discharge, two million dollars.

Transporting soldiers remains.

To enable the Secretary of War, in his discretion, to cause to be transported to their homes the remains of officers and soldiers who die at military camps or who are killed in action or who die in the field at places outside of the limits of the United States, one hundred thousand dollars.

Medical Department.

MEDICAL DEPARTMENT.

Supplies.

For the purchase of medical and hospital supplies, and all other necessary miscellaneous expenses of the Medical Department of the Army, five hundred thousand dollars.

Ordnance Department.

ORDNANCE DEPARTMENT.

Manufacturing arms, etc.

For manufacturing, repairing, procuring, and issuing arms at the national armories, including machinery, tools, and fixtures for their manufacture, two hundred thousand dollars.

For infantry, cavalry, and artillery equipments, including horse equipments for cavalry and artillery, including tools and fixtures for their manufacture at the arsenals, two hundred thousand dollars.

For purchase and manufacture of ordnance stores to fill requisitions of troops, one hundred thousand dollars.

For repairing and preserving ordnance and ordnance stores in the hands of troops, and for issue at the arsenals and depots, thirty thousand dollars.

Thirty-fourth Encampment, G. A. R. Delivery to, of condemned cannon authorized.

The Secretary of War is hereby authorized to deliver to the order of J. H. Wood, chairman of the general committee of the Thirty-fourth National Encampment of the Grand Army of the Republic, to be held at Chicago next summer, two dismounted condemned cannon, used in the late civil war, to be used for the purpose of furnishing memorial badges commemorative of the holding of such encampment: *Provided*, That no expense shall be caused to the United States through the delivery of said condemned cannon.

Provisos.

No expense to United States.

NAVAL ESTABLISHMENT.

Navy.

NAVAL OBSERVATORY.

Observatory.

Observation of total eclipse of the sun in May, nineteen hundred: For preparation and outfit of instruments and their transportation, the purchase of additional apparatus and materials, including photographic material, the erection of suitable buildings at each station, and generally the expenses of preparation and observation, including the living expenses of parties at the several stations, and the available instruments used in observing the transit of Venus in eighteen hundred and seventy-four and eighteen hundred and eighty-two may be also utilized, five thousand dollars.

BUREAU OF ORDNANCE.

Bureau of Ordnance.

For procuring, producing, preserving, and handling ordnance material; for the armament of ships; for fuel, material, and labor to be used in the general work of the Ordnance Department; for watchmen at magazines; for furniture in ordnance buildings at navy-yards and stations; for the maintenance of the proving ground; and for target practice, two hundred thousand dollars.

For miscellaneous items, namely: Freight to foreign and home stations, advertising, cartage, and express charges, repairs to fire engines, gas and water pipes, gas and water tax at magazines, tolls, ferriage, foreign postage, and telegrams to and from the Bureau, technical books, and incidental expenses attending inspection of ordnance material, thirty thousand dollars.

BUREAU OF EQUIPMENT.

Bureau of Equipment.

Out of the unexpended balance of the appropriation made July seventh, eighteen hundred and ninety-eight, for the six months beginning July first, eighteen hundred and ninety-eight, for purchase of coal for steamers' and ships' use, including expenses of transportation, storage, and handling the same; hemp, wire, iron, and other materials for the manufacture of cordage, anchors, cables, galleys, and chains; canvas for the manufacture of sails, awnings, hammocks, and other work; water for all purposes on board naval vessels, including the expenses of transportation and storage of the same; stationery for commanding and navigating officers of ships, equipment officers on shore and afloat, and for the use of courts-martial on board ship, and for the purchase of all other articles of equipment at home and abroad, and for the payment of labor in equipping vessels and manufacture of equipment articles in the several navy-yards; foreign and local pilotage and towage of ships of war; services and materials in repairing, correcting, adjusting, and testing compasses on shore and on board ship; nautical and astronomical instruments, and repairs to same; libraries for ships of war; professional books and papers, and drawings and engravings for signal books; naval signals and apparatus, namely, signals, lights, lanterns, rockets, running lights; compass fittings, including binnacles, tripods, and other appendages of ships' compasses; logs and other appliances for measuring the ship's way, and leads and other appliances for sounding; lanterns and lamps, and their appendages, for general use on board ship for illuminating purposes, and oil and candles used in connection therewith; bunting and other materials for making and repairing flags of all kinds; photographic instruments and materials; musical instruments and music; and installing and maintaining electric lights and interior signal communications on board vessels of war, being, for the fiscal year nineteen hundred, three hundred and fifty thousand dollars.

Equipment of vessels.

Contingent expenses.

For freight and transportation of equipment stores, packing boxes and materials, printing, advertising, telegraphing, books, and models, stationery for the Bureau, furniture for equipment offices in navy-yards, postage on letters sent abroad, ferriage, ice, lighterage of ashes, and emergencies arising under cognizance of the Bureau of Equipment unforeseen and impossible to classify, twenty thousand dollars.

Bureau of Construction and Repair.

BUREAU OF CONSTRUCTION AND REPAIR.

Preservation, etc., of vessels.

For preservation and completion of vessels on the stocks and in ordinary; purchase of materials and stores of all kinds; steam steerers, pneumatic steerers, steam capstans, steam windlasses, and all other auxiliaries; labor in navy-yards and on foreign stations; purchase of machinery and tools for use in shops; carrying on work of experimental model tank; designing naval vessels; wear, tear, and repair of vessels afloat; general care, increase, and protection of the Navy in the line of construction and repair; incidental expenses, such as advertising, freight, foreign postage, telegrams, telephone service, photographing, books, professional magazines, plans, stationery, and instruments for drafting room, two million five hundred thousand dollars:

Proviso.
Repairs wooden ships.

Provided, That no part of this sum shall be applied to the repair of any wooden ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed ten per centum of the estimated cost, appraised in like manner, of a new ship of the same size and like material.

Bureau of Steam Engineering.

BUREAU OF STEAM ENGINEERING.

Repairing machinery, etc.

Out of the unexpended balance of the appropriation made July seventh, eighteen hundred and ninety-eight, for the six months beginning July first, eighteen hundred and ninety-eight, for completion, repairing, and preservation of machinery and boilers of naval vessels, including cost of new boilers, distilling, refrigerating, and auxiliary machinery, preservation of and small repairs to machinery and boilers in vessels in ordinary, receiving and training vessels, repair and care of machinery of yard tugs and launches; for purchase, handling, and preservation of all materials and stores, purchase, fitting, repair, and preservation of machinery and tools in navy-yards and stations, and running yard engines; for incidental expenses for navy vessels, yards, and the bureau—such as foreign postage, telegrams, advertising, freight, photographing, books, stationery, and instruments, being for the fiscal year nineteen hundred, one million five hundred thousand dollars: *Provided*, That no part of said sum shall be applied to the engines, boilers, and machinery of wooden ships where the estimated cost of such repair shall exceed ten per centum of the estimated cost of new engines and machinery of the same character and power, nor shall new boilers be constructed for wooden ships.

Proviso.
Repairs wooden ships.

Interior Department.

INTERIOR DEPARTMENT.

Repairs old Post-Office Department building.

To complete repairs of the old Post-Office Department building, six thousand dollars.

Rent Indian Office.

To pay the Atlantic Building Company for rent of the seventh and eighth floors and four rooms on sixth floor of building used and occupied by the Indian Office, for the months of October and November, eighteen hundred and ninety-nine, at five hundred dollars per month, one thousand dollars.

Repairs.

To pay the cost of repair of certain rooms in the Atlantic Building, Washington, District of Columbia, used and occupied by the Indian Office and damaged beyond the condition of ordinary wear and tear as

determined by a board appointed by the Secretary of the Interior to assess damages, two hundred and fourteen dollars and fifty cents.

For stationery for the Department of the Interior and its several bureaus and offices, including the Civil Service Commission and the Geological Survey, eleven thousand dollars.

Stationery.

PATENT OFFICE.

Patent Office.

For producing the Official Gazette, including weekly, monthly, quarterly, and annual indexes therefor, exclusive of expired patents, twenty-eight thousand dollars.

Official Gazette.

For producing copies of drawings of the weekly issues of patents; for producing copies of designs, trade-marks, and pending applications; and for the reproduction of exhausted copies of drawings and specifications; said work referred to in this and the preceding paragraph to be done as provided by the "Act providing for the public printing and binding and for the distribution of public documents:" *Provided*, That the entire work may be done at the Government Printing Office if, in the judgment of the Joint Committee on Printing, or if there shall be no Joint Committee, in the judgment of the Committee on Printing of either House, it shall be deemed to be for the best interests of the Government, thirty-five thousand dollars.

Copies of drawings etc.

Vol 28, p. 620.

Proviso.

Work at Government Printing Office.

PUBLIC LANDS SERVICE.

Public lands.

SALARIES AND COMMISSIONS OF REGISTERS AND RECEIVERS: For salaries and commissions of registers of land offices and receivers of public moneys at district land offices, at not exceeding three thousand dollars each, on account of the fiscal years as follows:

Salaries registers and receivers.

For the fiscal year nineteen hundred, forty-five thousand dollars.

For the fiscal year eighteen hundred and ninety-nine, nineteen thousand and eighty-five dollars and five cents.

CONTINGENT EXPENSES OF LAND OFFICES: For clerk hire, rent, and other incidental expenses of the district land offices, fifteen thousand dollars.

Contingent expenses of land offices.

PROTECTION AND ADMINISTRATION OF FOREST RESERVES: To meet the expenses of executing the provisions of the sundry civil Act approved June fourth, eighteen hundred and ninety-seven, for the care and administration of the forest reserves, to meet the expenses of forest inspectors and assistants, superintendents, supervisors, surveyors, rangers, and for the employment of foresters and other emergency help in the prevention and extinguishment of forest fires, and for advertising dead and matured trees for sale within such reservations: *Provided*, That forestry agents, superintendents, and supervisors; and other persons employed under this appropriation shall be selected by the Secretary of the Interior wholly with reference to their fitness, and without regard for their political affiliations, and allowed per diem, subject to such rules and regulations as he may prescribe, in lieu of subsistence, at a rate not exceeding three dollars per day each, and actual necessary expenses for transportation, including necessary sleeping-car fares, thirty-five thousand dollars: *Provided further*, That forest agents, superintendents, supervisors, and all other persons employed in connection with the administration and protection of forest reservations shall, in all ways that are practicable, aid in the enforcement of the laws of the State or Territory in which said forest reservation is situated in relation to the protection of fish and game.

Forest reserves. Protection, etc., of. Vol. 30, p. 34.

Proviso.
Employees selected because of fitness; per diem to, etc.

Protection of fish and game.

DEPREDACTIONS ON PUBLIC TIMBER, PROTECTING PUBLIC LANDS, AND SETTLEMENT OF CLAIMS FOR SWAMP LANDS AND SWAMP-LAND INDEMNITY: To meet the expenses of protecting timber on the public lands, and for the more efficient execution of the law and rules relating to the cutting

Timber depredations, etc.

Proviso.
Agents, per diem,
etc.

thereof; of protecting public lands from illegal and fraudulent entry or appropriation, and of adjusting claims for swamp lands, and indemnity for swamp lands, forty thousand dollars: *Provided*, That agents and others employed under this appropriation shall be selected by the Secretary of the Interior, and allowed per diem, subject to such rules and regulations as he may prescribe, in lieu of subsistence, at a rate not exceeding three dollars per day each and actual necessary expenses for transportation, including necessary sleeping-car fares.

Hearings in land en-
tries.

EXPENSES OF HEARINGS IN LAND ENTRIES: For expenses of hearings held by order of the Commissioner of the General Land Office to determine whether alleged fraudulent entries are of that character or have been made in compliance with law, three thousand dollars.

Bismarck, N. Dak.
Reproducing land
records, etc.

REPRODUCING LAND RECORDS, BISMARCK, NORTH DAKOTA: For the continuation and completion, under the direction of the Commissioner of the General Land Office, of the work connected with the reproduction of the official plats of United States surveys, diagrams, field notes, and correspondence constituting the records and files of the offices of the surveyor-general and the register and receiver at Bismarck, North Dakota, which were destroyed by fire on the eighth day of August, eighteen hundred and ninety-eight, fifteen thousand dollars, or so much thereof as may be necessary.

Geological Survey.

GEOLOGICAL SURVEY.

Alaska.

For continuation of the investigation of the coal and gold resources of Alaska, thirty-five thousand dollars, to continue available during the fiscal year nineteen hundred and one.

Indian Affairs.

INDIAN AFFAIRS.

Town-site commis-
sioners, Indian Terri-
tory.

TOWN-SITE COMMISSIONERS, INDIAN TERRITORY: For this amount, or so much thereof as may be necessary, to pay all expenses incident to the survey, platting, and appraisement of town sites in the Choctaw, Chickasaw, Creek, and Cherokee nations, Indian Territory, as required by sections fifteen and twenty-nine of an Act entitled "An Act for the protection of the people of the Indian Territory, and for other purposes," approved June twenty-eighth, eighteen hundred and ninety-eight, for the six months ending June thirtieth, nineteen hundred, thirty-three thousand five hundred dollars.

Vol. 30, pp. 500, 505.

Contingencies, etc.

Contingencies of the Indian Service, including traveling and incidental expenses of Indian agents, and of their offices, and of the Commissioner of Indian Affairs, also traveling and incidental expenses of five special agents, at three dollars per day when actually employed in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses now authorized by law; for pay of employees not otherwise provided for, and for pay of the five special agents, at two thousand dollars per annum each, seven thousand dollars.

To pay the expenses of purchasing goods and supplies for the Indian Service and pay of necessary employees; advertising at rates not exceeding regular commercial rates; inspection, and all other expenses connected therewith, including telegraphing, ten thousand dollars.

Chippewa and
Christian Indian Com-
mission.
Vol. 30, p. 92.

To complete the work of the commission appointed by the Secretary of the Interior under section nine of the Indian Act approved June seventh, eighteen hundred and ninety-seven, to meet certain expenses under the agreement with the Chippewa and Christian Indians, reimbursable, six hundred dollars.

Miscellaneous.

MISCELLANEOUS OBJECTS, INTERIOR DEPARTMENT.

Government Hos-
pital for Insane, ex-
penses, etc.

GOVERNMENT HOSPITAL FOR THE INSANE: For current expenses of the Government Hospital for the Insane: For support, clothing, and

treatment in the Government Hospital for the Insane of the insane from the Army and Navy, Marine Corps, Revenue-Cutter Service, and inmates of the National Home for Disabled Volunteer Soldiers, persons charged with or convicted of crimes against the United States who are insane, all persons who have become insane since their entry into the military or naval service of the United States who have been admitted to the hospital and who are indigent, being for the fiscal year eighteen hundred and ninety-nine, seven thousand eight hundred and fifty dollars and fifty cents.

To pay to the widow of the late Doctor A. H. Witmer on account of salary withheld, and other disallowances, five hundred and thirty-seven dollars and fifteen cents.

Dr. A. H. Witmer.
Payment to widow of.

REIMBURSEMENT OF JOHN E. CRANE: To reimburse John E. Crane, United States commissioner in Alaska, for expenses incurred by him for the relief of destitute and sick Americans at Circle City, Alaska, during eighteen hundred and ninety-seven and eighteen hundred and ninety-eight, two hundred and twenty-five dollars and seventy cents.

John E. Crane.
Payment to.

DEPARTMENT OF JUSTICE.

Department of Justice.

FOR SUPPORT OF THE UNITED STATES PENITENTIARY AT FORT LEAVENWORTH, KANSAS, NAMELY: For fuel, forage, hay, light, water, stationery, advertising, and so forth, including purchase of fuel for generating steam, heating apparatus, burning bricks and lime; forage for issue to public animals and hay or straw for bedding; blank books, blank forms, typewriting supplies for use in offices and prisoners' school, pencils and memorandum books for guards, books for use in chapel, paper, envelopes, and postage stamps for issue to prisoners; for labor and materials for repairing steam-heating plant and water circulation, and drainage; for materials for construction and repair of buildings; for general supplies, machinery, and tools for use in shops, brickyard, quarry, limekiln, laundry, bathrooms, printing office, photograph gallery, stables, policing buildings and grounds; for the purchase of horses, mules, wagons, harness, veterinary supplies, lubricating oils, office furniture, stoves, blankets, bedsacks, iron bunks, paints and oils, library books, newspapers and periodicals, and electrical supplies; for payment of water supply, telegrams, telephone service, notarial and veterinary services; for advertising in newspapers, proposals for supplies, and other necessary advertisements; for fees to consulting physicians called to determine mental condition of supposed insane prisoners, and for other services in case of emergency; for pay of extra guards when deemed necessary by the Attorney-General, and for miscellaneous expenditures which can not properly be included under the heads of expenditures, nine thousand dollars.

United States Penitentiary, Fort Leavenworth, support, etc.

For the payment of the salaries of the circuit judges appointed under the Acts of January twenty-fifth and February twenty-third, eighteen hundred and ninety-nine:

Additional circuit judges, salaries.
Vol. 30, pp 303, 846.

For the fiscal year eighteen hundred and ninety-nine, five thousand dollars and thirty-seven cents;

For the fiscal year nineteen hundred, eighteen thousand dollars.

For incidental expenses and for employment of temporary assistance and workmen necessary for the care and custody of the buildings in the District of Columbia rented by the Department of Justice, to be selected and their compensation fixed by the Attorney-General, and to be expended under his direction, five thousand dollars.

Care of rented buildings.

To enable the Department of Justice to transfer to its dockets the reports made by United States attorneys of the action of the courts in cases in which the United States is a party or has an interest, to be expended under the direction of the Attorney-General, five hundred dollars.

Transfer to dockets of reports of United States attorneys, etc.

O. L. Carter.
Reimbursement of.

To reimburse O. L. Carter for expenses incurred and for services rendered from November first to November fifth, eighteen hundred and ninety-five, while acting under the direction of the Assistant Attorney-General in charge of the defense of Indian depredation claims, thirty dollars and fifty cents.

George Green.
Payment to.

To pay George Green for fees earned as clerk of the United States district court of the eastern district of North Carolina from the first day of July, eighteen hundred and ninety-seven, to the sixteenth day of April, eighteen hundred and ninety-eight, such service being rendered under a mistaken view of the law applying to such service, such sum as may be found to be equitably due under the law authorizing fees and compensation to the clerks of the United States district courts, by the accounting officers of the Treasury.

Post-Office Depart-
ment.

POST-OFFICE DEPARTMENT.

Additional tempo-
rary clerks.

To continue the employment during the three months beginning April first, nineteen hundred, of such additional temporary force of clerks and other employees as in the judgment of the Postmaster-General may be proper and necessary to the prompt, efficient, and accurate dispatch of the business in the office of the First Assistant Postmaster-General, four thousand four hundred and fifty dollars.

Rent.

For rent of stable from October first, eighteen hundred and ninety-nine, to June thirtieth, nineteen hundred, inclusive, at twenty dollars per month, one hundred and eighty dollars.

Fuel, etc.
Expenses of dele-
gates to celebration,
etc., at Berne.

For fuel and repairs to heating apparatus, three thousand dollars.

To enable the Post-Office Department to be properly represented at the celebration of the twenty-fifth anniversary of the organization of the Universal Postal Union, to be held at Berne, Switzerland, beginning July second, nineteen hundred, by delegates to be appointed for that purpose by the Postmaster-General, who is hereby authorized, in his discretion, to fix a per diem allowance to the same in lieu of expenses, three thousand dollars.

Postal Service.

OUT OF THE POSTAL REVENUES.

Clerks in post-
offices.

For compensation to clerks in post-offices, nineteen thousand nine hundred and sixty-two dollars and nineteen cents.

Rent, etc.

For rent, light, and fuel for first, second, and third class post-offices, twenty-five thousand dollars.

Wrapping twine.

For wrapping twine, ten thousand dollars.

Stationery.

For stationery for postal service, ten thousand dollars.

Rubber stamps, etc.

For rubber and metal stamps and articles pertaining thereto, and for carbon paper and articles pertaining to its use in the issue and payment of money orders, two thousand dollars.

Money-Order Service.

For stationery, exchange on drafts, copying presses, and necessary miscellaneous and incidental expenses for the Money-Order Service, two thousand dollars.

Free delivery.

For experimental rural free delivery, including pay of carriers, horse-hire allowance, supplies, and mechanical appliances, one hundred and fifty thousand dollars.

Railway post-office
clerks.
Stamps, etc.

For railway post-office clerks, fifty thousand dollars.

For the manufacture of adhesive postage and special delivery stamps; for the fiscal year eighteen hundred and ninety-nine, twenty-one thousand three hundred and sixty-five dollars.

Paris Exposition.

PARIS EXPOSITION.

Expenses, etc.
Vol. 80, p. 645.

For each and every purpose named in the paragraph in the sundry civil appropriation Act, approved July first, eighteen hundred and

ninety-eight, under the heading "Paris Exposition," one hundred and sixty-nine thousand five hundred dollars, of which amount not exceeding ninety-six thousand five hundred dollars may be expended for buildings and appurtenances, including fire protection, pier landings, approaches, and other construction; not exceeding fifteen thousand dollars may be expended for an exhibit of negro education and industry, and not exceeding twenty thousand dollars may be used for contingent expenses of the commissioner-general, to be expended in his discretion and audited on his certificate; and the limit of the appropriations provided for in said paragraph; as amended by the sundry civil appropriation Act approved March third, eighteen hundred and ninety-nine, is hereby extended to one million one hundred and nineteen thousand five hundred dollars; the appropriation hereby made to be available until expended: *Provided*, That the Commissioner of Patents is authorized and directed to allow such patent models as have been previously exhibited at any international exposition as the Secretary of the Interior may select, to be transported to and from and exhibited at said exposition in the custody of an employee of the Patent Office duly designated for that purpose by the Commissioner of Patents; such models to be returned to the Patent Office at the close of the exposition; but no models shall be removed concerning which litigation is now pending.

Vol. 30, p. 1117.

Proviso.
Patent exhibit.

For six additional commissioners, to be appointed as provided by the sundry civil appropriation Act, approved July first, eighteen hundred and ninety-eight, who shall perform the duties and be subject to the limitations prescribed therein, at three thousand dollars each, eighteen thousand dollars.

Additional commis-
sioners.
Vol. 30, p. 645.

LEGISLATIVE.

SENATE.

Senate.

For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers to committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding one dollar and twenty-five cents per printed page, twenty-five thousand dollars.

Inquiries, etc., ex-
penses.

For miscellaneous items, exclusive of labor, fifteen thousand dollars.

Miscellaneous item.

For repairs of Maltby Building, one thousand dollars.

Maltby Building, re-
pairs.

To enable the Secretary of the Senate to pay the expenses connected with the reception and unveiling of the statue of Daniel Webster on January eighteenth, nineteen hundred, incurred by the joint committee of the Senate and House of Representatives, upon vouchers to be approved by the chairman of said committee, seven hundred dollars, or so much thereof as may be necessary.

Statue of Danle.
Webster, expenses of
unveiling.

HOUSE OF REPRESENTATIVES.

House of Represent-
atives.

The appropriation of one thousand dollars made in the legislative, executive, and judicial appropriation Act for the fiscal year nineteen hundred for the Journal Clerk of the House of Representatives, for preparing Digest of the Rules, is hereby made payable to the clerk to the Speaker's table for doing said work.

Payment for prepar-
ing Digest of the
Rules.

For furniture, and repairs of the same, five thousand dollars.

Furniture.
Miscellaneous.

For miscellaneous items and expenses of special and select committees, twenty thousand dollars.

LIBRARY OF CONGRESS.

Library of Congress.

For contingent expenses of the Library, including the copyright business, two thousand five hundred dollars.

Contingent ex-
penses.

Herbert Frieden-
wald.
Payment to.

To pay to Herbert Friedenwald, superintendent of manuscripts, for money expended for traveling expenses, to and from Puerto Rico, for the purpose of collecting for the Library of Congress rare manuscripts, books, and maps pertaining to that island, being for fiscal year eighteen hundred and ninety-nine, one hundred and sixty-nine dollars and sixty-six cents.

Public printing.

UNDER THE PUBLIC PRINTER.

For printing and binding for the Library of Congress, ten thousand dollars.

For printing and binding for the Treasury Department, one hundred and twenty thousand dollars.

For printing and binding for the War Department and its bureaus, one hundred thousand dollars.

For printing and binding for the Post-Office Department, forty thousand dollars.

For printing and binding for the Department of the Interior, including the Civil Service Commission, twenty-five thousand dollars.

Judgments, United
States courts.

JUDGMENTS, UNITED STATES COURTS.

W. M. Nixon.
Payment to.

Vol. 30, p. 1244.

The amount of the judgment, dated May fifteenth, eighteen hundred and ninety-seven, certified to Congress by the Attorney-General in House Document Numbered One hundred and eighty-eight, Fifty-fifth Congress, third session, in favor of W. M. Nixon, in the amount of one thousand eight hundred and sixty-six dollars and ninety cents, for the payment of which judgment an appropriation was made by "An Act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June thirtieth, eighteen hundred and ninety-nine, and for prior years, and for other purposes," approved March third, eighteen hundred and ninety-nine, together with such additional sum as may be necessary to pay interest on said judgment at the rate of four per centum per annum from the date thereof until March third, eighteen hundred and ninety-nine, the date said appropriation was made, shall be paid to the clerk of the circuit court of the United States for the eastern district of Tennessee, to be distributed under the decree of that court, and that such payment shall be in full satisfaction and discharge of any and all claims, either of the said W. M. Nixon, or any other person claiming through or under him, arising out of the matters involved in said action.

JUDGMENTS IN INDIAN DEPREDAATION CLAIMS.

Judgments, Indian
depredation claims.

Deductions.

Vol. 26, p. 853.

For payment of judgments rendered by the Court of Claims in Indian depredation cases, certified to Congress at its present session in Senate Document Numbered Eighty-four, three hundred and ninety-six thousand nine hundred and sixty-seven dollars; said judgments to be paid after the deductions required to be made under the provisions of section six of the Act approved March third, eighteen hundred and ninety-one, entitled "An Act to provide for the adjustment and payment of claims arising from Indian depredations," shall have been ascertained and duly certified by the Secretary of the Interior to the Secretary of the Treasury, which certification shall be made as soon as practicable after the passage of this Act, and such deductions shall be made according to the discretion of the Secretary of the Interior, having due regard to the educational and other necessary requirements of the tribe or tribes affected; and the amounts paid shall be reimbursed to the United States at such times and in such proportions as the Secretary of the Interior may decide to be for the interests of the Indian

service: *Provided*, That no one of said judgments provided in this paragraph shall be paid until the Attorney-General shall have certified to the Secretary of the Treasury that there exists no grounds sufficient in his opinion to support a motion for a new trial or an appeal of said cause.

Proviso.
Certificate of lack of ground for new trial.

JUDGMENTS, COURT OF CLAIMS.

For the payment of the judgments rendered by the Court of Claims, reported to Congress at its present session in House Document Numbered Two hundred and twenty-six and Senate Document Numbered Ninety-nine, two million one hundred and fifty-one thousand six hundred and fifty-five dollars and eighty-two cents: *Provided*, That none of the judgments herein provided for shall be paid until the right of appeal shall have expired.

Judgments, Court of Claims.

Proviso.
Appeal.

Approved, February 9, 1900.

CHAP. 15.—An Act Relating to Cuban vessels.

February 10, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That vessels owned by citizens of Cuba and documented as such by officers of the United States shall hereafter be entitled in ports of the United States to the rights and privileges of vessels of the most favored nation, and they and their cargoes shall be subject to no higher charges in ports of the United States than are imposed on the vessels and cargoes of the most favored nation in the same trade.

Cuban vessels to have rights of most favored nation, etc.

SEC. 2. That the Secretary of the Treasury is hereby authorized to refund, out of any money in the Treasury not otherwise appropriated, upon application and satisfactory evidence, tonnage taxes and light dues which have been imposed on vessels owned by citizens of Cuba entering ports of the United States since April eleventh, eighteen hundred and ninety-nine, which have been in excess of the tonnage taxes prescribed by section eleven of the Act of June nineteenth, eighteen hundred and eighty-six.

Refund of dues, etc.

Vol. 24, p. 81.

Approved, February 10, 1900.

CHAP. 16.—An Act To amend the first section of an Act to change the time and places for the district and circuit courts of the northern district of Texas, approved June eleventh, eighteen hundred and ninety-six.

February 10, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of an Act to change the time and places for the district and circuit courts of the northern district of Texas, approved June eleventh, eighteen hundred and ninety-six, be, and the same is, so amended to provide:

Texas, northern judicial district.
Vol. 29, p. 156.

"That the United States district and circuit courts for the northern district of Texas shall be held in each year at the time and places as follows: At Dallas, in the county of Dallas, on the third Monday in January and the fourth Monday in May; at Fort Worth, in the county of Tarrant, on the first Monday in March and the fourth Monday in November; at Abilene, in the county of Taylor, on the first Monday in April and the fourth Monday in September; at San Angelo, in the county of Tom Green, on the third Monday in April and the third Monday in November; at Waco, in the county of McLennan, on the fourth Monday in April and the second Monday in October."

Terms of court.

SEC. 2. That this Act take effect and be in force from and after its passage.

Effect.

Approved, February 10, 1900.

February 10, 1900.

CHAP. 17.—An Act To amend section four of the Act of Congress approved June sixteenth, eighteen hundred and eighty, granting to the city of Hot Springs, Arkansas, certain lands as a city park, and for other purposes.

Hot Springs, Ark.
Relinquishment of
certain land granted
to, etc.
Vol. 21, p. 289.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section four of the Act of Congress approved June sixteenth, eighteen hundred and eighty, granting to the city of Hot Springs, Arkansas, a parcel of land known as the cemetery lot for a city park only, be amended so as to read as follows:

"That whenever the city of Hot Springs, Arkansas, shall relinquish to the United States of America all its right, title, and interest in and to the following-described lot or parcel of land, being a part of said cemetery lot, but which is now described in the plats and surveys of said city as lot sixteen, block seventy-eight, to wit: Commencing at the southwest corner of the said city park, in block seventy-eight of the Hot Springs Reservation, and formerly known as cemetery lot, and running thence easterly along the north line of Benton street one hundred and fifty feet; thence northerly two hundred and thirty-five feet to a point on the north line of said park one hundred and fifty feet easterly of the northwest corner thereof; thence to said northeast corner; thence along the west boundary line of said park two hundred and sixty-two and seven-tenths feet to the point of beginning, the same being a part of said lot sixteen, in block seventy-eight aforesaid, which is hereby reserved by the United States as a site for the public building provided for by Act of Congress approved March second, eighteen hundred and ninety-nine, the right and title of the United States to all the remaining part of said cemetery lot, now known as lot sixteen, in block seventy-eight, shall vest absolutely in the city of Hot Springs, Arkansas, for city park, city building, auditorium, or other public purposes."

Vol. 30, p. 983.

Approved, February 10, 1900.

February 13, 1900.

CHAP. 18.—An Act Granting permission and authority to the Orleans levee board to move, without cost to the United States, the existing line of levee in front of the marine-hospital property in New Orleans, Louisiana.

New Orleans, La.
Orleans levee board
may move line of
levee in front of ma-
rine hospital, etc.

Front street, open-
ing of, etc.

Proviso.
—limit on use of by
railroads, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That permission and authority be, and they are hereby, granted to the Orleans levee board to move, without cost to the United States, the existing line of levee in front of the United States marine-hospital property in New Orleans, Louisiana, in the square bounded by State street, Henry Clay avenue, Tchoupitoulas street, and the Mississippi River; said line of levee to be moved outwardly in the direction of said river to the new line of levee established by the said Orleans levee board, and that the city of New Orleans be, and it is hereby, authorized to extend, lay out, open and to keep open, through the said marine-hospital property, the street known as Front street, one hundred and ten feet wide, extending from Penniston street to the upper limits of the city of New Orleans, a distance of about five miles, as provided for under ordinance of the city of New Orleans, numbered fifteen thousand and eighty, council series, approved March first, eighteen hundred and ninety-nine: *Provided*, That in case the said city of New Orleans has granted, or shall grant, a right of way over said street to any railway company, corporation, firm, or person, or that said street shall be used for railway purposes, such grant, privilege, or use shall be upon condition that no part of said street within the limits of said marine-hospital property (or within one thousand feet from the same) shall be used for depot purposes, or railroad yard, or for the purpose of switching,

shifting, or parking cars, or making up or breaking up trains of cars, or for any other purpose than the ordinary transit, without stopping, of railway trains: *And provided further*, That the inner line of said Front street shall not be located at any point nearer than eight feet to the present iron fence inclosing the grounds of said marine-hospital property; and the violation of any of the provisions of this Act shall, as to the person, company, railway company, municipal corporation, or other corporation so violating any of said provisions, cause a revocation of all rights and privileges given or granted by this Act.

—location of inner line of, etc.

Penalty.

SEC. 2. That jurisdiction, power, and authority be, and are hereby, recognized by the United States as existing in the city of New Orleans to regulate and make improvements in said street as thus opened and extended as fully and completely as over any other portion of said street, or as fully and completely as said city of New Orleans now has, by her charter and the laws of the State of Louisiana, power and authority to regulate, to make improvements in, or govern any other street in said city.

Jurisdiction over street granted city, etc.

Approved, February 13, 1900.

CHAP. 19.—An Act To amend section forty-two hundred and ninety of the Revised Statutes, relating to log entry of collisions. February 14, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section forty-two hundred and ninety of the Revised Statutes be amended by adding the following:

Entries of collisions to be made in log books.
R. S., sec. 4290, p. 828, amended.

“Twelfth. In every case of collision in which it is practicable so to do, the master shall, immediately after the occurrence, cause a statement thereof, and of the circumstances under which the same occurred, to be entered in the official log book. Such entry shall be made in the manner prescribed in section forty-two hundred and ninety-one, and failure to make such entry shall subject the offender to the penalties prescribed by section forty-two hundred and ninety-two.”

—how made; penalty.

SEC. 2. That this Act shall take effect sixty days after its passage. Effect.

Approved, February 14, 1900.

CHAP. 20.—An Act For the preservation of the frigate Constitution. February 14, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy is hereby authorized to place the frigate Constitution, now lying at the Boston Navy-Yard, as near as may be consistent with her preservation, in the same condition as regards her hull and rigging as she was when in active service: *Provided*, That before beginning on such work a sufficient sum of money to complete such work shall be raised through the agency of the Massachusetts State Society United States Daughters of Eighteen Hundred and Twelve and placed at his disposal for the purpose.

Frigate Constitution.
Preservation, etc., of.

Approved, February 14, 1900.

CHAP. 21.—An Act To authorize the Southeastern Railroad Company to construct and maintain a bridge across the Lumber River within the boundary lines of Robeson County, North Carolina. February 15, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Southeastern Railroad Company, a corporation created and existing under an act of the gen-

Southeastern Railroad may bridge Lumber River, N. C.

—location, etc.

Proviso.
Lawful structure
and post route.

Secretary of War to
approve plans, etc.

Amendment:
changes, etc.

Draw.

Commencement
and completion.

eral assembly of the State of North Carolina, be, and is hereby, authorized to construct and maintain a railroad bridge for the passage of railway engines and cars across the Lumber River, at such point as may be selected by such company and approved by the Secretary of War within the boundary lines of Robeson County, North Carolina, said bridge to be so constructed as not to obstruct the navigation of said river, and to be provided with a suitable draw: *Provided*, That any bridge constructed under this Act and according to its limitations shall be a lawful structure, and shall be known and recognized as a post route, and the same is hereby declared to be a post route, and the United States shall have the right of way for a postal telegraph across said bridge.

SEC. 2. That the bridge authorized to be constructed under this Act shall be located and built under and subject to such regulations for the security of the navigation of said river as the Secretary of War shall prescribe; and the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawing of the proposed bridge and a map of the location, giving, for the space of one-fourth of a mile above and one-fourth of a mile below the proposed location, the topography of the banks of the river, the shore lines at high and low water, the direction and strength of the currents, and the soundings, accurately showing the bed of the stream, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War no work upon the bridge shall be commenced; and should any change be made in the plan of said bridge during the progress of construction, such change shall be subject to the approval of the Secretary of War.

SEC. 3. That Congress reserves the right to alter, amend, or repeal this Act at any time; and that if at any time navigation of said river shall in any manner be obstructed or impaired by the said bridge, the Secretary of War shall have authority, and it shall be his duty, to require the said bridge company to alter and change the said bridge, at its own expense, in such manner as may be proper to secure free and complete navigation without impediment.

SEC. 4. That the draw provided for the bridge herein authorized to be constructed shall be opened promptly, upon reasonable signal, for the passing of boats, which said company or corporation shall maintain, at its own expense; and if actual construction of the bridge herein authorized shall not be commenced within one year from the passage of this Act and be completed within three years from same date, the rights and privileges hereby granted shall cease and be determined.

Approved, February 15, 1900.

February 19, 1900.

CHAP. 22.—An Act Relating to lights on steam pilot vessels.

Steam pilot vessels.
Lights required.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a steam pilot vessel, when engaged on her station on pilotage duty and in waters of the United States, and not at anchor, shall, in addition to the lights required for all pilot boats, carry at a distance of eight feet below her white masthead light a red light, visible all around the horizon and of such a character as to be visible on a dark night with a clear atmosphere at a distance of at least two miles, and also the colored side lights required to be carried by vessels when under way.

When engaged on her station on pilotage duty and in waters of the United States, and at anchor, she shall carry in addition to the lights required for all pilot boats the red light above mentioned, but not the colored side lights.

When not engaged on her station on pilotage duty, she shall carry the same lights as other steam vessels.

SEC. 2. That this Act shall be construed as supplementary to article eight of the Act approved June seventh, eighteen hundred and ninety-seven, entitled "An Act to adopt regulations for preventing collisions upon certain harbors, rivers, and inland waters of the United States," and to article eight of an Act approved August nineteenth, eighteen hundred and ninety, entitled "An Act to adopt regulations for preventing collisions at sea."

Vol. 30, p. 98.

Vol. 26, p. 323.

SEC. 3. That this Act shall take effect on June thirtieth, nineteen hundred.

Effect.

Approved, February 19, 1900.

CHAP. 23.—An Act To amend "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved March third, eighteen hundred and ninety-nine.

February 20, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section one of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved March third, eighteen hundred and ninety-nine, be, and the same is hereby, amended by striking out and repealing the paragraphs in said Act on pages eleven hundred and twenty-seven and eleven hundred and twenty-eight of the United States Statutes at Large, volume thirty, which read as follows:

Galveston Ship Channel and Buffalo Bayou, Texas, improvement of.

Repeal of paragraphs in prior act. Vol. 30, pp. 1127, 1128.

Improving Galveston Ship Channel and Buffalo Bayou, Texas: For improvement of the Galveston Ship Channel and Buffalo Bayou, by dredging or otherwise, from the jetties at Galveston, Texas, up through the present ship channel and Buffalo Bayou to the proposed harbor site at Houston, Texas, to be provided by the citizens of Houston, three hundred thousand dollars: *Provided*, That out of said sum a suitable dredge may be constructed for said work.

For commencing the improvement of the water route from the mouth of the jetties at Galveston, through the existing ship channel and up Buffalo Bayou to Houston, Texas, including harbor at Houston, in accordance with project submitted by the Board of Engineers in report of survey dated November third, eighteen hundred and ninety-seven, two hundred and fifty thousand dollars: *Provided*, That contracts may be entered into by the Secretary of War for the whole or any part of such materials and work as may be required for prosecuting said improvement, or the said materials may be purchased and the work done otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate two million dollars: *Provided further*, That out of said sum two dredges may be constructed for said work.

And amend said Act so as to read in place of said paragraphs repealed as follows:

"Improving Galveston Ship Channel and Buffalo Bayou, Texas: For improvement of the Galveston Ship Channel and Buffalo Bayou, by dredging or otherwise in accordance with the project submitted by a board of engineers in the report of a survey dated November third, eighteen hundred and ninety-seven, and submitted by the Chief of Engineers in his report for eighteen hundred and ninety-eight, in volume one, pages two hundred and eighty-eight and two hundred and eighty-nine, three hundred thousand dollars: *Provided*, That all sums heretofore appropriated and available for work on Galveston Ship

Act amended.

Provides.
Prior appropriations available.

Division one of survey.

Channel and Buffalo Bayou are hereby made available for said project: *Provided further*, That all of said sums of money not necessary for administration, surveys and maintenance be used in improving division one of said survey."

SEC. 2. That section twelve of the same Act be, and the same is hereby, amended by striking out the word "fourteen" after the word "section," and inserting in lieu thereof the word "eleven."

SEC. 3. That section twenty of the same Act be, and the same is hereby, amended by striking out the word "ten," after the word "sections," and inserting in lieu thereof the word "nine."

Approved, February 20, 1900.

February 24, 1900.

CHAP. 24.—An Act To amend an Act entitled "An Act to amend an Act to suspend the operation of certain provisions of law relating to the War Department, and for other purposes."

Army.
Suspension of certain provisions of law.
Vol. 30, p. 1350.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an Act entitled "An Act to amend an Act entitled 'An Act to suspend the operation of certain provisions of law relating to the War Department, and for other purposes,'" approved March third, eighteen hundred and ninety-nine, is hereby amended so as to read as follows:

"That the operation of the following provisions of law be, and is hereby, continued suspended for such further time as, in the discretion of the Secretary of War, may be found necessary, or until otherwise provided by Congress, not longer, however, than June thirtieth, nineteen hundred and one:

"First. The provision of the first section of the Act entitled 'An Act making appropriations for the support of the Army for the fiscal year ending June thirtieth, eighteen hundred and eighty-nine, and for other purposes,' in the following words:

Provisos.
Limit of draft animals.
Vol. 25, p. 486.

"*Provided*, That hereafter no part of this appropriation shall be expended in the purchase for the Army of draft animals until the number on hand shall be reduced to five thousand, and thereafter shall only be expended for the purchase of a number sufficient to keep the supply up to five thousand."

Vol. 30, p. 323.

"Second. The provisions of the first section of the Act entitled 'An Act making appropriations for the support of the Army for the fiscal year ending June thirtieth, eighteen hundred and ninety-nine, and for other purposes,' in the following words:

Quartermaster's Department.
—printing for, etc.

"*Provided*, That hereafter no part of the appropriations for the Quartermaster's Department shall be expended on printing unless the same shall be done by contract, after due notice and competition, except in such cases as the emergency will not admit of the giving notice for competition: *Provided further*, That after advertisement, all the supplies for the use of the various departments and posts of the Army and of the branches of the army service shall hereafter be purchased where the same can be purchased the cheapest in the markets of the United States, quality and cost of transportation and the interest of the Government considered, except that purchases may be made in open market, in the manner common among business men, when the aggregate amount required does not exceed two hundred dollars, but every such purchase shall be immediately reported to the Secretary of War."

—purchases where cheapest, etc.

"And the words:

—purchase of horses; limit, etc.

"*Provided*, That the number of horses purchased under this appropriation, added to the number on hand, shall not at any time exceed the number of enlisted men and Indian scouts in the mounted service, and that no part of this appropriation shall be paid out for horses not purchased by contract, after competition duly invited by the Quarter-

master's Department and an inspection by such department, all under the direction and authority of the Secretary of War.'

"And the words:

"*Provided*, That not more than one million dollars of the sums appropriated by this Act shall be paid out for the services of civilian employees in the Quartermaster's Department, including those heretofore paid out of the funds appropriated for regular supplies, incidental expenses, barracks and quarters, army transportation, clothing, camp and garrison equipage; that no employee paid therefrom shall receive a salary more than one hundred and fifty dollars per month unless the same be specially fixed by law.'

—civilian employees;
limit.

"Third. So much of the Act approved March fifteenth, eighteen hundred and ninety-eight, entitled 'An Act making appropriations for the support of the Army for the fiscal year ending June thirtieth, eighteen hundred and ninety-nine,' under the heading 'Ordnance Department,' as provides that not more than sixty-five thousand dollars of the money appropriated for the Ordnance Department in all its branches shall be applied to the payment of civilian clerks in said department."

Ordnance Department.
Civilian clerks;
limit.

SEC. 2. That during the time the operation of the foregoing provisions of law shall remain so suspended pursuant to this Act, materials required by the War Department may, in the discretion of the Secretary of War, be purchased abroad and shall be admitted free of duty.

Admission free of
duty of war materials.

SEC. 3. That during the same time the Bureau of Ordnance of the War Department is authorized to purchase, without advertisement, such ordnance and ordnance stores as are needed for immediate use; and when such ordnance and ordnance stores are to be manufactured, then to make contracts without advertisement for such stores, to be delivered as rapidly as manufactured.

Purchases without
advertisement.

Approved, February 24, 1900.

CHAP. 25.—An Act For the relief of claimants having suits against the United States pending in the circuit and district courts of the United States affected by the Act of June twenty-seventh, eighteen hundred and ninety-eight, amending the Act of March third, eighteen hundred and eighty-seven.

February 26, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no suit shall abate or be affected by the Act of June twenty-seventh, eighteen hundred and ninety-eight, entitled "An Act to amend sections one and two of the Act of March third, eighteen hundred and eighty-seven," which was pending in any circuit court of appeals, circuit or district court of the United States at the time of the passage of said Act; and all such suits which have been dismissed by reason of said Act shall be restored to their places in such courts and proceeded with as if the same had not been enacted; and time within which an appeal or writ of error may be taken or prosecuted in any case affected by this Act is hereby extended six months from the passage hereof.

Suits pending in
United States courts
by Government officers
to recover fees for
services unaffected by
transfer of jurisdiction
to Court of
Claims, etc.
Vol. 30, p. 495.
Vol. 24, p. 505.

Approved, February 26, 1900.

CHAP. 26.—An Act To amend an Act entitled "An Act to authorize the Grand Rapids Water Power and Boom Company, of Grand Rapids, Minnesota, to construct a dam and bridge across the Mississippi River," approved February twenty-seventh, eighteen hundred and ninety-nine.

February 27, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled; That section three of an Act entitled "An Act to authorize the Grand Rapids Water Power and Boom Company, of Grand Rapids, Minnesota, to construct a dam and bridge across the Mississippi River," approved, February twenty-

Time extended to
Grand Rapids Water
Power and Boom Com-
pany to dam, etc., Mis-
sissippi River at Grand
Rapids, Minn.

seventh, eighteen hundred and ninety-nine, is hereby amended so as to read as follows:

"SEC. 3. That this Act shall be null and void unless said dam herein authorized be commenced within two years and completed within four years from the date hereof."

Approved, February 27, 1900.

February 28, 1900.

CHAP. 27.—An Act To authorize the construction of a bridge across the Red River of the North, at Drayton, North Dakota.

Drayton, N. Dak.,
may bridge Red River
of the North at Dray-
ton.

Transit, toll, etc.

To be lawful struc-
ture and post route.

Telephone, etc.,
companies.

Draw, etc.

Providos.
—opening of.
Lights.

Not to obstruct nav-
igation.

—litigation.

Existing law un-
affected.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the council of the city of Drayton, county of Pembina, State of North Dakota, be, and are hereby, authorized to construct and maintain a pontoon bridge and approaches thereto across the Red River of the North, between the State of North Dakota and the State of Minnesota, extending from the foot of Almeron or Grant streets in said town of Drayton to a point opposite, in the State of Minnesota. Said bridge shall be constructed so as to provide for the passage of wagons and vehicles of all kinds, animals, and foot passengers, and for all road travel, for such reasonable rates of toll and under such rules and regulations as may be prescribed by said council and approved from time to time by the Secretary of War.

SEC. 2. That any bridge built under this Act and subject to its limitations shall be a lawful structure, and shall be recognized and known as a post route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States than is charged other parties for like privileges; and it shall enjoy the rights and privileges of other post roads in the United States, and the United States shall have the right of way across said bridge and its approaches for postal-telegraph purposes. And equal rights as to constructing and maintaining their lines over said bridge shall be granted to all telephone and telegraph companies desiring to use the same.

SEC. 3. That said bridge shall be constructed as a pontoon drawspan bridge, and shall contain a pontoon drawspan of such dimensions as the Secretary of War shall prescribe, which said drawspan shall be maintained on the main channel of the river at an accessible and navigable point; and the piers of said bridge shall be parallel with, and the bridge itself at right angles to, the current of the river: *Provided*, That said draw shall be opened promptly, upon reasonable signal, for the passage of boats and rafts; and said council of the city of Drayton shall maintain, at the expense of the said city, from sunset to sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe. No bridge shall be constructed or maintained under the authority of this Act which shall at any time substantially or materially obstruct the free navigation of said river; and if any bridge erected under said authority shall, in the opinion of the Secretary of War, obstruct such navigation, he is hereby authorized to cause such change or alteration of said bridge to be made as will effectually obviate such obstruction, and all such alterations shall be made and all such obstructions be removed at the expense of the said city of Drayton; and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river, caused or alleged to be caused by said bridge, suit may be brought in any circuit court of the United States for the circuit in which said bridge or any part thereof is located to remove or remedy the same: *Provided further*, That nothing in this Act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the pro-

tection of the navigation of rivers, or to exempt this bridge from the operations of the same.

SEC. 4. That any bridge authorized to be constructed under this Act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe; and to secure that object the said city or council shall submit to the Secretary of War, for his examination and approval, a design and drawings of the said bridge, and a map of the location, giving, for the space of one-half mile above and one-half mile below the proposed location, the high and low water lines upon the banks of the river, the direction and strength of the currents at all stages, with the soundings accurately showing the bed of the stream, and the location of any other bridge or bridges, such map to be sufficiently in detail to enable the Secretary of War to judge of the proper location of said bridge, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until such plan and location of the bridge are approved by the Secretary of War the bridge shall not be built; and should any change be made in the plan of said bridge during the progress of construction or after completion, such change shall be subject to the approval of the Secretary of War.

Secretary of War to approve plans, changes, etc.

SEC. 5. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

SEC. 6. That this Act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date of the approval of this Act.

Commencement and completion.

Approved, February 28, 1900.

CHAP. 28.—An Act Granting additional right of way to the Allegheny Valley Railway Company through the arsenal grounds at Pittsburg, Pennsylvania.

February 28, 1900.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Allegheny Valley Railway Company be, and it is hereby, authorized to extend its tracks over and occupy all that portion of the Allegheny Arsenal property in the city of Pittsburg, Pennsylvania, which adjoins the present right of way of said Allegheny Railway, bounded and described as follows, to wit: Beginning at a point on the south building line of Fortieth street, at a distance of ten and fifty-eight one-hundredths feet from the center line of the north-bound track of the Allegheny Valley Railway; thence along the western wall of the United States arsenal south twelve degrees thirty-five minutes west five hundred and seventy-six and seventy one-hundredths feet to a point on the north building line of Thirty-ninth street, said point being distant thirteen and twenty-seven one-hundredths feet (measured along the north building line of Thirty-ninth street) from the center of the said north-bound track of the Allegheny Valley Railway; thence south fifty-three degrees fifty-two minutes west eleven and twenty-two one-hundredths feet along the north building line of Thirty-ninth street to a point; thence north twelve degrees twenty-one minutes east five hundred and seventy-five and sixty-two one hundredths feet to a point on the south building line of Fortieth street; thence north fifty-three degrees fifty-two minutes west thirteen and nine-tenths feet to the place of beginning, containing seven thousand six hundred and fifty-five square feet: *Provided*, That the value of said property shall be fixed by a competent board of officers to be appointed by the Secretary of War, which value shall be paid into the Treasury of the United States before the occupation by*

Allegheny Valley Railway granted right of way through arsenal grounds, Pittsburg, Pa.

Location.

Proviso.
Valuation.

Replacing stone boundary wall, etc.

Construction of siding, etc.

said company of said strip: *And provided further*, That the stone boundary wall on the Allegheny River front of the Allegheny Arsenal, which must be removed to permit the desired extension of the railway, be replaced, or its equivalent, on the new boundary line, all free of cost to the United States, and to be approved by the Secretary of War: *And provided further*, That the said Allegheny Valley Railway Company shall construct for the use of the Government, on the approval of the Secretary of War, a siding about five hundred and seventy-seven feet long through the said arsenal property, said siding paralleling the said strip of ground hereinbefore described, all free of cost to the United States in addition to the price paid for the said property.

Approved, February 28, 1900.

March 1, 1900.

CHAP. 29.—An Act To authorize Frank Hitch to construct and maintain a bridge across Fishing Creek within the boundary lines of Edgecombe County, North Carolina.

Frank Hitch may bridge Fishing Creek, Edgecombe County, N. C.

Proviso.
To be lawful structure, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Frank Hitch be, and is hereby, authorized to construct and maintain a railroad bridge for the passage of railway engines and cars across Fishing Creek at such point as may be selected by said Hitch and approved by the Secretary of War within the boundary lines of Edgecombe County, North Carolina, said bridge to be so constructed as not to obstruct the navigation of said river, and to be provided with a suitable draw: *Provided*, That any bridge constructed under this Act and according to its limitations shall be a lawful structure, and shall be known and recognized as a post route, and the same is hereby declared to be a post route, and the United States shall have the right of way for a postal telegraph across said bridge.

Secretary of War to approve plans, changes, etc.

SEC. 2. That the bridge authorized to be constructed under this Act shall be located and built under and subject to such regulations for the security of the navigation of said creek as the Secretary of War shall prescribe; and the said Hitch shall submit to the Secretary of War, for his examination and approval, a design and drawing of the proposed bridge and a map of the location, giving, for the space of one-fourth of a mile above and one-fourth of a mile below the proposed location, the topography of the banks of the river, the shore lines at high and low water, the direction and strength of the currents, and the soundings, accurately showing the bed of the stream, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War no work upon the bridge shall be commenced; and should any change be made in the plan of said bridge during the progress of construction, such change shall be subject to the approval of the Secretary of War.

Amendment.
Obstruction to navigation.

SEC. 3. That Congress reserves the right to alter, amend, or repeal this Act at any time; and that if at any time navigation of said creek shall in any manner be obstructed or impaired by the said bridge, the Secretary of War shall have authority, and it shall be his duty, to require the said bridge company to alter and change the said bridge, at its own expense, in such manner as may be proper to secure free and complete navigation without impediment.

Draw

Commencement and completion.

SEC. 4. That the draw provided for the bridge herein authorized to be constructed shall be opened promptly, upon reasonable signal, for the passing of boats, which said Hitch shall maintain at his own expense; and if actual construction of the bridge herein authorized shall not be commenced within one year from the passage of this Act

and be completed within three years from same date, the rights and privileges hereby granted shall cease and be determined.

Approved, March 1, 1900.

CHAP. 30.—An Act To authorize the Natchitoches Railway and Construction Company to build and maintain a railway and traffic bridge across Red River at Grand Ecore, in the parish of Natchitoches, State of Louisiana.

March 1, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Natchitoches Railway and Construction Company, a corporation duly incorporated and existing under and by virtue of the laws of the State of Louisiana, be, and is hereby, authorized to construct and maintain, by itself or through its assignees, a railway and traffic bridge across Red River at a point suitable to the interest of navigation, at Grand Ecore, parish of Natchitoches, State of Louisiana. Said bridge shall be constructed to provide for passage of railway trains, and for all legitimate traffic of foot, horse, vehicle, animal, and all other legitimate purposes, and for transmission of the mails, at such legal rates of toll as may be fixed by said railway company or its transferees and approved by the Secretary of War, except to the people of the parish of Natchitoches, to whom the use of said bridge shall at all times and under all circumstances be free.

Natchitoches Railway, etc., Company may bridge Red River at Grand Ecore, La.

Transit, toll, etc.

SEC. 2. That said bridge, built under this Act and subject to its limitations, shall be a lawful structure, and shall be recognized and known as a post route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and munitions of war of the United States than the rate per mile paid for the transportation over the railroad or public highways leading to the said bridge, and shall enjoy the rights and privileges of other post roads in the United States; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies; and the United States shall have the right of way across said bridge and its approaches for postal telegraph purposes: *Provided*, That the bridge herein authorized to be constructed shall be so kept and managed by the company owning or operating it as to afford proper ways and means for the passage through or under it of vessels, barges, or rafts at all times, both by day and by night. And if said bridge be constructed as a drawbridge, the draw shall be opened promptly upon reasonable signal for the passage of boats; and upon whatever kind of bridge is built there shall be displayed, from sunset to sunrise, at the expense of said company, such lights and signals as the Light-House Board shall prescribe.

To be lawful structure and post route.

Telegraph, etc., companies.

Proviso.
Aids to navigation.

Draw.

Lights.

SEC. 3. That if said bridge, erected and maintained under the authority of this Act, shall at any time substantially or materially obstruct the free navigation of said river, or shall, in the opinion of the Secretary of War, obstruct such navigation, he is hereby authorized to cause such change or alteration of said bridge to be made as will effectually obviate such obstruction; and such alteration shall be made and all such obstructions be removed at the expense of the owner or operators of said bridge; and in case of any litigation arising from the obstruction or alleged obstruction to the free navigation of said river, the case may be brought in the district court of the United States for the western district of Louisiana: *Provided*, That nothing in this Act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers, or to exempt said bridge from the operation of same.

Obstructions to navigation.

—alterations.

—litigation.

Proviso.
Existing law unaffected.

SEC. 4. That all railroad companies desiring to use the said bridge shall have and be entitled to equal rights and privileges relative to the

Right of railroads to use.

passage of railway trains over the same and the approaches thereto upon the payment of a reasonable compensation for such use, which compensation may be different in case of different railways. In case of disagreement as to compensation for the use of said bridge, the difference shall be determined by the Secretary of War upon hearing the allegations and proof of the parties in interest.

Secretary of War to approve plans, etc.

SEC. 5. That the bridge authorized to be constructed under this Act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe; and to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawings of said bridge, and a map of the location, prepared with reference to known datum plane upon prescribed scale, furnished by the engineer officer having supervision of said river, and giving, for the space of two miles above and two miles below the proposed location of the bridge, the topography of the banks of the river, with shore lines at high and low water, the direction and strength of the currents at all stages, and the soundings accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject. And until the said plans and location of the bridge are approved by the Secretary of War the bridge shall not be built; and should any change be made in the plan of the said bridge during the process of construction such change shall be subject to the approval of the Secretary of War, and said structure shall be changed at the costs and expense of the owners thereof from time to time, as the Secretary of War may direct, so as to preserve the free and convenient navigation of said river.

—changes.

Commencement and completion.

SEC. 6. That this Act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year, and completed within three years from the date hereof.

Amendment.

SEC. 7. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, March 1, 1900.

March 1, 1900.

CHAP. 31.—An Act Authorizing the construction by the Texarkana, Shreveport and Natchez Railway Company of a bridge across Twelve-mile Bayou near Shreveport, Louisiana.

Texarkana, Shreveport and Natchez Railway may bridge Twelve-mile Bayou, La.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Texarkana, Shreveport and Natchez Railway Company, a railroad corporation duly incorporated under the laws of the State of Louisiana, its successors or assigns, be, and it is hereby, authorized to construct and maintain a railway bridge and approaches thereto over and across Twelve-mile Bayou, in Caddo Parish, Louisiana, at or about eight miles above the point where said bayou empties into Red River. Said bridge shall be constructed to provide for the passage of railway trains and, at the option of said company, may be used for the passage of wagons and vehicles of all kinds, for the passage of animals, and for foot passengers for such reasonable rates of toll as may be approved from time to time by the Secretary of War; that said bridge shall be a draw-bridge with a draw over the main channel of the bayou, and said draw shall be opened promptly, upon reasonable signals, for the passing of boats and water crafts; and said company shall maintain, at its own expense, from sunset to sunrise throughout the season of navigation, such lights or other signals on said bridge as the Light-House Board may prescribe.

Transit, toll, etc.

Draw.

Lights.

SEC. 2. That the bridge herein authorized shall be built and located under and in accordance with such regulations for the security of navigation as the Secretary of War shall prescribe; and to secure that object the said company shall submit to the Secretary of War, for his examination and approval, drawings showing the plan and location of said bridge, said drawings to give, for the space of one-half mile above and one-half mile below the proposed location, the topography of the banks of the river, the shore lines at high and low water, the direction and strength of the current at all stages, and the soundings accurately showing the bed of the stream, and such other information as may be required for a full and satisfactory understanding of the subject; and any change in the plan of said bridge, either before or after construction, shall be subject to the approval of the Secretary of War, and any change in said bridge during or after construction which the Secretary of War may require in the interest of navigation shall be made by the said company at its own expense.

Secretary of War to approve plans, etc.

—changes.

SEC. 3. That no bridge shall be erected or maintained under the authority of this Act which shall at any time substantially or materially obstruct the free navigation of said bayou; and if any bridge erected under such authority shall, in the opinion of the Secretary of War, obstruct such navigation, he is hereby authorized to cause such change or alterations of such bridge to be made as will effectually obviate such obstructions, and all such alterations shall be made, and all such obstructions shall be removed, at the expense of the owner or owners of said bridge.

Not to obstruct navigation.

—alterations.

SEC. 4. That any bridge built under this Act and subject to its limitations shall be a lawful structure, and shall be recognized and known as a post route, upon which no higher charge shall be made for the transmission over the same of mails, the troops, and the munitions of war of the United States than the rate per mile paid for the transportation over the railroad or public highways leading to said bridge, and it shall enjoy all the rights and privileges of other post roads in the United States.

To be lawful structure and post route.

SEC. 5. That all railway companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains over the same, and over the approaches thereto, upon payment of a reasonable compensation for such use; and in case the owner or owners of said bridge and the several railroad companies, or any of them, desiring such use shall fail to agree upon the sum or sums to be paid and upon rules and conditions to which each shall conform in using said bridge all matters at issue between them shall be decided by the Secretary of War, upon a hearing of the allegations and proof of the parties.

Right of railroads to use.

SEC. 6. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

SEC. 7. That this Act shall be null and void if the bridge herein authorized be not completed within two years from the approval of this Act.

Completion.

Approved, March 1, 1900.

CHAP. 33.—An Act To authorize the Union Railroad Company to construct and maintain a bridge across the Monongahela River.

March 2, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Union Railroad Company, a corporation existing under the laws of the State of Pennsylvania, is hereby authorized to construct, maintain, and operate a railroad bridge, with single or double track, for railroad traffic across the Monongahela River, within the limits of Allegheny County, State

Union Railroad may bridge Monongahela River, Pa.

Legal structure, etc.	of Pennsylvania, between a point in Mifflin Township and a point opposite in the borough of Rankin. The said bridge, when built in accordance with the requirements of this Act, shall be a legal structure, and may be used for railroad and highway purposes.
Spans.	SEC. 2. That in any bridge built under the provisions of this Act the channel span shall not be less than fifty-three feet above the level of the water at pool full in said river to the bottom chord of the bridge, the north shore span shall be not less than fifty-two feet, and all other spans not less than forty-five feet above the same level, nor shall the main span be less than four hundred and seventy-five feet in length in the clear, and the piers of the bridge shall be parallel with the current of the river, and the main span shall be over the main channel of the river at ordinary water.
Secretary of War to approve plans, etc.	SEC. 3. That the bridge authorized to be constructed under this Act shall be located and built under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe, and to secure that object the railroad company shall submit to the Secretary of War, for his examination and approval, a design and drawing of the bridge and a map of the location, giving, for the space of three-fourths of a mile above and below the proposed location, the depth and currents at all points of the same and the location of any other bridge or bridges, together with all other information touching said bridge and river as may be deemed requisite by the Secretary of War to determine whether said bridge when built will conform to the provisions of this Act and cause any serious obstruction to the navigation of the river or injuriously affect the flow of water.
—notification of approval, etc.	SEC. 4. That the Secretary of War is hereby authorized and directed, upon receiving said plan and map, and upon being satisfied that a bridge built on such a plan and at said locality will conform to the provisions of this Act and cause no serious obstruction to the navigation of the river or injuriously affect the flow of water, to notify the said company that he approves the same, and upon receiving such notification the said company may proceed to the erection of said bridge, conforming strictly to the approved plan and location. But until the Secretary of War shall approve the plan and location of the said bridge, and notify the said company of the same in writing, the bridge shall not be built or commenced; and should any change be made in the plan of the bridge during the progress of the work thereon, such change shall be subject likewise to the approval of the Secretary of War.
Transit, toll, etc.	SEC. 5. That said bridge shall be constructed to provide for the passage of railroad trains, and, at the option of the corporation by which it may be built, may be used for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot passengers for such reasonable rates of toll as may be approved from time to time by the Secretary of War: <i>Provided</i> , That all railroad companies desiring the use of the bridge authorized by this Act shall have and be entitled to equal rights and privileges relative to the passage of trains or cars over the same and over the approaches thereto upon the payment of a reasonable compensation for such use; and in case the owner or owners of such bridge and the several companies, or any one of them, desiring such use shall fail to agree upon the sum or sums to be paid, and upon the rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies.
<i>Proviso.</i> Right of railroads to use, etc.	
Telegraph, etc., companies. To be lawful structure and post route.	SEC. 6. That any bridge constructed under this Act shall be a lawful structure and shall be known as a post road, over which no higher charge shall be made for the transportation of mails, troops, and munitions of war, or other property of the Government of the United

States, or for passengers or freight passing over the same, than the rate per mile charged for their transportation over the railways or public highways leading to said bridge. The United States shall also have the right of way over said bridge for postal telegraph purposes.

SEC. 7. That said bridge herein authorized to be constructed shall be so kept and managed at all times as to afford proper means and ways for the passage of vessels, barges, or rafts, both by day and by night; and there shall be displayed on said bridge by the owners thereof, from sunset to sunrise, such lights or other signals as the Light-House Board may prescribe; and such changes shall be made from time to time in the structure of said bridge as the Secretary of War may direct, at the expense of the said company, in order the more effectually to preserve the free navigation of said river.

Aids to navigation.

Lights.

Changes.

SEC. 8. That this Act shall be null and void unless the construction of said bridge shall be commenced within one year and completed within three years from the passage of this Act.

Commencement and completion.

SEC. 9. That Congress shall have power at any time to alter, amend, or repeal this Act.

Amendment.

Approved, March 2, 1900.

CHAP. 34.—An Act Authorizing the construction of a bridge across the Mississippi River at Dubuque, Iowa.

March 6, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Dubuque and Wisconsin Bridge Company, a corporation duly incorporated under the laws of the State of Iowa, its successors and assigns, be, and is hereby, authorized to construct and maintain, at a point suitable to the interests of navigation, a bridge for the passage of vehicles of all kinds, animals, and foot passengers across the Mississippi River from a point at or near Eagle Point, in the city of Dubuque, in the State of Iowa, to the opposite shore of said river in the county of Grant, in the State of Wisconsin; that said bridge shall not be built within two miles of any other bridge on said river following the course of the main channel; that the location and plan or manner of constructing said bridge shall be subject to the approval of the Secretary of War, and until decided by him to be such as will not materially affect the interests of navigation the said bridge shall not be built; and there shall be submitted to the Secretary of War for his examination and approval a design and drawing of the proposed bridge and a map of the location, giving, for the space of a mile above and below the proposed location, the topography of the banks of the river, the shore line at high and low water, the direction and strength of the currents at all stages, and the soundings, accurately showing the bed of the stream, the location of any other bridge, and all other information required, and should any change be made in the plan of said bridge during the progress of construction such change shall be subject to the approval of the Secretary of War, and the said structure shall at all times be so kept and managed and be provided with such guard fences, sheer booms, and other structures as to offer reasonable and proper means for the passage of vessels and other floating craft through or under said structure; and for the safety of vessels passing at night there shall be displayed on said bridge from the hours of sunset to sunrise such lights as may be prescribed by the Light-House Board; and the said structure shall be changed at the cost and the expense of the owners thereof, from time to time, as the Secretary of War may direct, so as to preserve the free and convenient navigation of said river.

Dubuque and Wisconsin Bridge Company may bridge Mississippi River at Dubuque.

Secretary of War to approve plans, etc.

Aids to navigation.

Lights, etc.

SEC. 2. That said bridge between the Iowa shore and the lowlands or islands on the Wisconsin side of the river shall be constructed with

Spans.

unbroken and continuous spans, and the main span shall be over the main navigable channel of the river, and shall give a clear width of waterway not less than three hundred and fifty feet, and shall give clear headroom the full length of said span of not less in any case than fifty-five feet above extreme high water mark, as understood at the point of location. The remaining spans shall each give a clear width of waterway of not less than two hundred feet, and a clear headroom of not less in any case than ten feet between extreme high water mark and the lower chords of the superstructure. Said bridge shall be constructed at right angles to, and its piers parallel with, the current of the river.

Toll.

SEC. 3. That said Dubuque and Wisconsin Bridge Company shall have the right to charge and collect a reasonable rate of toll for the passage across said bridge of vehicles, animals, and foot passengers, and travelers, subject to approval by the Secretary of War.

Commencement and completion.

SEC. 4. That this Act shall be null and void if actual construction of the bridge herein authorized be not commenced within eighteen months, and completed within three years from the date of the passage hereof.

To be lawful structure and post route.

SEC. 5. That the bridge built under this Act and subject to its limitations shall be a lawful structure, and shall be known and recognized as a post route, and it shall enjoy the rights and privileges of other post-roads of the United States; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies; and the United States shall have the right of way across said bridge and its approaches for postal-telegraph purposes.

Telegraph, etc., companies.

Amendment.

SEC. 6. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, March 6, 1900.

March 8, 1900.

CHAP. 35.—An Act Authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Major-General E. O. C. Ord from Oak Hill Cemetery, District of Columbia, to the United States National Cemetery at Arlington, Virginia.

Maj. Gen. E. O. C. Ord.
Removal of remains of.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the health officer of the District of Columbia be, and he is hereby, authorized to issue a permit for the removal of the remains of the late Major-General E. O. C. Ord from Oak Hill Cemetery, District of Columbia, to the United States National Cemetery at Arlington, Virginia.

Approved, March 8, 1900.

March 9, 1900.

CHAP. 36.—An Act Extending the time for the completion of the bridge across the East River, between the city of New York and Long Island, now in course of construction, as authorized by the Act of Congress approved March third, eighteen hundred and eighty-seven.

Time extended for bridging East River at New York City.

Vol. 24, p. 468.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time for the completion of the bridge of the New York and Long Island Bridge Company across the East River between the city of New York and Long Island, authorized by the Act of Congress entitled "An Act authorizing the construction of a bridge across the East River between the city of New York and Long Island," approved March third, eighteen hundred and eighty-seven, and the various Acts amendatory thereof or supplementary thereto, is hereby extended to and including the first day of January in the year nineteen hundred and five.

Approved. March 9, 1900.

CHAP. 37.—An Act To provide for the erection of a bridge across Rainy River, in the State of Minnesota, between Rainy Lake and the mouth of Rainy River.

March 9, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Minnesota and Ontario Bridge Company, a corporation duly incorporated under the laws of the State of Minnesota, be, and the same is hereby, authorized and empowered to erect, construct, and maintain a bridge over Rainy River at or near a point on Rainy River that is known as Cathcarts Point, in the State of Minnesota, just below the confluence of the Baudette River with Rainy River: *Provided*, That the plan, location, and elevation of the bridge, so far as the interests of navigation are concerned, shall be recommended by a board of three officers of the Corps of Engineers, which shall be appointed by the Secretary of War to consider the same; and it shall be the duty of the said board to give a public hearing in the city of Minneapolis to all parties interested whenever the designs and drawings of the said bridge and maps of location shall have been submitted to the Secretary of War, as hereinafter provided. The said board shall give reasonable notice, by publication in the newspapers, of the time and place of such hearing, and report its recommendations to the Secretary of War as soon thereafter as may be expedient.

Minnesota and Ontario Bridge Company may bridge Rainy River, Minn.

Proviso. Board to consider plans, etc.

—hearing.

—notice of.
—report.

SEC. 2. That any bridge built under this Act and subject to its limitations shall be a lawful structure, and shall be recognized and known as a post route, upon which also no higher charge shall be made for the transportation over the same of the mails, the troops, and munitions of war of the United States than the rate per mile paid for the transportation over the railroads or public highways leading to the said bridge, and it shall enjoy the rights and privileges of other post roads in the United States.

To be lawful structure and post route.

SEC. 3. That the said bridge shall have a draw or draws over the main channel of the river, leaving a clear waterway of not less than one hundred and sixty feet on one side of the pivot pier. The height of the superstructure above water shall be fixed and determined by the Secretary of War. The bridge shall be at right angles to, and its piers parallel with, the current of the river. No bridge shall be erected or maintained under the authority of this Act which shall at any time unreasonably obstruct the navigation of the said river. During the construction of the bridge, the navigable channel of the river shall not be obstructed to a greater extent than in the opinion of the Secretary of War is absolutely necessary, and such lights and buoys shall be kept on all cofferdams, piles, and other obstructions as may be required during navigation. In case of any litigation arising from obstruction or alleged obstruction to the free navigation of said river, caused or alleged to be caused by said bridge, the circuit court of the United States of the circuit within which said bridge may be located shall have jurisdiction thereof: *Provided*, That nothing in this Act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers, or to exempt this bridge from the operation of the same.

Draw.

Height, etc.

Not to obstruct navigation.

Lights.

Litigation.

Proviso. Existing law unchanged.

Railroads, rights of as to use of bridge.

SEC. 4. That all railroad companies in this country or Canada desiring the use of said bridge shall be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same and over the approaches thereto, and the rates charged for the use of said bridge shall be the same for all companies alike, and without discrimination of any kind in favor of or against either over the whole length of the bridge and approaches: *Provided*, That if any question of difference arises at any time between said bridge company and any railroad company using said bridge or desiring its use in respect of the rate of compensation to be paid for such use or in respect of any other matter pertaining to such use and the parties can not agree in regard to the

Provisos. —Secretary of War to decide differences of, with bridge company.

same, such question shall be determined by the Secretary of War on application to him by either party to such matter of difference and due notice to all other parties interested. The parties shall be heard by the Secretary, and they shall have the opportunity of producing testimony. The determination of any such question by the Secretary of War shall be conclusive on the parties: *Provided*, That his decision may from time to time, as becomes necessary, be revised and modified by him.

Secretary of War to approve plans, etc.

Lights.

Opening of draw.

Aids to navigation.

Commencement and completion.

Construction of Canadian side of bridge.

Amendment.

SEC. 5. That any bridge authorized to be constructed under this Act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe, and to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawings of the bridge and a map of the location, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and the said company or corporation shall cause to be displayed on said bridge, from the hours of sunset to sunrise, or at other times, such lights or other signals as may be prescribed by the Light-House Board.

SEC. 6. That the draw or draws shall be opened promptly upon reasonable signal for the passage of boats, vessels, or other water craft; and at the time of the erection of the piers, or whenever in the opinion of the Secretary of War the same may be necessary, the persons or corporations constructing, owning, or operating said bridge shall, at their own expense, construct proper sheer booms or other proper structures to safely guide boats, vessels, or other water craft through the said spans.

SEC. 7. That if the actual construction of the bridge hereby authorized shall not be commenced within two years from the date of approval of this Act, and be completed within four years after the same date, then this Act shall be void, and all rights hereby conferred shall cease and be determined; and that the construction shall not be commenced until the Government of the Dominion of Canada has authorized the construction and maintenance of that part of said bridge which shall occupy that portion of the said Rainy River which is under the jurisdiction of said Dominion government.

SEC. 8. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, March 9, 1900.

March 9, 1900.

CHAP. 38.—An Act To extend the time for the completion of a bridge across the Missouri River.

Time extended for bridging Missouri River at Yankton. Vol. 30, p. 1361.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section six of the Act approved March third, eighteen hundred and ninety-nine, authorizing the Dakota Southern Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River, at the city of Yankton, South Dakota, be, and is hereby, amended by extending the time for commencing the construction of said bridge to March third, nineteen hundred and one, and by extending the time for completing said bridge to March third, nineteen hundred and four.

Approved, March 9, 1900.

CHAP. 39.—An Act To change the name of the Potomac Insurance Company of Georgetown, and for other purposes.

March 10, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to incorporate a fire insurance company in Georgetown, in the District of Columbia," approved the second of March, eighteen hundred and thirty-one, and the Act entitled "An Act to amend the charter of the Potomac Fire Insurance Company of Georgetown," approved the third of March, eighteen hundred and thirty-seven, and the Act entitled "An Act to renew and continue in force the charter of the Potomac Insurance Company of Georgetown," approved the twenty-seventh of January, eighteen hundred and fifty-one, and the Act entitled "An Act to renew and continue in force the charter of the Potomac Insurance Company of Georgetown, District of Columbia," approved the twenty-fifth of March, eighteen hundred and seventy, be, and the same are hereby, amended, so that the name and style of said company shall hereafter be "The Potomac Insurance Company of the District of Columbia."

Potomac Insurance Company of the District of Columbia.
Name changed.
Vol. 6, pp. 460, 691.

Vol. 9, p. 808.

Vol. 16, p. 80.

SEC. 2. That the Act of March second, eighteen hundred and thirty-one, above referred to, be amended by inserting the words "a board of not less than" immediately before the words "twelve directors," where they occur in section six of said Act; and to further amend said Act by striking out all the words of section seven thereof and substituting in lieu thereof the following words: "Each stockholder shall be entitled to vote in person, or by agent or proxy appointed under his hand and seal, attested by one witness, at all stockholders' meetings, and shall have one vote for each share recorded in his name on the books of the company;" and to further amend said Act by striking out of section eight the words "not exceeding ten thousand dollars in any one policy," and the words "in Georgetown," where they occur in said section; and to further amend said Act by striking out section nine in full, and by striking from section ten the words "not oftener than once in six months."

Prior acts amended.

SEC. 3. That the Act of March third, eighteen hundred and thirty-seven, above mentioned, be amended by adding at the end of section two the words "and the board of directors created under this charter shall have the power to increase the capital stock at any time to any amount not in excess of one million dollars."

Increase of capital stock.

Approved, March 10, 1900.

CHAP. 41.—An Act To define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes.

March 14, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the dollar consisting of twenty-five and eight-tenths grains of gold nine-tenths fine, as established by section thirty-five hundred and eleven of the Revised Statutes of the United States, shall be the standard unit of value, and all forms of money issued or coined by the United States shall be maintained at a parity of value with this standard, and it shall be the duty of the Secretary of the Treasury to maintain such parity.

Standard of value fixed.
R. S., sec. 3511, p. 696.

SEC. 2. That United States notes, and Treasury notes issued under the Act of July fourteenth, eighteen hundred and ninety, when presented to the Treasury for redemption, shall be redeemed in gold coin of the standard fixed in the first section of this Act, and in order to secure the prompt and certain redemption of such notes as herein provided it shall be the duty of the Secretary of the Treasury to set

United States notes redeemable in gold.
Vol. 26, p. 289.

Redemption fund.

apart in the Treasury a reserve fund of one hundred and fifty million dollars in gold coin and bullion, which fund shall be used for such redemption purposes only, and whenever and as often as any of said notes shall be redeemed from said fund it shall be the duty of the Secretary of the Treasury to use said notes so redeemed to restore and maintain such reserve fund in the manner following, to wit: First, by exchanging the notes so redeemed for any gold coin in the general fund of the Treasury; second, by accepting deposits of gold coin at the Treasury or at any subtreasury in exchange for the United States notes so redeemed; third, by procuring gold coin by the use of said notes, in accordance with the provisions of section thirty-seven hundred of the Revised Statutes of the United States. If the Secretary of the Treasury is unable to restore and maintain the gold coin in the reserve fund by the foregoing methods, and the amount of such gold coin and bullion in said fund shall at any time fall below one hundred million dollars, then it shall be his duty to restore the same to the maximum sum of one hundred and fifty million dollars by borrowing money on the credit of the United States, and for the debt thus incurred to issue and sell coupon or registered bonds of the United States, in such form as he may prescribe, in denominations of fifty dollars or any multiple thereof, bearing interest at the rate of not exceeding three per centum per annum, payable quarterly, such bonds to be payable at the pleasure of the United States after one year from the date of their issue, and to be payable, principal and interest, in gold coin of the present standard value, and to be exempt from the payment of all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority; and the gold coin received from the sale of said bonds shall first be covered into the general fund of the Treasury and then exchanged, in the manner hereinbefore provided, for an equal amount of the notes redeemed and held for exchange, and the Secretary of the Treasury may, in his discretion, use said notes in exchange for gold, or to purchase or redeem any bonds of the United States, or for any other lawful purpose the public interests may require, except that they shall not be used to meet deficiencies in the current revenues. That United States notes when redeemed in accordance with the provisions of this section shall be reissued, but shall be held in the reserve fund until exchanged for gold, as herein provided; and the gold coin and bullion in the reserve fund, together with the redeemed notes held for use as provided in this section, shall at no time exceed the maximum sum of one hundred and fifty million dollars.

SEC. 3. That nothing contained in this Act shall be construed to affect the legal-tender quality as now provided by law of the silver dollar, or of any other money coined or issued by the United States.

SEC. 4. That there be established in the Treasury Department, as a part of the office of the Treasurer of the United States, divisions to be designated and known as the division of issue and the division of redemption, to which shall be assigned, respectively, under such regulations as the Secretary of the Treasury may approve, all records and accounts relating to the issue and redemption of United States notes, gold certificates, silver certificates, and currency certificates. There shall be transferred from the accounts of the general fund of the Treasury of the United States, and taken up on the books of said divisions, respectively, accounts relating to the reserve fund for the redemption of United States notes and Treasury notes, the gold coin held against outstanding gold certificates, the United States notes held against outstanding currency certificates, and the silver dollars held against outstanding silver certificates, and each of the funds represented by these accounts shall be used for the redemption of the notes

—how maintained.

—by bond issue.

—disposition of funds from sale of bonds.

Redeemed notes to be reissued.

Limit reserve fund.

Legal-tender quality of silver dollar unaffected.

Divisions of issue and redemption established.

—duties, etc.

and certificates for which they are respectively pledged, and shall be used for no other purpose, the same being held as trust funds.

SEC. 5. That it shall be the duty of the Secretary of the Treasury, as fast as standard silver dollars are coined under the provisions of the Acts of July fourteenth, eighteen hundred and ninety, and June thirteenth, eighteen hundred and ninety-eight, from bullion purchased under the Act of July fourteenth, eighteen hundred and ninety, to retire and cancel an equal amount of Treasury notes whenever received into the Treasury, either by exchange in accordance with the provisions of this Act or in the ordinary course of business, and upon the cancellation of Treasury notes silver certificates shall be issued against the silver dollars so coined.

Cancellation of equal amount of Treasury notes for silver dollars coined, etc.

Vol. 26, p. 289.

—silver certificates to issue.

SEC. 6. That the Secretary of the Treasury is hereby authorized and directed to receive deposits of gold coin with the Treasurer or any assistant treasurer of the United States in sums of not less than twenty dollars, and to issue gold certificates therefor in denominations of not less than twenty dollars, and the coin so deposited shall be retained in the Treasury and held for the payment of such certificates on demand, and used for no other purpose. Such certificates shall be receivable for customs, taxes, and all public dues, and when so received may be reissued, and when held by any national banking association may be counted as a part of its lawful reserve: *Provided*, That whenever and so long as the gold coin held in the reserve fund in the Treasury for the redemption of United States notes and Treasury notes shall fall and remain below one hundred million dollars the authority to issue certificates as herein provided shall be suspended: *And provided further*, That whenever and so long as the aggregate amount of United States notes and silver certificates in the general fund of the Treasury shall exceed sixty million dollars the Secretary of the Treasury may, in his discretion, suspend the issue of the certificates herein provided for: *And provided further*, That of the amount of such outstanding certificates one-fourth at least shall be in denominations of fifty dollars or less: *And provided further*, That the Secretary of the Treasury may, in his discretion, issue such certificates in denominations of ten thousand dollars, payable to order. And section fifty-one hundred and ninety-three of the Revised Statutes of the United States is hereby repealed.

Gold certificates to issue for deposits of gold coin.

Proviso.
—suspension of authority to issue.

—denominations.

R. S., sec. 5193 p. 1004, repealed.

SEC. 7. That hereafter silver certificates shall be issued only of denominations of ten dollars and under, except that not exceeding in the aggregate ten per centum of the total volume of said certificates, in the discretion of the Secretary of the Treasury, may be issued in denominations of twenty dollars, fifty dollars, and one hundred dollars; and silver certificates of higher denomination than ten dollars, except as herein provided, shall, whenever received at the Treasury or redeemed, be retired and canceled, and certificates of denominations of ten dollars or less shall be substituted therefor, and after such substitution, in whole or in part, a like volume of United States notes of less denomination than ten dollars shall from time to time be retired and canceled, and notes of denominations of ten dollars and upward shall be reissued in substitution therefor, with like qualities and restrictions as those retired and canceled.

Denominations, silver certificates.

SEC. 8. That the Secretary of the Treasury is hereby authorized to use, at his discretion, any silver bullion in the Treasury of the United States purchased under the Act of July fourteenth, eighteen hundred and ninety, for coinage into such denominations of subsidiary silver coin as may be necessary to meet the public requirements for such coin: *Provided*, That the amount of subsidiary silver coin outstanding shall not at any time exceed in the aggregate one hundred millions of dollars. Whenever any silver bullion purchased under the Act of

Silver bullion purchased under the act of July 14, 1890 (vol. 26, p. 289), may be used for subsidiary coinage.

Proviso.
—limit of outstanding, etc.

July fourteenth, eighteen hundred and ninety, shall be used in the coinage of subsidiary silver coin, an amount of Treasury notes issued under said Act equal to the cost of the bullion contained in such coin shall be canceled and not reissued.

Recoinage of uncurrent subsidiary silver coin.

SEC. 9. That the Secretary of the Treasury is hereby authorized and directed to cause all worn and uncurrent subsidiary silver coin of the United States now in the Treasury, and hereafter received, to be recoined, and to reimburse the Treasurer of the United States for the difference between the nominal or face value of such coin and the amount the same will produce in new coin from any moneys in the Treasury not otherwise appropriated.

R. S., sec. 5138, p. 993, amended.

SEC. 10. That section fifty-one hundred and thirty-eight of the Revised Statutes is hereby amended so as to read as follows:

Requisite capital for national banks.

"Section 5138. No association shall be organized with a less capital than one hundred thousand dollars, except that banks with a capital of not less than fifty thousand dollars may, with the approval of the Secretary of the Treasury, be organized in any place the population of which does not exceed six thousand inhabitants, and except that banks with a capital of not less than twenty-five thousand dollars may, with the sanction of the Secretary of the Treasury, be organized in any place the population of which does not exceed three thousand inhabitants. No association shall be organized in a city the population of which exceeds fifty thousand persons with a capital of less than two hundred thousand dollars."

Refunding bonds.

SEC. 11. That the Secretary of the Treasury is hereby authorized to receive at the Treasury any of the outstanding bonds of the United States bearing interest at five per centum per annum, payable February first, nineteen hundred and four, and any bonds of the United States bearing interest at four per centum per annum, payable July first, nineteen hundred and seven, and any bonds of the United States bearing interest at three per centum per annum, payable August first, nineteen hundred and eight, and to issue in exchange therefor an equal amount of coupon or registered bonds of the United States in such form as he may prescribe, in denominations of fifty dollars or any multiple thereof, bearing interest at the rate of two per centum per annum, payable quarterly, such bonds to be payable at the pleasure of the United States after thirty years from the date of their issue, and said bonds to be payable, principal and interest, in gold coin of the present standard value, and to be exempt from the payment of all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority: *Provided*, That such outstanding bonds may be received in exchange at a valuation not greater than their present worth to yield an income of two and one-quarter per centum per annum; and in consideration of the reduction of interest effected, the Secretary of the Treasury is authorized to pay to the holders of the outstanding bonds surrendered for exchange, out of any money in the Treasury not otherwise appropriated, a sum not greater than the difference between their present worth, computed as aforesaid, and their par value, and the payments to be made hereunder shall be held to be payments on account of the sinking fund created by section thirty-six hundred and ninety-four of the Revised Statutes:

—reissue bearing per cent. interest.

Provisos.
—valuation, etc.

R. S., sec. 3694, p. 730.

Issue of bonds to be at par, etc.

And provided further, That the two per centum bonds to be issued under the provisions of this Act shall be issued at not less than par, and they shall be numbered consecutively in the order of their issue, and when payment is made the last numbers issued shall be first paid, and this order shall be followed until all the bonds are paid, and whenever any of the outstanding bonds are called for payment interest thereon shall cease three months after such call; and there is hereby appropriated out of any money in the Treasury not otherwise appropriated, to effect the exchanges of bonds provided for in this Act, a

sum not exceeding one-fifteenth of one per centum of the face value of said bonds, to pay the expense of preparing and issuing the same and other expenses incident thereto.

SEC. 12. That upon the deposit with the Treasurer of the United States, by any national banking association, of any bonds of the United States in the manner provided by existing law, such association shall be entitled to receive from the Comptroller of the Currency circulating notes in blank, registered and countersigned as provided by law, equal in amount to the par value of the bonds so deposited; and any national banking association now having bonds on deposit for the security of circulating notes, and upon which an amount of circulating notes has been issued less than the par value of the bonds, shall be entitled, upon due application to the Comptroller of the Currency, to receive additional circulating notes in blank to an amount which will increase the circulating notes held by such association to the par value of the bonds deposited, such additional notes to be held and treated in the same way as circulating notes of national banking associations heretofore issued, and subject to all the provisions of law affecting such notes: *Provided*, That nothing herein contained shall be construed to modify or repeal the provisions of section fifty-one hundred and sixty-seven of the Revised Statutes of the United States, authorizing the Comptroller of the Currency to require additional deposits of bonds or of lawful money in case the market value of the bonds held to secure the circulating notes shall fall below the par value of the circulating notes outstanding for which such bonds may be deposited as security: *And provided further*, That the circulating notes furnished to national banking associations under the provisions of this Act shall be of the denominations prescribed by law, except that no national banking association shall, after the passage of this Act, be entitled to receive from the Comptroller of the Currency, or to issue or reissue or place in circulation, more than one-third in amount of its circulating notes of the denomination of five dollars: *And provided further*, That the total amount of such notes issued to any such association may equal at any time but shall not exceed the amount at such time of its capital stock actually paid in: *And provided further*, That under regulations to be prescribed by the Secretary of the Treasury any national banking association may substitute the two per centum bonds issued under the provisions of this Act for any of the bonds deposited with the Treasurer to secure circulation or to secure deposits of public money; and so much of an Act entitled "An Act to enable national banking associations to extend their corporate existence, and for other purposes," approved July twelfth, eighteen hundred and eighty-two, as prohibits any national bank which makes any deposit of lawful money in order to withdraw its circulating notes from receiving any increase of its circulation for the period of six months from the time it made such deposit of lawful money for the purpose aforesaid, is hereby repealed, and all other Acts or parts of Acts inconsistent with the provisions of this section are hereby repealed.

SEC. 13. That every national banking association having on deposit, as provided by law, bonds of the United States bearing interest at the rate of two per centum per annum, issued under the provisions of this Act, to secure its circulating notes, shall pay to the Treasurer of the United States, in the months of January and July, a tax of one-fourth of one per centum each half year upon the average amount of such of its notes in circulation as are based upon the deposit of said two per centum bonds; and such taxes shall be in lieu of existing taxes on its notes in circulation imposed by section fifty-two hundred and fourteen of the Revised Statutes.

SEC. 14. That the provisions of this Act are not intended to preclude the accomplishment of international bimetallism wherever conditions

Issue of circulating notes to banks on deposit of bonds.

Provided. Additional deposit required on depreciation of bonds.
R. S., sec. 5167, p. 998.

Denominations of circulating notes.

Limit of issue.

Banks may substitute 2 per cent bonds to secure circulation.

Repeal.
Vol. 22, p. 163.

Tax on circulating notes.

R. S., sec. 5214, p. 1008

International bimetalism unhindered.

shall make it expedient and practicable to secure the same by concurrent action of the leading commercial nations of the world and at a ratio which shall insure permanence of relative value between gold and silver.

Approved, March 14, 1900.

March 16, 1900.

CHAP. 45.—An Act To grant an American register to the steamer Windward.

Steamer "Windward" granted American register.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to cause the foreign-built steamer Windward, owned by Civil Engineer Robert E. Peary, United States Navy, to be registered as a vessel of the United States, provided that she shall not engage in the coastwise trade of this Republic.

Approved, March 16, 1900.

March 23, 1900.

CHAP. 88.—An Act Declaring Cuivre River to be not a navigable stream.

Cuivre River, Mo., declared not navigable.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Cuivre River, in the counties of Lincoln and Saint Charles, in the State of Missouri, being the dividing line, is hereby declared not to be a navigable stream, and shall be so treated by the Secretary of War and all other authorities.

Approved, March 23, 1900.

March 23, 1900.

CHAP. 89.—An Act To constitute South Manchester, Connecticut, a port of delivery.

South Manchester, Conn., made port of delivery.
Immediate transportation privileges extended to.
Vol. 21, p. 174.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That South Manchester, Connecticut, be, and is hereby, constituted a port of delivery in the customs collection district of Hartford, Connecticut, and that the privileges of the seventh section of the Act approved June tenth, eighteen hundred and eighty, entitled "An Act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," be, and they are hereby, extended to said port of South Manchester.

Approved, March 23, 1900.

March 23, 1900.

CHAP. 90.—An Act To amend section forty-four hundred and forty-five, of title fifty-two, of the Revised Statutes of the United States relating to the licensing of officers of steam vessels.

Steam vessels.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section forty-four hundred and forty-five, of title fifty-two, of the Revised Statutes, be, and is hereby, amended by adding thereto the following paragraphs:

Oath of applicant for license as pilot, etc.

R. S., sec. 4445, p. 861, amended.

"Every applicant for license as either master, mate, pilot, or engineer under the provisions of this title shall make and subscribe to an oath or affirmation, before one of the inspectors referred to in this title, to the truth of all the statements set forth in his application for such license.

"Any person who shall make or subscribe to any oath or affirmation authorized in this title and knowing the same to be false shall be deemed guilty of perjury. Penalty for false oath.

"Every licensed master, mate, pilot, or engineer who shall change, by addition, interpolation, or erasure of any kind, any certificate or license issued by any inspector or inspectors referred to in this title shall, for every such offense, upon conviction, be punished by a fine of not more than five hundred dollars or by imprisonment at hard labor for a term not exceeding three years." —for altering certificate of inspector.

SEC. 2. That this Act shall take effect immediately.

Effect.

Approved, March 23, 1900.

CHAP. 91.—An Act Appropriating, for the benefit and government of Porto Rico, revenues collected on importations therefrom since its evacuation by Spain, and revenues hereafter collected on such importations under existing law.

March 24, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of two million and ninety-five thousand four hundred and fifty-five dollars and eighty-eight cents, being the amount of customs revenue received on importations by the United States from Porto Rico since the evacuation of Porto Rico by the Spanish forces on the eighteenth of October, eighteen hundred and ninety-eight, to the first of January, nineteen hundred, together with any further customs revenue collected on importations from Porto Rico since the first of January, nineteen hundred, or that shall hereafter be collected under existing law, shall be placed at the disposal of the President, to be used for the government now existing and which may hereafter be established in Porto Rico, and for the aid and relief of the people thereof, and for public education, public works, and other governmental and public purposes therein until otherwise provided by law; and the revenues herein referred to, already collected and to be collected under existing law, are hereby appropriated for the purposes herein specified, out of any moneys in the Treasury not otherwise appropriated.

Porto Rico.
Customs revenue
available for existing
government, etc.

Approved, March 24, 1900.

CHAP. 92.—An Act To provide for necessary repairs to the steamer Thetis, for service as a revenue cutter.

March 24, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated and made immediately available, for the purposes of repairing and equipping the steamer Thetis for service as a vessel of the Revenue-Cutter Service.

Steamer "Thetis."
Equipment for Revenue-Cutter Service
authorized.

Approved, March 24, 1900.

CHAP. 108.—An Act To extend the time for the completion of the incline railway on West Mountain, Hot Springs Reservation.

March 26, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time for the completion of an incline railway upon the West Mountain of the Hot Springs Reservation, as provided by Act of Congress approved December twenty-first, eighteen hundred and ninety-three, is hereby extended

Time extended for
completing railway
on West Mountain,
Hot Springs Reserva-
tion.
Vol. 23, p. 22.

for the term of three years from and after the passage of this Act, and that said Act is hereby continued in full force and effect.

Approved, March 26, 1900.

March 28, 1900.

CHAP. 110.—An Act Granting to the State of Kansas the abandoned Fort Hays Military Reservation, in said State, for the purpose of establishing an experiment station of the Kansas Agricultural College, and a western branch of the Kansas State Normal School thereon, and for a public park.

Fort Hays Military Reservation granted State of Kansas.

—conditions.

Provisos.
—acceptance, etc.

—reversion.

Valid land claims not affected.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the abandoned Fort Hays Military Reservation and all the improvements thereon, situated in the State of Kansas, be, and the same are hereby, granted to said State upon the conditions that said State shall establish and maintain perpetually thereon, first, an experiment station of the Kansas Agricultural College; second, a western branch of the Kansas State Normal School, and that in connection therewith the said reservation shall be used and maintained as a public park: *Provided*, That said State shall, within five years from and after the passage of this Act, accept this grant, and shall by proper legislative action establish on said reservation an experiment station of the Kansas Agricultural College and a western branch of the Kansas State Normal School; and whenever the lands shall cease to be used by said State for the purposes herein mentioned the same shall revert to the United States: *Provided further*, That the provisions of this Act shall not apply to any tract or tracts within the limits of said reservation to which a valid claim has attached, by settlement or otherwise, under any of the public land laws of the United States.

Approved, March 28, 1900.

March 28, 1900.

CHAP. 111.—An Act Enlarging the powers of the Choctaw, Oklahoma and Gulf Railroad Company.

Choctaw, Oklahoma and Gulf Railroad.
Vol. 28, p. 503.
Vol. 29, p. 98.
Repeal of limitation as to constructing branches.

—except.

Construction through Indian reservations, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the limitations imposed by the proviso to section four of the Act approved August twenty-fourth, eighteen hundred and ninety-four, entitled "An Act to authorize the purchasers of the property and franchises of the Choctaw Coal and Railroad Company to organize a corporation, and to confer upon the same all the powers, privileges, and franchises vested in that company," or by any Act amendatory of said Act upon the power of the Choctaw, Oklahoma and Gulf Railroad Company, the corporation organized thereunder, to construct branches authorized by said section four of said Act of August twenty-fourth, eighteen hundred and ninety-four, are hereby repealed, except in so far as these limitations require the filing of maps of the said branches with the Secretary of the Interior and his approval of the same.

SEC. 2. That the powers heretofore conferred upon the said Choctaw, Oklahoma and Gulf Railroad Company by the said Act of August twenty-fourth, eighteen hundred and ninety-four, and the Acts amendatory thereof, shall be so construed as to authorize the construction and operation of the railroad and branches thereby or hereby authorized through and over any Indian reservations, subject to the payment of the compensation provided for in said Acts as to land in the Indian Territory, and through and over any Indian allotments, subject to the compensation provided by the laws of Oklahoma.

SEC. 3. That it shall and may be lawful for the Choctaw, Oklahoma and Gulf Railroad Company to purchase the franchises, railroad and other property of, or to consolidate with, any other railroad company incorporated under the laws of any State or Territory of the United States whose lines may now or hereafter form a continuous line of railroad with it, either directly or by means of an intervening railroad, upon complying with the regulations and requirements of the laws of the State or Territory in which such road is located, applicable to such purchase or consolidation.

Company may purchase, etc., railroads forming continuous lines with it.

SEC. 4. That for the purpose of perfecting such purchase or consolidation it shall be lawful for said Choctaw, Oklahoma and Gulf Railroad Company to increase its stock, either preferred or common or both, and to guarantee the payment of the principal and interest of the bonds and other obligations of any company whose property is thus acquired, or of dividends on its preferred or guaranteed stock: *Provided also*, That the power conferred by this section shall also extend to like guaranties of the bonds, obligations, and dividends on stocks of companies whose roads may now or hereafter be leased to the said Choctaw, Oklahoma and Gulf Railroad Company.

—may increase its stock.

—may guarantee bonds, etc., of property acquired.

Proviso.
—or leased.

SEC. 5. That for the purpose of providing means for the construction of its railroad and branches, the acquisition of additional property, the payment of its obligations, or for other corporate purposes, the said Choctaw, Oklahoma and Gulf Railroad Company is authorized to increase from time to time its issue of preferred and common stock, and to dispose of the same upon such terms as may be deemed necessary. Before any such increase shall be made the same shall have been authorized by the holders of a majority of the then outstanding stock of the company, voting in person or by proxy, at a meeting duly called by the board of directors of the company, which shall be held at the general office of the company, of which meeting notice shall have been given by advertisement once a week for sixty days prior to such meeting, in at least one newspaper published in the city or county wherein such principal office is situate.

Increase of stock authorized.

Approved, March 28, 1900.

CHAP. 112.—An Act To establish light and fog stations to mark the main southern entrance of the new breakwater at Buffalo, New York.

March 28, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be established, to mark the main southern entrance of the new breakwater at Buffalo, New York, suitable light and fog-signal stations, at a cost not to exceed forty-five thousand dollars.

Buffalo, N. Y.
Light stations established at entrance of new breakwater.

Approved, March 28, 1900.

CHAP. 116.—An Act To authorize the Cambridge Bridge Commission to construct a drawless bridge across the Charles River, in the State of Massachusetts.

March 29, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Cambridge Bridge Commission be, and hereby is, authorized to construct a drawless bridge across the Charles River, in the State of Massachusetts, between the cities of Boston and Cambridge, as provided for by chapter four hundred and sixty-seven of the acts of eighteen hundred and ninety-eight, and chapter one hundred and eighty of the acts of eighteen hundred and ninety-nine, of the legislature of the State of Massachusetts;

Cambridge Bridge Commission may bridge Charles River, Mass.

Proviso.
Compensation to
owners of wharf prop-
erty, etc.

said bridge to be at least twenty-six feet above mean high water over the main ship channel, and the piers and other obstructions to the flow of the tide to be constructed in such form and in such places as the Secretary of War shall approve: *Provided*, That the State of Massachusetts, within a reasonable time after the completion of said bridge, by legislative enactment, shall provide for adequate compensation to the owner or owners of wharf property now used as such on said river above said bridge, for damages, if any, sustained by said property by reason of interference with access by water to said property now and hitherto enjoyed, because of the construction of said bridge without a draw.

Approved, March 29, 1900.

March 30, 1900.

CHAP. 118.—An Act Making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June thirtieth, nineteen hundred, and for prior years, and for other purposes.

Urgent deficiencies
appropriations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in the appropriations for the fiscal year nineteen hundred, and for prior years, and for other objects hereinafter stated, namely:

Treasury Depart-
ment.

TREASURY DEPARTMENT.

MINTS AND ASSAY OFFICES.

Mint, Philadelphia.

MINT AT PHILADELPHIA: For wages of workmen and adjusters, one hundred thousand dollars.

For incidental and contingent expenses, including new machinery and repairs, expenses annual assay commission, melter and refiner's wastage, and loss on sale of sweeps arising from the manufacture of ingots for coinage and wastage and loss on sale of coiners' sweeps, and purchase not exceeding five hundred dollars in value of specimen coins and ores for the cabinet of the mint, forty-five thousand dollars.

Office Auditor for
War Department.

OFFICE OF AUDITOR FOR THE WAR DEPARTMENT: For the purpose of restoring and repairing the worn-out and defaced rolls and vouchers in the Office of the Auditor for the War Department, two thousand nine hundred and forty-four dollars and forty cents.

Public buildings.

PUBLIC BUILDINGS.

Repairs, etc.

REPAIRS OF PUBLIC BUILDINGS: For repairs and preservation of public buildings: Repairs and preservation of custom-houses, court-houses, and post-offices, marine hospitals, and quarantine stations, and other public buildings and the grounds thereof under the control of the Treasury Department, fifty thousand dollars.

Heating, etc.

HEATING APPARATUS FOR PUBLIC BUILDINGS: For heating, hoisting, and ventilating apparatus, and repairs to the same, for all public buildings, including marine hospitals and quarantine stations, under control of the Treasury Department, exclusive of personal services, except for work done by contract, thirty thousand dollars.

Vaults, safes, and
locks.

VAULTS, SAFES, AND LOCKS FOR PUBLIC BUILDINGS: For vaults, safes, and locks, and repairs to the same, for all public buildings under control of the Treasury Department, exclusive of personal services, except for work done by contract, seven thousand five hundred dollars.

WAR DEPARTMENT.

War Department.

MILITARY POSTS.

That the provisions of section three hundred and fifty-five, Revised Statutes, are waived so far as they prohibit the expenditure of public money for the purpose of erecting public buildings on a tract of land recently acquired as a site for necessary buildings at Fort Du Pont, Delaware, before the consent of the legislature of the State of Delaware to the purchase has been given, it being impracticable to apply to the State legislature for consent to its purchase until its next session in January, nineteen hundred and one, and the buildings being urgently required for the shelter of troops.

Fort Du Pont, Del.
Consent of legisla-
ture to erection of
public buildings
waived.
R. S., sec. 355, p. 60.

NAVAL ESTABLISHMENT.

Navy.

To meet unforeseen contingencies constantly arising, to be expended at the discretion of the President, one hundred and twenty-five thousand dollars.

Emergency fund.

For the purchase of a water boat for the purpose of supplying ships of the Navy with water, twenty-five thousand dollars.

Water boat.

For the purchase of coal barges for supplying coal to ships of the Navy, one hundred and fifty thousand dollars.

Coal barges.

BUREAU OF EQUIPMENT.

Bureau of Equip-
ment.

For the installation of a suitable equipment plant in the Philippine Islands, thirty thousand dollars.

Philippine Islands.

BUREAU OF YARDS AND DOCKS.

Bureau of Yards and
Docks.

For general maintenance of yards and docks, namely:

For freight, transportation of materials and stores, books, maps, models, and drawing; purchase and repair of fire engines; machinery; repairs on steam fire engines and attendance on the same; purchase and maintenance of oxen, horses, and driving teams; carts, timber wheels, and all vehicles for use in the navy-yards; tools and repairs of the same; postage on letters and mailable matter on public service sent to foreign countries, and telegrams; stationery; furniture for Government houses and offices in navy-yards; coal and other fuel, candles, oil, and gas; cleaning and clearing up yards and care of buildings; attendance on fires, lights, fire engines, and apparatus; incidental labor at navy-yards; water tax, tolls, ferriage; rent of four officers' quarters at Philadelphia, Pennsylvania; pay of watchmen in navy-yards; awnings and packing boxes, and advertising for yards and docks and for other purposes; and for rent of wharf and storehouses at Erie, Pennsylvania, for use and accommodation of United States steamer Michigan, fifty thousand dollars.

Maintenance.

For repairs and preservation at navy-yards and stations, fifty thousand dollars.

Repairs, etc.

For contingent expenses that may arise at navy-yards and stations, ten thousand dollars.

Contingent expenses.

For reconstructing building numbered seven, replacing furniture, mathematical and engineering instruments and stationery, and providing temporary offices, rendered necessary by fire on February eleventh, nineteen hundred, sixty thousand dollars.

Building No. 7.

BUREAU OF MEDICINE AND SURGERY.

Bureau of Medicine
and Surgery.

To supply a deficiency in the appropriation for naval hospital fund for the fiscal year ending June thirtieth, nineteen hundred, "For maintenance of the naval hospitals at the various navy-yards and stations, and for the care and maintenance of patients in other hospitals at home and abroad," ten thousand dollars.

Naval hospitals.

Surgeons' necessities.

For surgeons' necessities for vessels in commission, navy-yards, naval stations, Marine Corps, and Coast Survey, and for the civil establishment at the several naval hospitals, navy-yards, naval laboratory, and department of instructions, museum of hygiene, and Naval Academy, ten thousand dollars.

Bureau of Construction and Repair.

BUREAU OF CONSTRUCTION AND REPAIR.

Preservation of vessels, etc.

For preservation and completion of vessels on the stocks and in ordinary; purchase of materials and stores of all kinds; steam steerers, pneumatic steerers, steam capstans, steam windlasses, and all other auxiliaries; labor in navy-yards and on foreign stations; purchase of machinery and tools for use in shops; carrying on work of experimental model tank; designing naval vessels; wear, tear, and repair of vessels afloat; general care, increase, and protection of the Navy in the line of construction and repair; incidental expenses, such as advertising, freight, foreign postage, telegrams, telephone service, photographing, books, professional magazines, plans, stationery, and instruments for drafting room, one hundred thousand dollars.

Marine Corps.

MARINE CORPS.

Repairs, etc.

Repair of barracks, including repairs, improvements, additions, and rent of barracks, quarters, and grounds; transportation, recruiting, military stores, including ammunition; fuel and contingent expenses, including freight, tolls, cartage, advertising, laundering enlisted men's bedclothes, funeral expenses, stationery and other paper; telegraphing, procurement and maintenance of telephones, and typewriters; apprehension of stragglers and deserters; employment of civilians, per diem of enlisted men employed on constant labor for a period not less than ten days; installation and repair of gas, electric, and water fixtures; office and barracks furniture, camp and garrison equipage and implements; carpenters' tools, tools for police purposes, safes; purchase and maintenance of public horses, wagons, and harness; service of veterinary surgeon, fire hose, fire extinguishers, fire grenades; purchase and repair of cooking stoves, ranges; purchase of ice, toilet articles, books, newspapers, and periodicals; purchase of bedding, mattresses, mattress covers, pillows, sheets, and bedsteads; furniture for Government quarters and repair of same, and for all emergencies and extraordinary expenses impossible to anticipate and classify for naval stations without the United States, twenty-five thousand dollars.

Department of the Interior.

DEPARTMENT OF THE INTERIOR.

Government Hospital for the Insane.

GOVERNMENT HOSPITAL FOR THE INSANE.

Current expenses.

For current expenses of the Government Hospital for the Insane: For support, clothing, and treatment in the Government Hospital for the Insane of the insane from the Army and Navy, Marine Corps, Revenue-Cutter Service, and inmates of the National Home for Disabled Volunteer Soldiers, persons charged with or convicted of crimes against the United States who are insane, all persons who have become insane since their entry into the military or naval service of the United States who have been admitted to the hospital and who are indigent, forty thousand dollars.

Repairs.

For general repairs and improvements, ten thousand dollars.

Laundry.

For furnishing new laundry, three thousand and eighty dollars.

Public buildings.

PUBLIC BUILDINGS.

Capitol building.

For work at Capitol, and for general repairs thereof, including wages of mechanics and laborers, seven thousand two hundred dollars.

GEOLOGICAL SURVEY.

Geological Survey.

For engraving and printing the geological maps of the United States, two thousand five hundred dollars.

Maps.

For gauging the streams and determining the water supply of the United States, including the investigation of underground currents and artesian wells in arid and semiarid sections, and the preparation of reports upon the best methods of utilizing the water resources of said sections, twenty thousand dollars.

Water supply investigation.

DEPARTMENT OF STATE.

Department of State.

For stationery, furniture, fixtures, and repairs, and for the purchase of passport paper, five hundred dollars.

Stationery.

For contingent expenses, namely: For care and subsistence of horses to be used only for official purposes, and repairs of wagons, carriage, and harness, rent of stable, telegraphic and electric apparatus and repairs to the same, and miscellaneous items not included in the foregoing, one thousand dollars.

Contingent expenses.

LEGISLATIVE.

Legislative.

SENATE.

Senate.

For miscellaneous items, exclusive of labor, twenty thousand dollars.

Miscellaneous.

For purchase of furniture, five thousand dollars.

Furniture.

For fuel, oil, and cotton waste, and advertising, for the heating apparatus, exclusive of labor, two thousand five hundred dollars.

Heating apparatus.

For repairs of Maltby Building, five hundred dollars.

Maltby Building.

For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers to committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding one dollar and twenty-five cents per printed page, seven thousand dollars.

Inquiries and investigations.

HOUSE OF REPRESENTATIVES.

House of Representatives.

For furniture, and repairs of the same, two thousand dollars.

Furniture.

For miscellaneous items and expenses of special and select committees, twenty thousand dollars.

Miscellaneous.

PUBLIC PRINTING AND BINDING.

Public printing and binding.

For the public printing, for the public binding, and for paper for the public printing, including the cost of printing the debates and proceedings of Congress in the Congressional Record, and for lithographing, mapping, and engraving for both Houses of Congress, the Supreme Court of the United States, the supreme court of the District of Columbia, the Court of Claims, the Library of Congress, the Executive Office, and the Departments, including salaries or compensation of all necessary clerks and employees, for labor (by the day, piece, or contract), and for rents, books of reference, and all the necessary materials which may be needed in the prosecution of the work, four hundred and fifty thousand dollars.

For printing and binding for the Department of Justice, four thousand dollars.

Department of Justice.

For printing and binding for the Navy Department, twenty-five thousand dollars.

Navy Department.

For printing and binding for the War Department, namely: For publication of the Official Records of the War of the Rebellion by the Record and Pension Office, ten thousand dollars.

War Department.

Government Print-
ing Office.
Leaves of absence.

To enable the Public Printer to comply with the provisions of the law granting thirty days' annual leave to the employees of the Government Printing Office, on account of fiscal years as follows:

For the fiscal year nineteen hundred, fifteen thousand dollars, or so much thereof as may be necessary.

To enable the Public Printer to pay employees of the Government Printing Office for leave of absence to which they were entitled during the fiscal year ended June thirtieth, eighteen hundred and ninety-nine, and which could not be granted to them in consequence of the appropriation for leaves of absence becoming exhausted, eighteen thousand dollars, or so much thereof as may be necessary.

Advance payments
to Public Printer.

Hereafter there shall be advanced to the Public Printer from time to time, as the public service may require it, and under such rules as the Secretary of the Treasury may prescribe, a sum of money not exceeding at any time the penalty of his official bond, to enable him to pay for work and material.

Approved, March 30, 1900.

March 31, 1900.

CHAP. 120.—An Act Concerning the boarding of vessels.

Boarding of vessels
before inspection; reg-
ulations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to prescribe from time to time and enforce regulations governing the boarding of vessels arriving at the seaports of the United States, before such vessels have been properly inspected and placed in security, and for that purpose to employ any of the officers of that Department.

Penalty.

SEC. 2. That each person violating such regulations shall be subject to a penalty of not more than one hundred dollars or imprisonment not to exceed six months, or both, in the discretion of the court.

Act to be supple-
mentary, etc.
Vol. 22, p. 189.
R. S., sec. 4606, p. 893.

SEC. 3. That this Act shall be construed as supplementary to section nine of chapter three hundred and seventy-four of the Statutes of eighteen hundred and eighty-two, and section forty-six hundred and six of the Revised Statutes.

Effect.

SEC. 4. That this Act shall take effect thirty days after its passage.

Approved, March 31, 1900.

March 31, 1900.

CHAP. 121.—An Act To amend an Act providing for the construction of a light-ship to be located near Cape Elizabeth, Maine.

Cape Elizabeth, Me.,
light-ship.
Vol. 30, p. 815.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act approved February fourth, eighteen hundred and ninety-nine, entitled "An Act providing for the construction of a light-ship to be located near Cape Elizabeth, Maine," is hereby amended so that the limit of the cost for the said light-ship and fog signal shall be increased from seventy thousand dollars to ninety thousand dollars, and the Secretary of the Treasury is hereby authorized and directed to proceed with the construction of the said light-ship and fog signal, as directed by the original Act as modified by this Act.

Approved, March 31, 1900.

CHAP. 156.—An Act Approving a revision and adjustment of certain sales of Otoe and Missouri lands in the States of Nebraska and Kansas.

April 4, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the revision and adjustment of the sales of lands in the late reservation of the confederated Otoe and Missouri tribes of Indians in the States of Nebraska and Kansas, to which more than three-fourths of the adult male members of said tribes have given their consent, by an instrument in writing dated the twentieth day of November, eighteen hundred and ninety-nine, and now on file in the office of the Secretary of the Interior, is hereby approved and confirmed, and the Secretary of the Interior is hereby directed to carry the same into full force and effect as to all delinquent purchasers of said lands, their heirs and legal representatives, in the following manner, to wit: The Secretary of the Interior shall cause notice to be given to said purchasers, their heirs and legal representatives, respectively, of the amounts of the deferred payments found to be due and unpaid on their respective purchases under the adjustment hereby confirmed; and within one year thereafter it shall be the duty of such purchasers, their heirs and representatives, respectively, to make full payment in cash of the amounts thus found to be due by them, severally, and in default of such payment within said period of one year the entry of any purchaser so in default shall be forthwith canceled and the lands shall be resold for the benefit of the Indians at not less than the appraised value thereof, and in no case at less than two dollars and fifty cents per acre, as provided in the Act under which they were originally sold. Upon making such complete payment within the time so fixed each purchaser, his heirs or legal representatives, shall be entitled to receive a patent for the lands so purchased.

Otoe and Missouri Indians, Nebraska and Kansas.

Vol. 27, p. 568.
Revision of sale of land in reservation of, confirmed.

—manner of enforcing as to delinquent purchasers.

Vol. 21, p. 380.

Approved, April 4, 1900.

CHAP. 157.—An Act To establish a military post at or near Des Moines, Iowa.

April 4, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That upon the transfer and conveyance to the United States of a good and sufficient title to not less than four hundred acres of land, without cost to the United States, situated at or near the city of Des Moines, in the county of Polk and State of Iowa, and on or near a railroad, and constituting an eligible and suitable site for an army post, and to be approved and accepted by the Secretary of War for that purpose, then and thereupon there shall be, and is hereby, established and located on said land a United States army post, of such character and capacity as the Secretary of War shall direct and approve.

Des Moines, Iowa.
Military post established at.

Approved, April 4, 1900.

CHAP. 158.—An Act Making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June thirtieth, nineteen hundred and one, and for other purposes.

April 4, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of pensions for the fiscal year ending June thirtieth, nineteen hundred and one, and for other purposes, namely:

Pensions appropriations.

For army and navy pensions, as follows: For invalids, widows, minor children, and dependent relatives, army nurses, and all other pension-

Invalid, etc., pensions.

<i>Provisos.</i> Navy pensions.	ers who are now borne on the rolls, or who may hereafter be placed thereon, under the provisions of any and all Acts of Congress, one hundred and forty-four million dollars: <i>Provided</i> , That the appropriation aforesaid for navy pensions shall be paid from the income of the navy pension fund so far as the same shall be sufficient for that purpose: <i>Provided further</i> , That the amount expended under each of the above items shall be accounted for separately.
Accounts.	
Examining surgeons.	For fees and expenses of examining surgeons for services rendered within the fiscal year nineteen hundred and one, seven hundred thousand dollars. And each member of each examining board shall, as now authorized by law, receive the sum of two dollars for the examination of each applicant whenever five or a less number shall be examined on any one day and one dollar for the examination of each additional applicant on such day: <i>Provided</i> , That if twenty or more applicants appear on one day no fewer than twenty shall, if practicable, be examined on said day, and that if fewer examinations be then made, twenty or more having appeared, then there shall be paid for the first examinations made on the next examination day the fee of one dollar only until twenty examinations shall have been made: <i>Provided further</i> , That no fee shall be paid to any member of an examining board who was not personally present and assisting in the examination of applicant: <i>And provided further</i> , That the report of such examining surgeons shall specifically state the rating which in their judgment the applicant is entitled to, and the report of such examining surgeons shall specifically and accurately set forth the physical condition of the applicant, each and every existing disability being fully and carefully described. The reports of the special examiners of the Bureau of Pensions shall be open to inspection and copy by the applicant or his attorney, under such rules and regulations as the Secretary of the Interior may prescribe.
—fees, etc.	
<i>Provisos.</i> Examinations.	
No fee unless service rendered.	
Report to state rating.	
—physical condition.	
—to be open to inspection.	
Agents' salaries.	For salaries of eighteen agents for the payment of pensions, at four thousand dollars each, seventy-two thousand dollars.
Clerk hire. <i>Proviso.</i> Apportionment.	For clerk hire, four hundred and thirty thousand dollars: <i>Provided</i> , That the amount of clerk hire for each agency shall be apportioned as nearly as practicable in proportion to the number of pensioners paid at each agency and the salaries paid shall be subject to the approval of the Secretary of the Interior.
Fuel.	For fuel, two hundred and fifty dollars.
Light.	For lights, five hundred dollars.
Rent.	For rents, twelve thousand four hundred and eighty dollars.
Stationery.	For stationery and other necessary expenses; thirty thousand dollars.

Approved, April 4, 1900.

April 4, 1900.

CHAP. 159.—An Act Making appropriations for the diplomatic and consular service for the fiscal year ending June thirtieth, nineteen hundred and one.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, severally appropriated, in full compensation for the diplomatic and consular service for the fiscal year ending June thirtieth, nineteen hundred and one, out of any money in the Treasury not otherwise appropriated, for the objects hereinafter expressed, namely:

Schedule A.

SCHEDULE A.

Salaries.

SALARIES OF AMBASSADORS AND MINISTERS.

Ambassadors.

Ambassadors extraordinary and plenipotentiary to France, Germany, Great Britain, Mexico, and Russia, at seventeen thousand five hundred dollars each, eighty-seven thousand five hundred dollars; .

Ambassador extraordinary and plenipotentiary to Italy, twelve thousand dollars;

Envoys extraordinary and ministers plenipotentiary to Austria, Brazil, China, Japan, and Spain, at twelve thousand dollars each, sixty thousand dollars;

Envoys extraordinary and ministers plenipotentiary.

Envoys extraordinary and ministers plenipotentiary to the Argentine Republic, Belgium, Chile, Colombia, Netherlands, Peru, Turkey, and Venezuela, at ten thousand dollars each, eighty thousand dollars;

Envoy extraordinary and minister plenipotentiary to Nicaragua, Costa Rica, and Salvador, ten thousand dollars;

Envoy extraordinary and minister plenipotentiary to Guatemala and Honduras, ten thousand dollars;

Envoys extraordinary and ministers plenipotentiary to Denmark, Paraguay and Uruguay, Portugal, Sweden and Norway, and Switzerland, at seven thousand five hundred dollars each, thirty-seven thousand five hundred dollars;

Envoy extraordinary and minister plenipotentiary to Roumania, Servia, and Greece, six thousand five hundred dollars;

Envoys extraordinary and ministers plenipotentiary to Bolivia and Ecuador, at five thousand dollars each, ten thousand dollars;

Envoy extraordinary and minister plenipotentiary to Haiti, to be accredited also as charge de affaires to Santo Domingo, seven thousand five hundred dollars;

Minister resident and consul-general to Korea, seven thousand five hundred dollars;

Ministers resident and consuls-general.

Minister resident and consul-general to Siam, seven thousand five hundred dollars;

Minister resident and consul-general to Persia, five thousand dollars;

Minister resident and consul-general to Liberia, four thousand dollars;

Agent and consul-general at Cairo, five thousand dollars;

Agent, etc., Cairo.

Chargés d'affaires ad interim and diplomatic officers abroad, thirty thousand dollars;

Chargés d'affaires.

Total, three hundred and eighty thousand dollars.

SALARIES OF DIPLOMATIC AND CONSULAR OFFICERS WHILE RECEIVING INSTRUCTIONS AND MAKING TRANSITS.

To pay the salaries of ambassadors, ministers, consuls, and other officers of the United States for the periods actually and necessarily occupied in receiving instructions, and in making transits to and from their posts, and while waiting recognition and authority to act, in pursuance of the provisions of section seventeen hundred and forty of the Revised Statutes, so much as may be necessary for the fiscal year ending June thirtieth, nineteen hundred and one, is hereby appropriated.

Instruction and transit pay.
R. S., sec. 1740, p. 309.

SALARIES OF SECRETARIES OF EMBASSIES AND LEGATIONS.

Secretaries of embassies to Great Britain, France, Germany, Italy, Mexico, and Russia, at two thousand six hundred and twenty-five dollars each, fifteen thousand seven hundred and fifty dollars;

Secretaries of embassies and legations.

Secretaries of legations to China and Japan, at two thousand six hundred and twenty-five dollars each, five thousand two hundred and fifty dollars;

Secretary of legation and consul-general to Colombia, two thousand dollars;

Secretary of legation to Guatemala and Honduras, one thousand eight hundred dollars;

Secretaries of legations to Nicaragua, Costa Rica, and Salvador, and to Chile, one thousand eight hundred dollars each, three thousand six hundred dollars;

Secretaries of legations to Turkey, Austria, Spain, and Brazil, at one thousand eight hundred dollars each, seven thousand two hundred dollars;

Secretaries of legations to Argentine Republic, Venezuela, and Peru, at one thousand eight hundred dollars each, Liberia, and Korea, at one thousand five hundred dollars each, eight thousand four hundred dollars;

Second secretaries of embassies to Great Britain, France, Germany, Italy, Mexico, and Russia, at two thousand dollars each, twelve thousand dollars;

Second secretaries.

Second secretaries of legations to Japan and China, who shall be American students of the language of the court and country to which they are appointed, respectively, and shall be allowed and required, under the direction of the Secretary of State, to devote their time to the acquisition of such language, at one thousand eight hundred dollars each, three thousand six hundred dollars;

Third secretaries.

Third secretaries of embassies to Great Britain, France, Mexico, and Germany, at one thousand two hundred dollars each, four thousand eight hundred dollars;

Total, sixty-four thousand four hundred dollars.

SALARIES OF INTERPRETERS TO LEGATIONS.

Interpreters.

Chinese secretary, legation to China, and interpreter to legation to Turkey, at three thousand dollars each, six thousand dollars;

Interpreter to legation to Japan, two thousand five hundred dollars;

Interpreter to legation and consulate-general to Persia, one thousand dollars;

Interpreter to legation and consulate-general to Korea, five hundred dollars;

Interpreter to legation and consulate-general to Bangkok, Siam, five hundred dollars;

Total, ten thousand five hundred dollars.

—not to draw salaries appropriated for other officers.

But no person drawing the salary of interpreter as above provided shall be allowed any part of the salary appropriated for any secretary of legation or other officer.

Spain.

LEGATION TO SPAIN.

Clerk hire.

For clerk hire at legation to Spain, one thousand two hundred dollars.

CONTINGENT EXPENSES, FOREIGN MISSIONS.

Contingent expenses, foreign missions.

To enable the President to provide, at the public expense, all such stationery, blanks, records, and other books, seals, presses, flags, and signs as he shall think necessary for the several embassies and legations in the transaction of their business, and also for rent, postage, telegrams, furniture, messenger service, clerk hire, compensation of kavasses, guards, dragomen, and porters, including compensation of interpreter, guards, and Arabic clerk at the consulate at Tangiers, and the compensation of dispatch agents at London, New York, and San Francisco, and for traveling and miscellaneous expenses of embassies and legations, and for printing in the Department of State, and for loss on bills of exchange to and from embassies and legations, one hundred and fifty thousand dollars.

Dispatch agents

Printing.
Loss by exchange.

STEAM LAUNCH FOR LEGATION AT CONSTANTINOPLE.

Steam launch, Turkey.

Hiring of steam launch for use of the legation at Constantinople, one thousand eight hundred dollars.

RENT OF LEGATION BUILDINGS AND GROUNDS IN CHINA.

Rent.

Rent of buildings for legation and other purposes at Peking, or such other place in China as shall be designated, three thousand six hundred dollars. China.

GROUND RENT OF LEGATION AT TOKYO, JAPAN.

Annual ground rent of the legation at Tokyo, Japan, for the year ending March fifteenth, nineteen hundred and one, two hundred and fifty dollars, or so much thereof as may be necessary. Japan.

REPAIRS OF LEGATION PREMISES AT BAN KOK, SIAM.

For repairing and improvement of legation premises at Bangkok, Siam, the same, with the ground, being the gift of the Government of Siam, two thousand dollars. Bangkok, Siam; repairs.

ANNUAL EXPENSES OF CAPE SPARTEL LIGHT, COAST OF MOROCCO.

Annual proportion of the expenses of Cape Spartel and Tangiers Light, on the coast of Morocco, including loss by exchange, three hundred and twenty-five dollars. Cape Spartel light.

BRINGING HOME CRIMINALS.

Actual expenses incurred in bringing home from foreign countries persons charged with crime, five thousand dollars. Bringing home criminals.

FEES AND COSTS IN EXTRADITION CASES.

To enable the Secretary of State to comply with the requirements of the fourth section of "An Act regulating fees and the practice in extradition cases," approved August third, eighteen hundred and eighty-two, to be disbursed by the Secretary of State, five thousand dollars. Extradition expenses. Vol. 22, p. 215.

RESCUING SHIPWRECKED AMERICAN SEAMEN.

Expenses which may be incurred in the acknowledgment of the services of masters and crews of foreign vessels in rescuing American seamen or citizens from shipwreck, four thousand five hundred dollars. Life-saving testimonials.

EXPENSES UNDER THE NEUTRALITY ACT.

To meet the necessary expenses attendant upon the execution of the neutrality Act, to be expended under the direction of the President, pursuant to the requirement of section two hundred and ninety-one of the Revised Statutes, eight thousand dollars, or so much thereof as may be necessary. Expenses, neutrality act. R. S., sec. 291, p. 49.

EMERGENCIES ARISING IN THE DIPLOMATIC AND CONSULAR SERVICE.

To enable the President to meet unforeseen emergencies arising in the diplomatic and consular service, and to extend the commercial and other interests of the United States, to be expended pursuant to the requirement of section two hundred and ninety-one of the Revised Statutes, sixty-three thousand dollars, or so much thereof as may be necessary. Unforeseen emergencies. R. S., sec. 291, p. 49.

ALLOWANCE TO WIDOWS OR HEIRS OF DIPLOMATIC OFFICERS WHO DIE
ABROAD.

Payment to heirs
diplomatic or consular
officers dying abroad.
R. S., sec. 1749, p. 311.

Payment, under the provisions of section seventeen hundred and forty-nine of the Revised Statutes of the United States, to the widows or heirs at law of diplomatic or consular officers of the United States dying in foreign countries in the discharge of their duties, five thousand dollars.

TRANSPORTING REMAINS OF DIPLOMATIC OFFICERS, CONSULS, AND CON-
SULAR CLERKS TO THEIR HOMES FOR INTERMENT.

Bringing home re-
mains of ministers,
consuls, etc.

Defraying the expenses of transporting the remains of diplomatic and consular officers of the United States, including consular clerks, who have died or may die abroad or in transit, while in the discharge of their official duties, to their former homes in this country for interment, and for the ordinary and necessary expenses of such interment, five thousand dollars.

INTERNATIONAL BUREAU OF WEIGHTS AND MEASURES.

International Bu-
reau of Weights and
Measures.
Vol. 20, p. 714.

Contribution to the maintenance of the International Bureau of Weights and Measures for the year ending June thirtieth, nineteen hundred and one, in conformity with the terms of the convention of May twenty-fourth, eighteen hundred and seventy-five, the same, or so much thereof as may be necessary, to be paid, under the direction of the Secretary of State, to said Bureau, on its certificate of apportionment, two thousand two hundred and seventy dollars.

INTERNATIONAL BUREAU FOR PUBLICATION OF CUSTOMS TARIFFS.

International cus-
toms Tariffs Bureau.

Vol. 26, p. 151

To meet the share of the United States in the annual expense for the year ending March thirty-first, nineteen hundred and one, of sustaining the International Bureau at Brussels for the translation and publication of customs tariffs, one thousand three hundred and eighteen dollars and seventy-six cents; this appropriation to be available on April first, nineteen hundred, pursuant to convention proclaimed December seventeenth, eighteen hundred and ninety.

INTERNATIONAL (WATER) BOUNDARY COMMISSION, UNITED STATES AND
MEXICO.

Mexican Water
Boundary Commis-
sion.
Vol. 24, p. 1011.
Vol. 26, p. 1512.

To enable the commission to continue its work under the treaties of eighteen hundred and eighty-four and eighteen hundred and eighty-nine, twenty thousand dollars.

INTERNATIONAL BUREAU AT BRUSSELS FOR REPRESSION OF THE AFRI-
CAN SLAVE TRADE.

Bureau for repres-
sion African slave
trade.
Vol. 27, p. 917.

To meet the share of the United States in the expenses of the special bureau created by article eighty-two of the general act concluded at Brussels July second, eighteen hundred and ninety, for the repression of the African slave trade and the restriction of the importation into and sale, in a certain defined zone of the African continent, of firearms, ammunition, and spirituous liquors, for the year nineteen hundred and one, one hundred dollars.

INTERNATIONAL PRISON COMMISSION.

International Pri-
son Commission.

For subscription of the United States as an adhering member of the International Prison Commission, and the expenses of a commissioner, including preparation of reports, two thousand dollars, or so much thereof as may be necessary.

INTERNATIONAL GEODETIC ASSOCIATION FOR THE MEASUREMENT OF THE EARTH.

To enable the Government of the United States to pay, through the American embassy at Berlin, its quota as an adhering member of the International Geodetic Association for the Measurement of the Earth, one thousand five hundred dollars.

International Geodetic Association.

REPAIRS TO LEGATION AND CONSULAR PREMISES.

To enable the Secretary of State to keep in repair the legation and consular premises owned by the Government of the United States and occupied by its agents, three thousand dollars.

Repairs to legations and consulates.

SCHEDULE B.

Schedule B.

SALARIES, CONSULAR SERVICE.

Salaries.

Consuls-general at London, Paris, and Rio de Janeiro, at five thousand dollars each, fifteen thousand dollars;

Consuls-general

Consuls-general at Hongkong, Shanghai, and Calcutta, at five thousand dollars each, fifteen thousand dollars;

Consul-general at Melbourne, four thousand five hundred dollars;

Consuls-general at Berlin, Montreal, Yokohama, Panama, and Mexico (city), at four thousand dollars each, twenty thousand dollars;

Consuls-general at Halifax, Ottawa, and Vienna, at three thousand five hundred dollars each, ten thousand five hundred dollars;

Consuls-general at Antwerp, Apia, Constantinople, Dresden, Guayaquil, Frankfort, Rome, Saint Petersburg, Singapore, Cape Town (Africa), Barcelona, and Saint Gall, at three thousand dollars each, thirty-six thousand dollars;

Consul-general at Monterey, at two thousand five hundred dollars;

Consul-general at Guatemala, two thousand dollars;

Consuls-general at Tangiers and Maracaibo, at two thousand dollars each, four thousand dollars;

Consul-general at Santo Domingo, two thousand dollars;

Consul-general and secretary of legation at Stockholm, one thousand five hundred dollars;

Consul-general at Christiania, one thousand five hundred dollars;

Total, one hundred and fourteen thousand five hundred dollars.

For salaries of consuls, vice-consuls, and commercial agents, four hundred and forty-six thousand dollars, as follows, namely:

Consuls, etc

CLASS I.

Class I, \$5,000 a year.

Consul at Liverpool, five thousand dollars.

CLASS II.

Class II, \$3,500 a year.

At three thousand five hundred dollars per annum.

China:

Consuls at Amoy, Canton, and Tientsin.

France:

Consul at Havre.

Peru:

Consul at Callao.

CLASS III.

Class III, \$3,000 a year.

At three thousand dollars per annum.

Austria:

Consul at Prague.

Chile:
 Consul at Valparaiso.
 Colombia:
 Consul at Colon (Aspinwall).
 China:
 Consuls at Cheefoo, Chinkiang, Fuchau, Hankow, and Chung King.
 France:
 Consul at Bordeaux.
 Germany:
 Consuls at Barmen and Nuremberg.
 Great Britain and British Dominions:
 Consuls at Belfast, Bradford, Demerara, Glasgow, Kingston
 (Jamaica), Manchester, and Dawson City, British North America.
 Japan:
 Consuls at Nagasaki, and Osaka and Hiogo.
 Mexico:
 Consul at Vera Cruz.
 Switzerland:
 Consul at Basel.
 Uruguay:
 Consul at Montevideo.

Class IV, \$2,500 a
 year.

CLASS IV.

At two thousand five hundred dollars per annum.
 Argentine Republic:
 Consul at Buenos Ayres.
 Austria:
 Consul at Reichenberg.
 Belgium:
 Consul at Brussels.
 Brazil:
 Consuls at Bahia, Santos and Pernambuco.
 Danish Dominions:
 Consul at Saint Thomas.
 France:
 Consuls at Lyons and Marseilles.
 Germany:
 Consuls at Aix la Chapelle, Annaberg, Bremen, Chemnitz, Ham-
 burg, Mayence, Plauen, and Stuttgart.
 Greece:
 Consul at Athens.
 Great Britain and British Dominions:
 Consuls at Barbados, Birmingham, Dundee, Edinburgh, Hudders-
 field, Nottingham, Sheffield, Southampton, Swansea, Tunstall, Quebec,
 and Victoria (British Columbia).
 Mexico:
 Consul at Ciudad Juarez.
 Netherlands:
 Consul at Rotterdam.
 Nicaragua:
 Consul at San Juan del Norte.
 Turkish Dominions:
 Consuls at Smyrna and Jerusalem.
 Russia:
 Consul at Vladivostock.

Class V, \$2,000 a
 year.

CLASS V.

At two thousand dollars per annum.
 Austria-Hungary:
 Consul at Trieste.

Belgium:

Consul at Ghent.

Brazil:

Consul at Para.

Colombia:

Consul at Barranquilla.

Costa Rica:

Consul at San Jose.

France:

Consuls at Calais, Reims, Roubaix, and Saint Etienne.

Germany:

Consuls at Bamberg, Cologne, Crefeld, Dusseldorf, Kehl, Leipzig, Munich, Brunswick, Coburg, Magdeburg, Solingen, Weimar, and Glauchau.

Great Britain and British Dominions:

Consuls at Bombay (India), Cardiff, Chatham, Collingwood, Cork, Dublin, Dunfermline, Newcastle on Tyne, Hamilton (Ontario), Leeds, London (Canada), Nassau (New Providence), Port Louis (Mauritius), Saint Thomas (Canada), Saint John (New Brunswick), Sherbrooke (Canada), Sydney (New South Wales), Toronto (Canada), Hamilton (Bermuda), Auckland (New Zealand), Trinidad, and Vancouver (British Columbia).

Honduras:

Consul at Tegucigalpa.

Italy:

Consuls at Genoa, Milan, Palermo and Naples.

Madagascar:

Consul at Tamatave.

Mexico:

Consuls at Acapulco, Chihuahua, Ciudad Porfirio Diaz, Mazatlan, Tampico, and Nuevo Laredo.

Netherlands:

Consul at Curaçao.

Nicaragua:

Consul at Managua.

Portuguese Dominions:

Consul at Lourenço Marquez (Africa).

Russia:

Consul at Odessa.

Salvador:

Consul at San Salvador.

South African Republic:

Consul at Pretoria.

Switzerland:

Consuls at Aarau, Berne, and Zurich.

Turkish Dominions:

Consuls at Beirut and Erzerum.

Venezuela:

Consul at La Guayra.

Zanzibar:

Consul at Zanzibar.

CLASS VI.

Class VI, \$1,500 a year.

At one thousand five hundred dollars per annum.

Argentine Republic:

Consul at Rosario.

Belgium:

Consul at Liege.

Colombia:

Consul at Cartagena.

Denmark:

Consul at Copenhagen.

France and French Dominions:

Consuls at Grenoble, Guadeloupe, La Rochelle, Limoges, Martinique, Nantes, and Nice.

Germany:

Consuls at Breslau, Freiburg, Hanover, Mannheim, and Zittau.

Great Britain and British Dominions:

Consuls at Aden (Arabia), Amherstburg (Canada), Antigua (West Indies), Belize (British Honduras), Bristol, Brockville (Ontario), Ceylon (India), Charlottetown (Prince Edward Island), Niagara Falls (Canada), Coaticook (Canada), Fort Erie (Canada), Goderich (Canada), Gibraltar, Guelph (Canada), Hull, Kingston (Canada), Malta, Morrisburg (Canada), Sydney (Nova Scotia), Port Hope (Canada), Orillia (Ontario), Port Sarnia (Canada), Port Stanley (Falkland Islands), Prescott (Canada), Saint Helena, Saint Hyacinth (Quebec), Saint Johns (Quebec), Saint Stephens (Canada), Sierra Leone (West Africa), Stratford (Ontario), Three Rivers (Canada), Wallaceburg (Canada), Windsor (Ontario), Winnipeg (Manitoba), Woodstock (New Brunswick), Yarmouth (Nova Scotia), and Saint Johns (Newfoundland).

Italy:

Consuls at Castellamare, Catania, Florence, Leghorn, Messina, and Venice.

Japan:

Consul at Tamsui, Formosa.

Mexico:

Consuls at Durango, Matamoras, Progreso, and Nogales.

Netherlands:

Consul at Amsterdam.

Paraguay:

Consul at Asuncion.

Portuguese Dominions:

Consuls at Saint Michaels (Azores) and Funchal (Madeira).

Spain:

Consuls at Cadiz, Valencia, and Malaga.

Switzerland:

Consul at Geneva.

Sweden and Norway:

Consul at Gottenburg.

Turkey:

Consuls at Alexandretta, Harpoot, and Sivas.

Venezuela:

Consul at Puerto Cabello.

Schedule C.

SCHEDULE C.

Class VII, \$1,000 a
year.

CLASS VII.

At one thousand dollars per annum.

Germany:

Consul at Stettin.

Great Britain and British Dominions:

Consuls at Gaspe Basin (Canada), and Windsor (Nova Scotia).

Greece:

Consul at Patras.

Haiti:

Consul at Cape Haitien.

Honduras:

Consul at Utila.

Italy:

Consul at Turin.

Mexico:
 Consuls at Ensenada and Saltillo.
 Netherlands:
 Consul at Batavia.
 Society Islands:
 Consul at Tahiti.

SALARIES OF CONSULAR CLERKS.

Ten consular clerks, at one thousand two hundred dollars each, twelve thousand dollars; and three consular clerks, at one thousand dollars each, three thousand dollars; total, fifteen thousand dollars. Consular clerks.

SALARIES OF CONSULAR OFFICERS NOT CITIZENS.

The salary of a consular officer not a citizen of the United States shall be paid out of the amount specifically appropriated for salary at the consular office to which the alien officer is attached or appointed. Payment to consular officers not citizens.

ALLOWANCE FOR CLERKS AT CONSULATES.

Allowance for clerks at consulates, as follows: Clerks at consulates.
 Liverpool, two thousand dollars;
 Bradford, one thousand eight hundred dollars;
 London, three thousand dollars;
 Shanghai, one thousand six hundred dollars;
 Paris, two thousand six hundred dollars;
 Rio de Janeiro, one thousand six hundred dollars;
 Antwerp, one thousand five hundred dollars;
 Berlin, Bordeaux, Bremen, Chemnitz, Crefeld, Frankfort, Hamburg, Havre, Hongkong, Yokohama, Lyons, Manchester, Mexico (city), Montreal, Ottawa, Rotterdam, Osaka, and Hioga, Barmen, and Vienna, at one thousand two hundred dollars each, twenty-two thousand eight hundred dollars;
 Southampton, one thousand seven hundred and fifty dollars;
 Halifax, six hundred and forty dollars;
 Belfast and Coburg, at one thousand dollars each, two thousand dollars;
 Birmingham and Marseilles, at nine hundred and sixty dollars each, one thousand nine hundred and twenty dollars;
 Brussels, Calcutta, Colon, Dresden, Dundee, Glasgow, Leipsic, Melbourne, Monterey, Nuremberg, Panama, Port au Prince, Sheffield, Singapore, Toronto, and Tunstall, at eight hundred dollars each, twelve thousand eight hundred dollars;
 Kingston (Jamaica), eight hundred dollars;
 Maracaibo, eight hundred dollars;
 Naples, eight hundred dollars;
 Guayaquil and Victoria, at eight hundred dollars each, one thousand six hundred dollars;
 Messina, Palermo, Saint Gall, Smyrna, and Tangier, at eight hundred dollars each, four thousand dollars;
 Edinburgh, at six hundred and forty dollars;
 Cairo, Cologne, Constantinople, Huddersfield, Aarau, Mayence, Munich, Nottingham, Odessa, Para, Pernambuco, Tampico, Vera Cruz, and Zurich, at six hundred dollars each, eight thousand four hundred dollars;
 Beirut, four hundred and eighty dollars;
 Ciudad Porfirio Diaz, six hundred and forty dollars;
 Ciudad Juarez, six hundred and forty dollars;
 Aix la Chapelle, six hundred and forty dollars;
 Prague, seven hundred and twenty dollars;

Berne, Demerara, Florence, Genoa, Malaga, Mannheim, and Stuttgart, at four hundred and eighty dollars each, three thousand three hundred and sixty dollars;

Consulates not specified.

Allowance for clerks at consulates, to be expended under the direction of the Secretary of State at consulates not herein provided for in respect to clerk hire, no greater portion of this sum than five hundred dollars to be allowed to any one consulate in any one fiscal year, thirty-five thousand dollars: *Provided*, That the total sum expended in one year shall not exceed the amount appropriated;

Proviso.
—limit.

Total, one hundred and fourteen thousand five hundred and thirty dollars.

SALARIES OF INTERPRETERS TO CONSULATES IN CHINA, KOREA, AND JAPAN.

Interpreters.

Interpreters to be employed at consulates in China, Korea, and Japan, to be expended under the direction of the Secretary of State, fifteen thousand dollars,

EXPENSES OF INTERPRETERS, GUARDS, AND SO FORTH, IN TURKISH DOMINIONS, AND SO FORTH.

Interpreters, guards, etc.

Interpreters and guards at the consulates in the Turkish dominions and at Zanzibar, to be expended under the direction of the Secretary of State, eight thousand dollars.

SALARIES, MARSHALS FOR CONSULAR COURTS.

Marshals.

Marshals for the consular courts in China, Korea, and Turkey, nine thousand three hundred dollars.

Consular prisons.

EXPENSES OF PRISONS FOR AMERICAN CONVICTS.

Bangkok.

Expenses of a prison and prison keeper at the consulate-general in Bangkok, Siam, one thousand dollars;

Shanghai.

Actual expense of renting a prison at Shanghai for American convicts in China, seven hundred and fifty dollars; and for the wages of a keeper of such prison, eight hundred dollars; one thousand five hundred and fifty dollars;

Keeping prisoners.

Provisos.
—maximum allowance.

Paying for the keeping and feeding of prisoners in China, Korea, Siam, and Turkey, nine thousand dollars: *Provided*, That no more than fifty cents per day for the keeping and feeding of each prisoner while actually confined shall be allowed or paid for any such keeping and feeding. This is not to be understood as covering cost of medical attendance and medicines when required by such prisoners: *And provided further*, That no allowance shall be made for the keeping and feeding of any prisoner who is able to pay or does pay the above sum of fifty cents per day; and the consular officer shall certify to the fact of inability in every case;

—self-supporting prisoners.

Rent, Turkey.

Rent of prison for American convicts in Turkey, and for wages of keepers of the same, one thousand dollars;

Total, twelve thousand five hundred and fifty dollars.

RELIEF AND PROTECTION OF AMERICAN SEAMEN.

Relief of American seamen.

Relief and protection of American seamen in foreign countries, and shipwrecked American seamen in the Territory of Alaska, in the Hawaiian Islands, Cuba, Puerto Rico, and the Philippine Islands, or so much thereof as may be necessary, thirty thousand dollars.

FOREIGN HOSPITAL AT CAPE TOWN.

Foreign hospitals.

Cape Town.

Annual contribution toward the support of the Somerset Hospital (a foreign hospital) at Cape Town, twenty-five dollars, to be paid by the Secretary of State upon the assurance that suffering seamen and citizens of the United States will be admitted to the privileges of said hospital.

FOREIGN HOSPITALS AT PANAMA.

Panama.

Annual contributions toward the support of foreign hospitals at Panama, five hundred dollars, to be paid by the Secretary of State upon the assurance that suffering seamen and citizens of the United States will be admitted to the privileges of said hospitals.

PUBLICATION OF DIPLOMATIC, CONSULAR, AND OTHER COMMERCIAL REPORTS.

Preparation, printing, publication, and distribution by the Department of State of the diplomatic, consular, and other commercial reports, thirty thousand dollars; and of this sum the Secretary of State is authorized to expend not exceeding five thousand five hundred dollars for services of employees in the Bureau of Foreign Commerce (formerly the Bureau of Statistics), Department of State, in the work of compiling and distributing such reports; the sum of two thousand dollars for the cost of cablegrams in instructing consular officers to report upon matters of immediate importance to commerce and industry, and of cablegrams of consuls on such subjects; also to defray the extra expense imposed upon consular officers in collecting certain data where it seems to be warranted; and not exceeding two hundred and fifty dollars in the purchase of such books, maps, and periodicals as may be necessary to the editing of diplomatic, consular, and other commercial reports: *Provided*, That all terms of measure, weight, and money shall be reduced to and expressed in terms of measure, weight, and coin of the United States, as well as in the foreign terms; that each issue of diplomatic, consular, and other commercial reports shall not exceed ten thousand copies.

Preparing, etc., consular reports.

Employees, etc.

Provido.
Equivalents of measure, etc.
Limit of issue of reports.

CONTINGENT EXPENSES, UNITED STATES CONSULATES.

Expenses of providing all such stationery, blanks, record and other books, seals, presses, flags, signs, rent, postage, furniture, statistics, newspapers, freight (foreign and domestic), telegrams, advertising, messenger service, traveling expenses of consular officers and consular clerks, compensation of Chinese writers, loss by exchange, and such other miscellaneous expenses as the President may think necessary for the several consulates, consular agencies, and commercial agencies in the transaction of their business, two hundred thousand dollars.

Contingent expenses, consulates.

INTERNATIONAL UNION OF AMERICAN REPUBLICS.

Commercial Bureau of American Republics, thirty-six thousand dollars: *Provided*, That any moneys received from the other American Republics for the support of the Bureau, or from the sale of the Bureau publications, from rents, or other sources shall be paid into the Treasury as a credit in addition to the appropriation, and may be drawn therefrom upon requisitions of the Secretary of State for the purpose of meeting the expenses of the Bureau: *And provided further*, That the Public Printer be, and is hereby, authorized to print an edition of the Monthly Bulletin not to exceed five thousand copies for distribution by the Bureau every month during the fiscal year ending June thirtieth, nineteen hundred and one.

Bureau of American Republics.
Provido.
Use of receipts from sales, etc.

Printing of Monthly Bulletin authorized.

Approved, April 4. 1900.

April 5, 1900.

CHAP. 178.—An Act To establish light and fog signal at Browns Point, in Puget Sound.

Browns Point, Puget Sound.
Light and fog signal established at.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a light and fog signal be established and constructed at Browns Point, on Commencement Bay, in Puget Sound, being at the entrance of the harbor of the city of Tacoma: said light and fog signal not to exceed the cost of six thousand dollars.

Approved, April 5, 1900.

April 7, 1900.

CHAP. 180.—An Act To complete the establishment and erection of a military post near the city of Sheridan, in the State of Wyoming, and making appropriation therefor.

Sheridan, Wyo.
Military post established near.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and directed to complete the establishment and erection of a military post near the city of Sheridan, in the State of Wyoming, at the site heretofore selected by the Major-General Commanding the Army and approved by the Secretary of War. The said post shall contain not less than one thousand two hundred and eighty acres, and the selection shall be from lands heretofore withdrawn from settlement for this purpose belonging to the United States and a part of the public domain.

Appropriation.

SEC. 2. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of one hundred thousand dollars, to be expended under the direction of the Secretary of War in continuing the work of constructing the necessary buildings, quarters, barracks, and stables for the post established under the provisions of this bill.

Approved, April 7, 1900.

April 9, 1900.

CHAP. 182.—An Act To settle the title to real estate in the city of Santa Fe, New Mexico.

Santa Fe, N. Mex.
Release to, of certain lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States of America hereby releases and quitclaims unto the city of Santa Fe, New Mexico, and its successors, all right, claim, or interest which the United States may have in or to any and all of the lands embraced within the present survey of the Santa Fe grant as the same appears on file in the General Land Office in Washington and in the office of the surveyor-general for the district of New Mexico, and approved by H. M. Atkinson, surveyor-general, and the Commissioner of the General Land Office, being a tract containing four square Spanish leagues, having for the center thereof the soldiers' monument in the center of the plaza of said city, and extending one Spanish league therefrom to each of the cardinal points of the compass, and patent from the United States shall issue therefor; this said grant and quitclaim to the city of Santa Fe being to it as a municipal corporation for all parks, streets, alleys, vacant unoccupied lands, or other public places now existing within said limits, and to the said city in trust for the benefit of all persons claiming title to their individual holdings of real estate within such limits by actual possession or under color of title for the period of ten years prior to the passage of this Act: *Provided,* That there is expressly reserved from this grant and quitclaim all lands and buildings now occupied or claimed by the United States for its Federal building,

Proviso,
—Reserved from grant.

national cemetery, the Fort Marcy Reservation, and Indian schools; and also reserving therefrom any private land grants that may have been, or may hereafter be confirmed by the Court of Private Land Claims or other authority of the United States.

SEC. 2. That it is hereby made the duty of the mayor and clerk of said city, and of their successors in office, to execute proper deeds of quitclaim to the persons entitled thereto under this Act for their respective holdings of real estate upon such claimants applying therefor and presenting proper deeds for the signatures of such officers, without any expense to the said applicants, and such deeds when executed shall be taken in all courts and places as a relinquishment of any claim or title to the lands therein described on the part of the United States.

Deeds of quitclaim,
etc.

SEC. 3. That this Act shall take effect and be in force from and after its passage.

Effect.

Approved, April 9, 1900.

CHAP. 183.—An Act Authorizing the Secretary of the Interior to issue patent to the city of Elreno, Oklahoma, for cemetery purposes.

April 9, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent to the city of Elreno, Oklahoma, for cemetery purposes, to the following-described land, to wit: The east half of the northeast quarter of section sixteen, township twelve, range seven, in Canadian County, Oklahoma: *Provided*, That said city pay one dollar and twenty-five cents per acre therefor, which sum shall be paid over to the Territorial school fund.

Elreno, Okla.
Patent to, for cer-
tain land.

Proviso.
Payment per acre.

Approved, April 9, 1900.

CHAP. 184.—An Act Ratifying an appropriation by the legislature of Oklahoma, out of the Morrill fund, for the use of the university at Langston for colored students.

April 9, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the appropriation made by the territorial legislature of the Territory of Oklahoma, by section five of an act approved March tenth, eighteen hundred and ninety-nine, entitled "An Act making appropriations for erecting, maintaining, and supporting the educational institutions of the Territory of Oklahoma for the years eighteen hundred and ninety-nine and nineteen hundred," be, and the same is hereby, ratified and confirmed

Oklahoma Territory.
Appropriation by
legislature for Lang-
ston University rati-
fied.

Approved, April 9, 1900.

CHAP. 185.—An Act To create the northwestern division of the northern district of Georgia for judicial purposes and to fix the time and place for holding court therein.

April 12, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the counties of Dade, Walker, Catoosa, Whitfield, Murray, Chattooga, Gordon, Floyd, Bartow, Polk, Paulding, Haralson, and Carroll, in the State of Georgia, shall constitute the northwestern division of the northern judicial district of Georgia, and a term of the circuit and district courts for said district shall be held in said division hereby created at the city of Rome on the third Monday of May and the third Monday of November

Northern judicial
district of Georgia.
Northwestern divi-
sion created.

Term of courts at
Rome.

Proviso.
—court accommoda-
tions.

Suits against resi-
dents of different divi-
sions, etc.

Prosecution of crimes.

Proviso.
—pending cases.

Appointment of
deputy clerks at Rome.

Proviso.
—approval of, etc.

Jurors

Effect.

Repeal.

of each year: *Provided, however,* That suitable rooms and accommodations are furnished for the holding of said courts free of expense to the Government of the United States.

SEC. 2. That all civil suits which shall hereafter be brought against a defendant or defendants who reside in said northwestern division of said district shall be brought in said northwestern division; but if there are two or more defendants residing in different divisions of said district, such suit may be brought in either division of said district in which any defendant or defendants reside, and all mesne and final process subject to the provisions of this Act issued in either of the divisions of the northern district of Georgia may be served and executed in either or all of the divisions.

SEC. 3. That all crimes and offenses against the laws of the United States committed within the counties comprising the northwestern division of said district shall be prosecuted, tried, and determined at the terms of the circuit and district courts herein provided for: *Provided, however,* That all prosecutions begun and pending at the taking effect of this Act shall be proceeded with and finally determined as if this Act were not passed.

SEC. 4. That the clerks of the circuit and district courts for said northern district shall each appoint a deputy, who shall reside and maintain an office at the city of Rome, each of whom, in the absence of the clerks, shall exercise all the powers and perform all the duties of his principal within the division for which he shall be appointed: *Provided,* That the appointment of such deputies shall be approved by the court for which they shall be respectively appointed, and they may be removed by such court at pleasure.

SEC. 5. That all the grand jurors and all jurors for the trial of civil and criminal causes in the division hereby created shall be selected from citizens residing in the division created by this Act.

SEC. 6. That this Act shall take effect from and after the thirtieth day of June, anno Domini nineteen hundred, and all Acts and parts of Acts so far as inconsistent herewith are hereby repealed.

Approved, April 12, 1900.

April 12, 1900.

CHAP. 186.—An Act To attach the county of Foard, in the State of Texas, to the Fort Worth division of the northern district of Texas, and providing that all process issued against defendants residing in said county shall be returned to Fort Worth.

Texas northern judi-
cial district.
Foard county at-
tached to Fort Worth
division of.
—process.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the county of Foard, in the State of Texas, be, and the same is hereby, assigned to the Fort Worth division of the northern judicial district of the State of Texas, and that all process issued against defendants residing in the said county of Foard shall be returned to Fort Worth.

Approved, April 12, 1900.

April 12, 1900.

CHAP. 187.—An Act Declaring certain trestles of the Washington County Railroad Company to be lawful structures.

Washington County
Railroad.
Certain trestles be-
longing to, declared
lawful structures.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the trestle on the Eastport Branch of the Washington County Railroad, being the property of the Washington County Railroad Company, and running from the extreme point of land south of Pleasant Point, in the town of Perry, county of Washington and State of Maine, to the extreme northern end of Carlows Island, in the town of Eastport, in said county and State; and a certain other trestle, also the property of said railroad

company, in the East Machias River, in said county of Washington and State of Maine, at the extreme end of said river, near the village of East Machias, in said county and State, be, and both of said trestles hereby are, declared to be lawful structures: *Provided*, That such modifications are made in their present position, condition, and elevation as the Secretary of War may order in the interests of navigation.

Proviso.
—changes of position,
etc.

Approved, April 12, 1900.

CHAP. 188.—An Act To amend an Act approved June tenth, eighteen hundred and eighty, governing the immediate transportation of dutiable merchandise without appraisement.

April 12, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the privileges of the Act approved June tenth, eighteen hundred and eighty, governing the immediate transportation of dutiable merchandise without appraisement, be, and the same are hereby, extended to the ports of Laredo, Eagle Pass, and El Paso, Texas, and Nogales, Arizona.

Laredo, Eagle Pass,
and El Paso, Tex., and
Nogales, Ariz.
Immediate trans-
portation privileges,
etc., extended to.
Vol. 21, p. 174.

Approved, April 12, 1900.

CHAP. 189.—An Act Permitting the building of a dam between Coon Rapids and the north limits of the city of Minneapolis, Minnesota, across the Mississippi River.

April 12, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the Twin City Rapid Transit Company, its successors or assigns, to construct across the Mississippi River, at any point between Coon Rapids and the north line of the limits of the city of Minneapolis, a dam, canal, and works necessarily incident thereto, for water-power purposes. The said dam shall be so constructed that there can, at any time, be constructed in connection therewith a suitable lock for navigation purposes: *Provided, also*, That the Government of the United States may at any time take possession of said dam and appurtenant works and control the same for purposes of navigation by paying the said company the value not exceeding the actual cost of the same, but shall not do so to the destruction of the water power created by said dam to any greater extent than may be necessary to provide proper facilities for navigation: *Provided further*, That the works shall be constructed so as to provide for the free passage of saw logs. The said Twin City Rapid Transit Company shall make such change and modification in the works as the Secretary of War may from time to time deem necessary in the interests of navigation, at its own cost and expense: *Provided further*, That in case any litigation arises from the obstruction of the channel by the dam, canal, or appurtenant works, the case may be tried in the proper Federal court of the United States in which the works are situated.

Twin City Rapid
Transit Company may
dam Mississippi River
at Coon Rapids, etc.

Provisos.
Government con-
trol.

Passage of saw logs.
Changes.

Litigation.

SEC. 2. That the right to amend, alter, or repeal this Act is hereby expressly reserved: *And provided further*, That suitable fishways, to be approved by the United States Fish Commissioner, shall be constructed and maintained at said dam by the Twin City Rapid Transit Company, its successors or assigns.

Amendment.
Proviso.
Fishways.

SEC. 3. That this Act shall become null and void unless the dam herein authorized be commenced on or before the first day of July, nineteen hundred and one, and be completed within three years thereafter.

Commencement
and completion.

Approved, April 12, 1900.

April 12, 1900.

CHAP. 190.—An Act To authorize the Shreveport and Red River Valley Railway Company to build and maintain a railway bridge across Red River, at or near the town of Alexandria, in the Parish of Rapides, State of Louisiana.

Shreveport and Red River Valley Railway may bridge Red River at Alexandria, La.

Transit, tolls, etc.

To be lawful structure and post route.

Telegraph, etc., companies.

Proviso.
Aids to navigation.

Draw.

Lights.

Alterations.

Litigation.

Proviso.
Existing law unchanged, etc.

Railroad rights to use.

Secretary of War to approve plans, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Shreveport and Red River Valley Railway Company, a corporation duly incorporated and existing under and by virtue of the laws of the State of Louisiana, be, and is hereby, authorized to construct and maintain, by itself or through its assignees, a railway bridge across Red River at a point suitable to the interest of navigation, at or near the town of Alexandria, in the parish of Rapides, State of Louisiana. Said bridge shall be constructed to provide for passage of railway trains, and for transmission of the mails at such legal rates of toll as may be fixed by said railway company, or its transferees, and approved by the Secretary of War.

SEC. 2. That said bridge, built under this Act and subject to its limitations, shall be a lawful structure, and shall be recognized and known as a post route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and munitions of war of the United States than the rate per mile paid for the transportation over the railroad or public highways leading to the said bridge, and shall enjoy the rights and privileges of other post-roads in the United States; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies; and the United States shall have the right of way across said bridge and its approaches for postal telegraph purposes: *Provided*, That the bridge herein authorized to be constructed shall be so kept and managed by the company owning or operating it as to afford proper ways and means for the passage through or under it of vessels, barges, or rafts at all times, both by day and by night; and if said bridge be constructed as a drawbridge, the draw shall be opened promptly upon reasonable signal for the passage of boats; and upon whatever kind of bridge is built there shall be displayed on said bridge from sunset to sunrise, at the expense of said company, such lights and signals as the Light-House Board shall prescribe.

SEC. 3. That if said bridge, erected and maintained under the authority of this Act, shall at any time substantially or materially obstruct the free navigation of said river, or shall, in the opinion of the Secretary of War, obstruct such navigation, he is hereby authorized to cause such change or alteration of said bridge to be made as will effectually obviate such obstruction; and such alteration shall be made and all such obstructions be removed at the expense of the owners or operators of said bridge; and in case of any litigation arising from the obstruction or alleged obstruction to the free navigation of said river, the case may be brought in the district court of the United States for the western district of Louisiana: *Provided*, That nothing in this Act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers, or to exempt said bridge from the operation of same.

SEC. 4. That all railroad companies desiring to use the said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains over the same and the approaches thereto upon the payment of a reasonable compensation for such use, which compensation may be different in case of different railways. In case of disagreement as to compensation for the use of said bridge, the difference shall be determined by the Secretary of War upon hearing the allegations and proof of the parties in interest.

SEC. 5. That the bridge authorized to be constructed under this Act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe; and to secure that object the said company or corporation

shall submit to the Secretary of War, for his examination and approval, a design and drawing of said bridge, and a map of the location, prepared with reference to known datum plane upon prescribed scales furnished by the engineer officer having supervision of said river, and giving, for the space of two miles above and two miles below the proposed location of the bridge, the topography of the banks of the river, with shore lines at high and low water, the direction and strength of the currents at all stages, and the soundings accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject. And until said plans and location of the bridge are approved by the Secretary of War the bridge shall not be built; and should any change be made in the plan of the said bridge during the process of construction, such change shall be subject to the approval of the Secretary of War, and said structure shall be changed at the cost and expense of the owners thereof, from time to time, as the Secretary of War may direct, so as to preserve the free and convenient navigation of said river.

SEC. 6. That this Act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date hereof.

SEC. 7. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, April 12, 1900.

CHAP. 191.—An Act Temporarily to provide revenues and a civil government for Porto Rico, and for other purposes.

April 12, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of this Act shall apply to the island of Porto Rico and to the adjacent islands and waters of the islands lying east of the seventy-fourth meridian of longitude west of Greenwich, which were ceded to the United States by the Government of Spain by treaty entered into on the tenth day of December, eighteen hundred and ninety-eight; and the name Porto Rico, as used in this Act, shall be held to include not only the island of that name, but all the adjacent islands as aforesaid.

Porto Rico.
Provisions for civil
government, etc.
Scope of act.
Vol. 30, p. 1754.

SEC. 2. That on and after the passage of this Act the same tariffs, customs, and duties shall be levied, collected, and paid upon all articles imported into Porto Rico from ports other than those of the United States which are required by law to be collected upon articles imported into the United States from foreign countries: *Provided*, That on all coffee in the bean or ground imported into Porto Rico there shall be levied and collected a duty of five cents per pound, any law or part of law to the contrary notwithstanding: *And provided further*, That all Spanish scientific, literary, and artistic works, not subversive of public order in Porto Rico, shall be admitted free of duty into Porto Rico for a period of ten years, reckoning from the eleventh day of April, eighteen hundred and ninety-nine, as provided in said treaty of peace between the United States and Spain: *And provided further*, That all books and pamphlets printed in the English language shall be admitted into Porto Rico free of duty when imported from the United States.

Tariff on foreign im-
ports.

Provisos.
—coffee.

Spanish books ad-
mitted free.

English books from
the United States.

SEC. 3. That on and after the passage of this Act all merchandise coming into the United States from Porto Rico and coming into Porto Rico from the United States shall be entered at the several ports of entry upon payment of fifteen per centum of the duties which are required to be levied, collected, and paid upon like articles of merchandise imported from foreign countries; and in addition thereto upon articles of merchandise of Porto Rican manufacture coming into the

Tariff as between
the United States and
Porto Rico.

—on Porto Rican
manufactures.

—United States, man-
ufactures.

Proviso.
Admission free of
merchandise not du-
tiable in the United
States.

Duties to cease when
system of local tax-
ation established, etc.

No duties after
March 1, 1902.

¹
Duties, etc., to con-
stitute separate fund
in Treasury for bene-
fit of Porto Rico.

Secretary of Treas-
ury to designate ports
of entry and to make
rules and regulations.

Proviso.
Duties to be paid
into Porto Rican
treasury when civil
government estab-
lished.

¹ Duties on entry or
withdrawal of mer-
chandise imported
from Porto Rico prior
to this act, etc.

United States and withdrawn for consumption or sale upon payment of a tax equal to the internal-revenue tax imposed in the United States upon the like articles of merchandise of domestic manufacture; such tax to be paid by internal-revenue stamp or stamps to be purchased and provided by the Commissioner of Internal Revenue and to be procured from the collector of internal revenue at or most convenient to the port of entry of said merchandise in the United States, and to be affixed under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe; and on all articles of merchandise of United States manufacture coming into Porto Rico in addition to the duty above provided upon payment of a tax equal in rate and amount to the internal-revenue tax imposed in Porto Rico upon the like articles of Porto Rican manufacture: *Provided*, That on and after the date when this Act shall take effect, all merchandise and articles, except coffee, not dutiable under the tariff laws of the United States, and all merchandise and articles entered in Porto Rico free of duty under orders heretofore made by the Secretary of War, shall be admitted into the several ports thereof, when imported from the United States, free of duty, all laws or parts of laws to the contrary notwithstanding; and whenever the legislative assembly of Porto Rico shall have enacted and put into operation a system of local taxation to meet the necessities of the government of Porto Rico, by this Act established, and shall by resolution duly passed so notify the President, he shall make proclamation thereof, and thereupon all tariff duties on merchandise and articles going into Porto Rico from the United States or coming into the United States from Porto Rico shall cease, and from and after such date all such merchandise and articles shall be entered at the several ports of entry free of duty; and in no event shall any duties be collected after the first day of March, nineteen hundred and two, on merchandise and articles going into Porto Rico from the United States or coming into the United States from Porto Rico.

SEC. 4. That the duties and taxes collected in Porto Rico in pursuance of this Act, less the cost of collecting the same, and the gross amount of all collections of duties and taxes in the United States upon articles of merchandise coming from Porto Rico, shall not be covered into the general fund of the Treasury, but shall be held as a separate fund, and shall be placed at the disposal of the President to be used for the government and benefit of Porto Rico until the government of Porto Rico herein provided for shall have been organized, when all moneys theretofore collected under the provisions hereof, then unexpended, shall be transferred to the local treasury of Porto Rico, and the Secretary of the Treasury shall designate the several ports and sub-ports of entry in Porto Rico and shall make such rules and regulations and appoint such agents as may be necessary to collect the duties and taxes authorized to be levied, collected, and paid in Porto Rico by the provisions of this Act, and he shall fix the compensation and provide for the payment thereof of all such officers, agents, and assistants as he may find it necessary to employ to carry out the provisions hereof: *Provided, however*, That as soon as a civil government for Porto Rico shall have been organized in accordance with the provisions of this Act and notice thereof shall have been given to the President he shall make proclamation thereof, and thereafter all collections of duties and taxes in Porto Rico under the provisions of this Act shall be paid into the treasury of Porto Rico, to be expended as required by law for the government and benefit thereof instead of being paid into the Treasury of the United States.

SEC. 5. That on and after the day when this Act shall go into effect all goods, wares, and merchandise previously imported from Porto Rico, for which no entry has been made, and all goods, wares, and merchandise previously entered without payment of duty and under

bond for warehousing, transportation, or any other purpose, for which no permit of delivery to the importer or his agent has been issued, shall be subjected to the duties imposed by this Act, and to no other duty, upon the entry or the withdrawal thereof: *Provided*, That when duties are based upon the weight of merchandise deposited in any public or private bonded warehouse said duties shall be levied and collected upon the weight of such merchandise at the time of its entry.

Proviso.
—duties based on weight.

GENERAL PROVISIONS.

General provisions.

SEC. 6. That the capital of Porto Rico shall be at the city of San Juan and the seat of government shall be maintained there.

Capital.

SEC. 7. That all inhabitants continuing to reside therein who were Spanish subjects on the eleventh day of April, eighteen hundred and ninety-nine, and then resided in Porto Rico, and their children born subsequent thereto, shall be deemed and held to be citizens of Porto Rico, and as such entitled to the protection of the United States, except such as shall have elected to preserve their allegiance to the Crown of Spain on or before the eleventh day of April, nineteen hundred, in accordance with the provisions of the treaty of peace between the United States and Spain entered into on the eleventh day of April, eighteen hundred and ninety-nine; and they, together with such citizens of the United States as may reside in Porto Rico, shall constitute a body politic under the name of The People of Porto Rico, with governmental powers as hereinafter conferred, and with power to sue and be sued as such.

Spanish subjects deemed citizens of Porto Rico, etc.

Vol. 30, p. 1759.

—to constitute body politic, etc.

SEC. 8. That the laws and ordinances of Porto Rico now in force shall continue in full force and effect, except as altered, amended, or modified hereinafter, or as altered or modified by military orders and decrees in force when this Act shall take effect, and so far as the same are not inconsistent or in conflict with the statutory laws of the United States not locally inapplicable, or the provisions hereof, until altered, amended, or repealed by the legislative authority hereinafter provided for Porto Rico or by Act of Congress of the United States: *Provided*, That so much of the law which was in force at the time of cession, April eleventh, eighteen hundred and ninety-nine, forbidding the marriage of priests, ministers, or followers of any faith because of vows they may have taken, being paragraph four, article eighty-three, chapter three, civil code, and which was continued by the order of the secretary of justice of Porto Rico, dated March seventeenth, eighteen hundred and ninety-nine, and promulgated by Major-General Guy V. Henry, United States Volunteers, is hereby repealed and annulled, and all persons lawfully married in Porto Rico shall have all the rights and remedies conferred by law upon parties to either civil or religious marriages: *And provided further*, That paragraph one, article one hundred and five, section four, divorce, civil code, and paragraph two, section nineteen, of the order of the minister of justice of Porto Rico, dated March seventeenth, eighteen hundred and ninety-nine, and promulgated by Major-General Guy V. Henry, United States Volunteers, be, and the same hereby are, so amended as to read: "Adultery on the part of either the husband or the wife."

Existing laws continued.
—except.

Provisos.
—marriage of priests, etc.

—adultery, etc.

Nationalization of Porto Rican vessels.

SEC. 9. That the Commissioner of Navigation shall make such regulations, subject to the approval of the Secretary of the Treasury, as he may deem expedient for the nationalization of all vessels owned by the inhabitants of Porto Rico on the eleventh day of April, eighteen hundred and ninety-nine, and which continued to be so owned up to the date of such nationalization, and for the admission of the same to all the benefits of the coasting trade of the United States; and the coasting trade between Porto Rico and the United States shall be regulated in accordance with the provisions of law applicable to such trade between any two great coasting districts of the United States.

- Quarantine stations. SEC. 10. That quarantine stations shall be established at such places
—regulations. in Porto Rico as the Supervising Surgeon-General of the Marine-Hospital Service of the United States shall direct, and the quarantine regulations relating to the importation of diseases from other countries shall be under the control of the Government of the United States.
- Redemption of Porto Rican coins. SEC. 11. That for the purpose of retiring the Porto Rican coins now in circulation in Porto Rico and substituting therefor the coins of the United States, the Secretary of the Treasury is hereby authorized to redeem, on presentation in Porto Rico, all the silver coins of Porto Rico known as the peso and all other silver and copper Porto Rican coins now in circulation in Porto Rico, not including any such coins that may be imported into Porto Rico after the first day of February, nineteen hundred, at the present established rate of sixty cents in the coins of the United States for one peso of Porto Rican coin, and for all minor or subsidiary coins the same rate of exchange shall be applied.
—recoinage. The Porto Rican coins so purchased or redeemed shall be recoined at the expense of the United States, under the direction of the Secretary of the Treasury, into such coins of the United States now authorized by law as he may direct, and from and after three months after the date when this Act shall take effect no coins shall be a legal tender, in payment of debts thereafter contracted, for any amount in Porto Rico, except those of the United States; and whatever sum may be required to carry out the provisions hereof, and to pay all expenses that may be incurred in connection therewith, is hereby appropriated, and the Secretary of the Treasury is hereby authorized to establish such regulations and employ such agencies as may be necessary to accomplish the purposes hereof: *Provided, however,* That all debts owing on the date when this Act shall take effect shall be payable in the coins of Porto Rico now in circulation, or in the coins of the United States at the rate of exchange above named.
- Legal tender.
- Appropriation.
- Regulations.
- Proviso.*
Existing debts; in what payable. SEC. 12. That all expenses that may be incurred on account of the government of Porto Rico for salaries of officials and the conduct of their offices and departments, and all expenses and obligations contracted for the internal improvement or development of the island, not, however, including defenses, barracks, harbors, light-houses, buoys, and other works undertaken by the United States, shall be paid by the treasurer of Porto Rico out of the revenues in his custody.
- Expenses payable from Porto Rican revenues. SEC. 13. That all property which may have been acquired in Porto Rico by the United States under the cession of Spain in said treaty of peace in any public bridges, road houses, water powers, highways, unnavigable streams, and the beds thereof, subterranean waters, mines, or minerals under the surface of private lands, and all property which at the time of the cession belonged, under the laws of Spain then in force, to the various harbor-works boards of Porto Rico, and all the harbor shores, docks, slips, and reclaimed lands, but not including harbor areas or navigable waters, is hereby placed under the control of the government established by this Act to be administered for the benefit of the people of Porto Rico; and the legislative assembly hereby created shall have authority, subject to the limitations imposed upon all its acts, to legislate with respect to all such matters as it may deem advisable.
- Property in bridges, unnavigable streams, etc., acquired under treaty of peace placed under government of Porto Rico, etc.
- Federal laws applicable. SEC. 14. That the statutory laws of the United States not locally inapplicable, except as hereinbefore or hereinafter otherwise provided, shall have the same force and effect in Porto Rico as in the United States, except the internal-revenue laws, which, in view of the provisions of section three, shall not have force and effect in Porto Rico.
- Legislature may repeal, etc., laws continued in force. SEC. 15. That the legislative authority hereinafter provided shall have power by due enactment to amend, alter, modify, or repeal any law or ordinance, civil or criminal, continued in force by this Act, as it may from time to time see fit.

SEC. 16. That all judicial process shall run in the name of "United States of America, ss: the President of the United States," and all criminal or penal prosecutions in the local courts shall be conducted in the name and by the authority of "The people of Porto Rico;" and all officials authorized by this Act shall before entering upon the duties of their respective offices take an oath to support the Constitution of the United States and the laws of Porto Rico.

Judicial process.

Oath.

THE GOVERNOR.

The governor.

SEC. 17. That the official title of the chief executive officer shall be "The Governor of Porto Rico." He shall be appointed by the President, by and with the advice and consent of the Senate; he shall hold his office for a term of four years and until his successor is chosen and qualified unless sooner removed by the President; he shall reside in Porto Rico during his official incumbency, and shall maintain his office at the seat of government; he may grant pardons and reprieves, and remit fines and forfeitures for offenses against the laws of Porto Rico, and respites for offenses against the laws of the United States, until the decision of the President can be ascertained; he shall commission all officers that he may be authorized to appoint, and may veto any legislation enacted, as hereinafter provided; he shall be the commander in chief of the militia, and shall at all times faithfully execute the laws, and he shall in that behalf have all the powers of governors of the Territories of the United States that are not locally inapplicable; and he shall annually, and at such other times as he may be required, make official report of the transactions of the government in Porto Rico, through the Secretary of State, to the President of the United States: *Provided*, That the President may, in his discretion, delegate and assign to him such executive duties and functions as may in pursuance with law be so delegated and assigned.

Title.

Appointment.

Term of office.

Location of office.

Powers.

Report.

Proviso.
Duties which may
be assigned him.

THE EXECUTIVE COUNCIL.

SEC. 18. That there shall be appointed by the President, by and with the advice and consent of the Senate, for the period of four years, unless sooner removed by the President, a secretary, an attorney-general, a treasurer, an auditor, a commissioner of the interior, and a commissioner of education, each of whom shall reside in Porto Rico during his official incumbency and have the powers and duties hereinafter provided for them, respectively, and who, together with five other persons of good repute, to be also appointed by the President for a like term of four years, by and with the advice and consent of the Senate, shall constitute an executive council, at least five of whom shall be native inhabitants of Porto Rico, and, in addition to the legislative duties hereinafter imposed upon them as a body, shall exercise such powers and perform such duties as are hereinafter provided for them, respectively, and who shall have power to employ all necessary deputies and assistants for the proper discharge of their duties as such officials and as such executive council.

Appointment of officials, etc., who shall constitute the executive council.

—duties.

SEC. 19. That the secretary shall record and preserve minutes of the proceedings of the executive council and the laws enacted by the legislative assembly and all acts and proceedings of the governor, and shall promulgate all proclamations and orders of the governor and all laws enacted by the legislative assembly. He shall, within sixty days after the end of each session of the legislative assembly, transmit to the President, the President of the Senate, the Speaker of the House of Representatives, and the Secretary of State of the United States one copy each of the laws and journals of such session.

Secretary; duties of, etc.

SEC. 20. That in case of the death, removal, resignation, or disability of the governor, or his temporary absence from Porto Rico, the

—to act in absence of governor.

secretary shall exercise all the powers and perform all the duties of the governor during such vacancy, disability, or absence.

Attorney-general.

SEC. 21. That the attorney-general shall have all the powers and discharge all the duties provided by law for an attorney of a Territory of the United States in so far as the same are not locally inapplicable, and he shall perform such other duties as may be prescribed by law, and make such reports, through the governor, to the Attorney-General of the United States as he may require, which shall annually be transmitted to Congress.

Treasurer

SEC. 22. That the treasurer shall give bond, approved as to form by the attorney-general of Porto Rico, in such sum as the executive council may require, not less, however, than the sum of one hundred thousand dollars, with surety approved by the governor, and he shall collect and be the custodian of the public funds, and shall disburse the same when appropriated by law, on warrants signed by the auditor and countersigned by the governor, and shall perform such other duties as may be prescribed by law, and make, through the governor, such reports to the Secretary of the Treasury of the United States as he may require, which shall annually be transmitted to Congress.

Auditor.

SEC. 23. That the auditor shall keep full and accurate accounts, showing all receipts and disbursements, and perform such other duties as may be prescribed by law, and make, through the governor, such reports to the Secretary of the Treasury of the United States as he may require, which shall annually be transmitted to Congress.

Commissioner of the interior.

SEC. 24. That the commissioner of the interior shall superintend all works of a public nature, and shall have charge of all public buildings, grounds, and lands, except those belonging to the United States, and shall execute such requirements as may be imposed by law with respect thereto, and shall perform such other duties as may be prescribed by law, and make such reports through the governor to the Secretary of the Interior of the United States as he may require, which shall annually be transmitted to Congress.

Commissioner of education.

SEC. 25. That the commissioner of education shall superintend public instruction throughout Porto Rico, and all disbursements on account thereof must be approved by him; and he shall perform such other duties as may be prescribed by law, and make such reports through the governor as may be required by the Commissioner of Education of the United States, which shall annually be transmitted to Congress.

Other members of executive council; duties, etc.

SEC. 26. That the other five members of the executive council, to be appointed as hereinbefore provided, shall attend all meetings of the executive council and participate in all business of every character that may be transacted by it; and they shall receive as compensation for their services such annual salaries as may be provided by the legislative assembly.

HOUSE OF DELEGATES.

Legislative assembly of Porto Rico to consist of executive council and house of delegates.

SEC. 27. That all local legislative powers hereby granted shall be vested in a legislative assembly which shall consist of two houses; one the executive council, as hereinbefore constituted, and the other a house of delegates, to consist of thirty-five members elected biennially by the qualified voters as hereinafter provided; and the two houses thus constituted shall be designated "The legislative assembly of Porto Rico."

Election districts.

SEC. 28. That for the purposes of such elections Porto Rico shall be divided by the executive council into seven districts, composed of contiguous territory and as nearly equal as may be in population, and each district shall be entitled to five members of the house of delegates.

ELECTION OF DELEGATES.

Election of delegates.

SEC. 29. That the first election for delegates shall be held on such date and under such regulations as to ballots and voting as the executive

council may prescribe; and at such elections the voters of each legislative district shall choose five delegates to represent them in the house of delegates from the date of their election and qualification until two years from and after the first day of January next ensuing; of all which thirty days' notice shall be given by publication in the Official Gazette, or by printed notices distributed and posted throughout the district, or by both, as the executive council may prescribe. At such elections all citizens of Porto Rico shall be allowed to vote who have been bona fide residents for one year and who possess the other qualifications of voters under the laws and military orders in force on the first day of March, nineteen hundred, subject to such modifications and additional qualifications and such regulations and restrictions as to registration as may be prescribed by the executive council. The house of delegates so chosen shall convene at the capital and organize by the election of a speaker, a clerk, a sergeant-at-arms, and such other officers and assistants as it may require; at such time as may be designated by the executive council; but it shall not continue in session longer than sixty days in any one year, unless called by the governor to meet in extraordinary session. The enacting clause of the laws shall be, "Be it enacted by the legislative assembly of Porto Rico;" and each member of the house of delegates shall be paid for his services at the rate of five dollars per day for each day's attendance while the house is in session, and mileage at the rate of ten cents per mile for each mile necessarily traveled each way to and from each session of the legislative assembly.

All future elections of delegates shall be governed by the provisions hereof, so far as they are applicable, until the legislative assembly shall otherwise provide.

SEC. 30. That the house of delegates shall be the sole judge of the elections, returns, and qualifications of its members, and shall have and exercise all the powers with respect to the conduct of its proceedings that usually appertain to parliamentary legislative bodies. No person shall be eligible to membership in the house of delegates who is not twenty-five years of age and able to read and write either the Spanish or the English language, or who is not possessed in his own right of taxable property, real or personal, situated in Porto Rico.

SEC. 31. That all bills may originate in either house, but no bill shall become a law unless it be passed in each house by a majority vote of all the members belonging to such house and be approved by the governor within ten days thereafter. If, when a bill that has been passed is presented to the governor for signature, he approves the same, he shall sign it, or if not he shall return it, with his objections, to that house in which it originated, which house shall enter his objections at large on its journal, and proceed to reconsider the bill. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be considered, and if approved by two-thirds of that house it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered upon the journal of each house, respectively. If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislative assembly by adjournment prevent its return, in which case it shall not be a law: *Provided, however,* That all laws enacted by the legislative assembly shall be reported to the Congress of the United States, which hereby reserves the power and authority, if deemed advisable, to annul the same.

SEC. 32. That the legislative authority herein provided shall extend to all matters of a legislative character not locally inapplicable, includ-

—term of service, etc.

Qualified voters.

Organization of house of delegates.

Length of session.

Enacting clause of laws.

Salary, etc., of members.

Existing provisions continued until changed by legislature.

Powers of house of delegates.

Qualifications of members.

Bills; passage of, etc.

—approval.

—veto, etc.

Provido.

Congress may annul laws.

Legislative authority; scope of.

ing power to create, consolidate, and reorganize the municipalities, so far as may be necessary, and to provide and repeal laws and ordinances therefor; and also the power to alter, amend, modify, and repeal any and all laws and ordinances of every character now in force in Porto Rico, or any municipality or district thereof, not inconsistent with the provisions hereof: *Provided, however,* That all grants of franchises, rights, and privileges or concessions of a public or quasi-public nature shall be made by the executive council, with the approval of the governor, and all franchises granted in Porto Rico shall be reported to Congress, which hereby reserves the power to annul or modify the same.

Proviso.
Grant of franchises.

The judiciary.

THE JUDICIARY.

Established courts continued.

SEC. 33. That the judicial power shall be vested in the courts and tribunals of Porto Rico as already established and now in operation, including municipal courts, under and by virtue of General Orders, Numbered One hundred and eighteen, as promulgated by Brigadier-General Davis, United States Volunteers, August sixteenth, eighteen hundred and ninety-nine, and including also the police courts established by General Orders, Numbered One hundred and ninety-five, promulgated November twenty-ninth, eighteen hundred and ninety-nine, by Brigadier-General Davis, United States Volunteers, and the laws and ordinances of Porto Rico and the municipalities thereof in force, so far as the same are not in conflict herewith, all which courts and tribunals are hereby continued. The jurisdiction of said courts and the form of procedure in them, and the various officials and attachés thereof, respectively, shall be the same as defined and prescribed in and by said laws and ordinances, and said General Orders, Numbered One hundred and eighteen and One hundred and ninety-five, until otherwise provided by law: *Provided, however,* That the chief justice and associate justices of the supreme court and the marshal thereof shall be appointed by the President, by and with the advice and consent of the Senate, and the judges of the district courts shall be appointed by the governor, by and with the advice and consent of the executive council, and all other officials and attachés of all the other courts shall be chosen as may be directed by the legislative assembly, which shall have authority to legislate from time to time as it may see fit with respect to said courts, and any others they may deem it advisable to establish, their organization, the number of judges and officials and attachés for each, their jurisdiction, their procedure, and all other matters affecting them.

Jurisdiction and procedure.

Proviso.
Appointment of territorial judicial officers.

Power of legislature in regard to courts.

Judicial district established.
Federal judicial officers.

District court.

—officers.

—jurisdiction.

—procedure.

—terms of court.

SEC. 34. That Porto Rico shall constitute a judicial district to be called "the district of Porto Rico." The President, by and with the advice and consent of the Senate, shall appoint a district judge, a district attorney, and a marshal for said district, each for a term of four years, unless sooner removed by the President. The district court for said district shall be called the district court of the United States for Porto Rico and shall have power to appoint all necessary officials and assistants, including a clerk, an interpreter, and such commissioners as may be necessary, who shall have like power and duties as are exercised and performed by commissioners of the circuit courts of the United States, and shall have, in addition to the ordinary jurisdiction of district courts of the United States, jurisdiction of all cases cognizant in the circuit courts of the United States, and shall proceed therein in the same manner as a circuit court. The laws of the United States relating to appeals, writs of error and certiorari, removal of causes, and other matters and proceedings as between the courts of the United States and the courts of the several States shall govern in such matters and proceedings as between the district court of the United States and the courts of Porto Rico. Regular terms of said court shall be held at San Juan, commencing on the second Monday in April and October

of each year, and also at Ponce on the second Monday in January of each year, and special terms may be held at Mayaguez at such other stated times as said judge may deem expedient. All pleadings and proceedings in said court shall be conducted in the English language.

Proceedings to be in English.

The United States district court hereby established shall be the successor to the United States provisional court established by General Orders, Numbered Eighty-eight, promulgated by Brigadier-General Davis, United States Volunteers, and shall take possession of all records of that court, and take jurisdiction of all cases and proceedings pending therein, and said United States provisional court is hereby discontinued.

District court to succeed provisional court, etc.

SEC. 35. That writs of error and appeals from the final decisions of the supreme court of Porto Rico and the district court of the United States shall be allowed and may be taken to the Supreme Court of the United States in the same manner and under the same regulations and in the same cases as from the supreme courts of the Territories of the United States; and such writs of error and appeal shall be allowed in all cases where the Constitution of the United States, or a treaty thereof, or an Act of Congress is brought in question and the right claimed thereunder is denied; and the supreme and district courts of Porto Rico and the respective judges thereof may grant writs of habeas corpus in all cases in which the same are grantable by the judges of the district and circuit courts of the United States. All such proceedings in the Supreme Court of the United States shall be conducted in the English language.

Appeal to Supreme Court, U. S.

—when allowed.

Habeas corpus, etc.

SEC. 36. That the salaries of all officials of Porto Rico not appointed by the President, including deputies, assistants, and other help, shall be such, and be so paid out of the revenues of Porto Rico, as the executive council shall from time to time determine: *Provided, however,* That the salary of no officer shall be either increased or diminished during his term of office. The salaries of all officers and all expenses of the offices of the various officials of Porto Rico, appointed as herein provided by the President, including deputies, assistants, and other help, shall also be paid out of the revenues of Porto Rico on the warrant of the auditor, countersigned by the governor.

Salaries of officials.

Proviso.

—not to be changed during incumbency.

—payable, etc.

The annual salaries of the officials appointed by the President, and so to be paid, shall be as follows:

The governor, eight thousand dollars; in addition thereto he shall be entitled to the occupancy of the buildings heretofore used by the chief executive of Porto Rico, with the furniture and effects therein, free of rental.

Salaries of governor and secretary, etc.

The secretary, four thousand dollars.

The attorney-general, four thousand dollars.

The treasurer, five thousand dollars.

The auditor, four thousand dollars.

The commissioner of the interior, four thousand dollars.

The commissioner of education, three thousand dollars.

The chief justice of the supreme court, five thousand dollars.

The associate justices of the supreme court (each), four thousand five hundred dollars.

The marshal of the supreme court, three thousand dollars.

The United States district judge, five thousand dollars.

The United States district attorney, four thousand dollars.

The United States district marshal, three thousand five hundred dollars.

SEC. 37. That the provisions of the foregoing section shall not apply to the municipal officials. Their salaries and the compensation of their deputies, assistants, and other help, as well as all other expenses incurred by the municipalities, shall be paid out of the municipal revenues in such manner as the legislative assembly shall provide.

Municipal salaries and expenses, how paid.

No export duties.
Legislature may tax,
etc.

Bond issues, etc.

Proriso.
—limit.

Resident commis-
sioner to United
States.

Proriso.
—qualifications.

Commission to re-
port on permanent
system of govern-
ment, etc.

—expenses.

—to report within a
year.

Effect.

SEC. 38. That no export duties shall be levied or collected on exports from Porto Rico; but taxes and assessments on property, and license fees for franchises, privileges, and concessions may be imposed for the purposes of the insular and municipal governments, respectively, as may be provided and defined by act of the legislative assembly; and where necessary to anticipate taxes and revenues, bonds and other obligations may be issued by Porto Rico or any municipal government therein as may be provided by law to provide for expenditures authorized by law, and to protect the public credit, and to reimburse the United States for any moneys which have been or may be expended out of the emergency fund of the War Department for the relief of the industrial conditions of Porto Rico caused by the hurricane of August eighth, eighteen hundred and ninety-nine: *Provided, however,* That no public indebtedness of Porto Rico or of any municipality thereof shall be authorized or allowed in excess of seven per centum of the aggregate tax valuation of its property.

SEC. 39. That the qualified voters of Porto Rico shall, on the first Tuesday after the first Monday of November, anno Domini nineteen hundred, and every two years thereafter, choose a resident commissioner to the United States, who shall be entitled to official recognition as such by all Departments, upon presentation to the Department of State of a certificate of election of the governor of Porto Rico, and who shall be entitled to a salary, payable monthly by the United States, at the rate of five thousand dollars per annum: *Provided,* That no person shall be eligible to such election who is not a bona fide citizen of Porto Rico, who is not thirty years of age, and who does not read and write the English language.

SEC. 40. That a commission, to consist of three members, at least one of whom shall be a native citizen of Porto Rico, shall be appointed by the President, by and with the advice and consent of the Senate, to compile and revise the laws of Porto Rico; also the various codes of procedure and systems of municipal government now in force, and to frame and report such legislation as may be necessary to make a simple, harmonious, and economical government, establish justice and secure its prompt and efficient administration, inaugurate a general system of education and public instruction, provide buildings and funds therefor, equalize and simplify taxation and all the methods of raising revenue, and make all other provisions that may be necessary to secure and extend the benefits of a republican form of government to all the inhabitants of Porto Rico; and all the expenses of such commissioners, including all necessary clerks and other assistants that they may employ, and a salary to each member of the commission at the rate of five thousand dollars per annum, shall be allowed and paid out of the treasury of Porto Rico as a part of the expenses of the government of Porto Rico. And said commission shall make full and final report, in both the English and Spanish languages, of all its revisions, compilations, and recommendations, with explanatory notes as to the changes and the reasons therefor, to the Congress on or before one year after the passage of this Act.

SEC. 41. That this Act shall take effect and be in force from and after the first day of May, nineteen hundred.

Approved, April 12, 1900.

April 17, 1900.

CHAP. 192.—An Act Making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and one, and for other purposes.

Legislative, execu-
tive, and judicial
expenses appropri-
ations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, in full compensation for the service

of the fiscal year ending June thirtieth, nineteen hundred and one, for the objects hereinafter expressed, namely:

LEGISLATIVE.

SENATE.

For compensation of Senators, four hundred and fifty thousand dollars.

For mileage of Senators, forty-five thousand dollars.

For compensation of the officers, clerks, messengers, and others in the service of the Senate, namely:

OFFICE OF THE VICE-PRESIDENT: For secretary to the Vice-President, two thousand two hundred and twenty dollars; for messenger, one thousand four hundred and forty dollars; telegraph operator, one thousand two hundred dollars; telegraph page, six hundred dollars; in all, five thousand four hundred and sixty dollars.

CHAPLAIN: For Chaplain of the Senate, nine hundred dollars.

OFFICE OF SECRETARY: For Secretary of the Senate, including compensation as disbursing officer of the contingent fund of the Senate, five thousand dollars, and for compensation as disbursing officer of salaries of Senators, three hundred and ninety-six dollars; hire of horse and wagon for the Secretary's office, seven hundred dollars; chief clerk and financial clerk, at three thousand dollars each, and five hundred dollars additional for the financial clerk while the office is held by the present incumbent; principal clerk, minute and journal clerk, and enrolling clerk, at two thousand five hundred and ninety-two dollars each; assistant financial clerk, and reading clerk, at two thousand four hundred dollars each; librarian, two thousand two hundred and twenty dollars, and two hundred and eighty dollars additional while the office is held by the present incumbent; assistant librarian, one thousand eight hundred dollars; messenger, acting as assistant librarian, one thousand six hundred dollars; six clerks, at two thousand two hundred and twenty dollars each; five clerks, at two thousand one hundred dollars each; keeper of stationery, two thousand one hundred and two dollars and forty cents; assistant keeper of stationery, one thousand eight hundred dollars; assistant in stationery room, one thousand dollars, and two hundred dollars additional while the office is held by the present incumbent; two messengers, at one thousand four hundred and forty dollars each; assistant messenger, one thousand two hundred dollars; five laborers, at seven hundred and twenty dollars each; in all, sixty-seven thousand six hundred and seventy-four dollars and forty cents.

CLERKS AND MESSENGERS TO COMMITTEES: For clerk of printing records, two thousand two hundred and twenty dollars; clerk to the Committee on Appropriations, three thousand dollars; assistant clerk, two thousand two hundred and twenty dollars; messenger, to be appointed by the committee, one thousand four hundred and forty dollars; clerk and stenographer to the Committee on Finance, two thousand five hundred dollars; messenger, one thousand four hundred and forty dollars; clerk to the Committee on Claims, two thousand two hundred and twenty dollars; assistant clerk, one thousand four hundred and forty dollars; messenger, one thousand four hundred and forty dollars; clerk to the Committee on Commerce, two thousand two hundred and twenty dollars; assistant clerk, one thousand four hundred and forty dollars; clerk to the Committee on Pensions, two thousand two hundred and twenty dollars; two assistant clerks, at one thousand four hundred and forty dollars each; messenger, one thousand four hundred and forty dollars; clerk to the Committee on the Judiciary, two thousand two hundred and twenty dollars; messenger, one thousand four hundred and forty dollars; clerk to the Committee on Military Affairs, two thousand two hundred and twenty dollars; assistant clerk, one thousand four hundred and forty dollars; messenger, one thousand

Legislative.

Senate.

Pay of Senators.

Mileage.

Compensation of officers, etc.

Vice-President's office.

Chaplain.

Secretary of the Senate, clerks, etc.

Clerks and messengers to committees.

four hundred and forty dollars; clerk to the Committee on Post-Offices and Post-Roads, two thousand two hundred and twenty dollars; messenger, one thousand four hundred and forty dollars; clerk to the Committee on the District of Columbia, two thousand two hundred and twenty dollars; messenger, one thousand four hundred and forty dollars; clerk to the Committee on Foreign Relations, two thousand two hundred and twenty dollars; messenger, one thousand four hundred and forty dollars; clerk to the Committee on Engrossed Bills, two thousand two hundred and twenty dollars; messenger, one thousand four hundred and forty dollars; clerk to the Joint Committee on the Library, two thousand two hundred and twenty dollars; clerks to the committees on Naval Affairs, Census, Public Lands, Indian Affairs, to Audit and Control the Contingent Expenses of the Senate, Public Buildings and Grounds, Agriculture and Forestry, Education and Labor, Territories, Interstate Commerce, Public Health and National Quarantine, Private Land Claims, Patents, Coast Defenses, Privileges and Elections, Additional Accommodations for the Library of Congress, Rules, Civil Service and Retrenchment, Enrolled Bills, Geological Survey, Railroads, Pacific Railroads, Pacific Islands and Porto Rico, Philippines, Relations with Cuba, Inter-oceanic Canals, Transportation and Sale of Meat Products, Five Civilized Tribes of Indians, and clerk to conference minority of the Senate, at two thousand two hundred and twenty dollars each; clerks to committees on Woman Suffrage, and Mines and Mining, at two thousand one hundred dollars each; in all, one hundred and twenty-two thousand three hundred dollars.

Clerks to committees, at \$1,800 a year.

Sergeant-at-Arms and Doorkeeper and assistants.

Messengers.

Laborers.

Pages.

Postmaster, etc.

For twenty-one clerks to committees, at one thousand eight hundred dollars each, thirty-seven thousand eight hundred dollars.

OFFICE OF SERGEANT-AT-ARMS AND DOORKEEPER: For Sergeant-at-Arms and Doorkeeper, four thousand five hundred dollars; horse and wagon for his use, four hundred and twenty dollars or so much thereof as may be necessary; for clerk to Sergeant-at-Arms, two thousand dollars; assistant doorkeeper, two thousand five hundred and ninety-two dollars; acting assistant doorkeeper, two thousand five hundred and ninety-two dollars; three messengers, acting as assistant doorkeepers, at one thousand eight hundred dollars each; forty-six messengers, at one thousand four hundred and forty dollars each; assistant messenger on the floor of the Senate, one thousand four hundred and forty dollars; messenger to official reporters' room, one thousand four hundred and forty dollars; messenger in charge of storeroom, one thousand two hundred dollars; upholsterer and locksmith, one thousand four hundred and forty dollars; three carpenters to assist him, at nine hundred and sixty dollars each; skilled laborer, one thousand dollars; two janitors, at nine hundred dollars each; laborer in charge of private passage, eight hundred and forty dollars; two female attendants in charge of ladies' retiring room, at seven hundred and twenty dollars each; two telephone operators, at seven hundred and twenty dollars each; telephone page, six hundred dollars; press gallery page, six hundred dollars; three laborers, at eight hundred and forty dollars each; forty-nine laborers, at seven hundred and twenty dollars each, which shall be immediately available; sixteen pages for the Senate Chamber, at the rate of two dollars and fifty cents per day each during the session, four thousand eight hundred and forty dollars; in all, one hundred and forty-two thousand five hundred and four dollars.

POST-OFFICE: For Postmaster, two thousand two hundred and fifty dollars; assistant postmaster and mail carrier, two thousand and eighty-eight dollars; seven mail carriers and one wagon master, at one thousand two hundred dollars each; four riding pages, at nine hundred and twelve dollars and fifty cents each; in all, seventeen thousand five hundred and eighty-eight dollars.

DOCUMENT ROOM: For superintendent of the document room (Amzi Smith), three thousand dollars; first assistant in document room, one thousand eight hundred dollars; two assistants in document room, at one thousand four hundred and forty dollars each; clerk to superintendent of document room, one thousand four hundred and forty dollars; skilled laborer, one thousand dollars; in all, ten thousand one hundred and twenty dollars.

Document room, superintendent, etc.

FOLDING ROOM: For superintendent of folding room, two thousand one hundred and sixty dollars; assistant in folding room, one thousand two hundred dollars; clerk in folding room, one thousand two hundred dollars; foreman in folding room, one thousand two hundred dollars; nine folders, at one thousand dollars each; thirteen folders, at eight hundred and forty dollars each; and page, six hundred dollars; in all, twenty-six thousand two hundred and eighty dollars.

Folding room, superintendent, etc.

UNDER ARCHITECT OF THE CAPITOL: For chief engineer, two thousand one hundred and sixty dollars; four assistant engineers, at one thousand four hundred and forty dollars each; five conductors of elevators, at one thousand two hundred dollars each; machinist and assistant conductor of elevators, one thousand dollars; three firemen, at one thousand and ninety-five dollars each; six laborers, at seven hundred and twenty dollars each; in all, twenty-two thousand five hundred and twenty-five dollars.

Chief engineer, etc.

For thirty annual clerks to Senators who are not chairmen of committees, at one thousand five hundred dollars each, forty-five thousand dollars.

Clerks to Senators.

FOR CONTINGENT EXPENSES, NAMELY: For stationery and newspapers for Senators and the President of the Senate, including five thousand dollars for stationery for committees and officers of the Senate, sixteen thousand three hundred and seventy-five dollars.

Contingent expenses, stationery and newspapers.

For postage stamps for the office of the Secretary of the Senate, one hundred dollars; for the office of the Sergeant-at-Arms, seventy-five dollars; in all, one hundred and seventy-five dollars.

Postage stamps.

For expenses of maintaining and equipping horses and mail wagons for carrying the mails, five thousand dollars, or so much thereof as may be necessary.

Horses and wagons.

For materials for folding, three thousand dollars.

Folding.

For folding speeches and pamphlets, at a rate not exceeding one dollar per thousand, six thousand dollars.

For fuel, oil, and cotton waste, and advertising, for the heating apparatus, exclusive of labor, fifteen thousand dollars.

Fuel, oil, etc.

For purchase of furniture, six thousand dollars.

Furniture.

For materials for furniture and repairs of same, exclusive of labor, two thousand dollars.

For services in cleaning, repairing, and varnishing furniture, two thousand dollars.

For packing boxes, nine hundred and seventy dollars.

Packing boxes.

For miscellaneous items, exclusive of labor, fifty thousand dollars.

Miscellaneous items.
Maltby Building.

For miscellaneous items on account of the Maltby Building, sixteen thousand nine hundred and forty dollars.

For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers to committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding one dollar and twenty-five cents per printed page, twenty thousand dollars.

Investigations.

For reporting the debates and proceedings of the Senate, twenty-five thousand dollars, payable in equal monthly installments.

Reporting debates.

For repairs of Maltby Building, two thousand dollars.

Maltby Building.

For rent of warehouse for storage of public documents for the Senate, one thousand eight hundred dollars.

Storage warehouse.

Capitol police.

CAPITOL POLICE.

Pay.

For captain, one thousand six hundred dollars, and three lieutenants, at one thousand two hundred dollars each, to be selected jointly by the Sergeant-at-Arms of the Senate and the Sergeant-at-Arms of the House of Representatives; thirty privates, at one thousand one hundred dollars each; twenty-five privates, at nine hundred and sixty dollars each; and eight watchmen, at nine hundred dollars each, one-half of said privates and watchmen to be selected by the Sergeant-at-Arms of the Senate and one-half by the Sergeant-at-Arms of the House of Representatives; in all, sixty-nine thousand four hundred dollars, one-half to be disbursed by the Secretary of the Senate and the other half to be disbursed by the Clerk of the House of Representatives. And the officers, privates, and watchmen of the Capitol police shall when on duty wear the regulation uniform.

Contingent expenses.

For contingent expenses, three hundred dollars, one-half to be disbursed by the Secretary of the Senate and the other half to be disbursed by the Clerk of the House of Representatives.

CONGRESSIONAL DIRECTORY.

Congressional Directory.

For expenses of compiling, preparing, and indexing the Congressional Directory, to be expended under the direction of the present Joint Committee on Printing, one thousand two hundred dollars.

House of Representatives.

HOUSE OF REPRESENTATIVES.

Pay of Members and Delegates.

For compensation of Members of the House of Representatives and Delegates from Territories, one million eight hundred and three thousand dollars.

Mileage.

For mileage, one hundred and thirty thousand dollars.

Compensation of officers, etc.

For compensation of the officers, clerks, messengers, and others in the service of the House of Representatives, namely:

Speaker's office.

OFFICE OF THE SPEAKER: For private secretary to the Speaker, two thousand three hundred and fifty dollars; clerk to the Speaker's table, two thousand two hundred and fifty dollars, and for preparing Digest of the Rules, one thousand dollars per annum; clerk to the Speaker, one thousand six hundred dollars; messenger to the Speaker, one thousand two hundred dollars; in all, eight thousand four hundred dollars.

Chaplain.

CHAPLAIN: For Chaplain of the House, nine hundred dollars.

Clerk of the House, etc.

OFFICE OF THE CLERK: For Clerk of the House of Representatives, including compensation as disbursing officer of the contingent fund, five thousand dollars; hire of horses and wagons and cartage for use of the Clerk's office, nine hundred dollars, or so much thereof as may be necessary; chief clerk, journal clerk, and two reading clerks, at three thousand six hundred dollars each; tally clerk, three thousand dollars; for printing and bill clerk, and disbursing clerk, at two thousand five hundred dollars each; file clerk, two thousand seven hundred and fifty dollars; enrolling clerk, two thousand two hundred and fifty dollars; assistant disbursing clerk, assistant enrolling clerk, resolution and petition clerk, newspaper clerk, index clerk, assistant journal clerk, assistant to chief clerk, and librarian, at two thousand dollars each; distributing clerk, stationery clerk, and two assistant librarians, at one thousand eight hundred dollars each; one bookkeeper, and seven clerks, at one thousand six hundred dollars each; document and bill clerk, under resolution of February second, nineteen hundred, one thousand six hundred dollars; document clerk, and locksmith, at one thousand four hundred and forty dollars each; two messengers in the House library, at one thousand three hundred and fourteen dollars

each; telegraph operator, assistant file clerk, and stenographer to the Clerk, at one thousand two hundred dollars each; one page, one laborer in the bathroom, and six laborers, at seven hundred and twenty dollars each; assistant index clerk, during the session and three months after its close, one hundred and eighty-two days, at six dollars per day, one thousand and ninety-two dollars; page in enrolling room, and messenger in chief clerk's office, at seven hundred and twenty dollars each; in all, eighty-eight thousand three hundred dollars.

UNDER ARCHITECT OF THE CAPITOL: For chief engineer, one thousand seven hundred dollars; two assistant engineers, at one thousand two hundred dollars each; four conductors of elevators, at one thousand one hundred dollars each, who shall be under the supervision and direction of the Architect of the Capitol; laborer, eight hundred and twenty dollars; five firemen, at nine hundred dollars each; electrician, one thousand two hundred dollars; laborer, one thousand dollars; laborer to clean Statuary Hall and watch statuary therein, six hundred and sixty dollars; in all, sixteen thousand six hundred and eighty dollars.

Chief engineer, etc.

CLERKS AND MESSENGERS TO COMMITTEES: For clerk to the Committee on Ways and Means, three thousand dollars; assistant clerk, one thousand six hundred dollars; messenger, one thousand two hundred dollars; janitor, seven hundred and twenty dollars; clerk to the Committee on Appropriations, three thousand dollars; assistant clerk and stenographer, two thousand dollars; messenger and assistant clerk, one thousand two hundred dollars; clerks to Committees on Accounts, Agriculture, Banking and Currency, Claims, District of Columbia, Elections, Foreign Affairs, Interstate and Foreign Commerce, Indian Affairs, Invalid Pensions, Judiciary, Merchant Marine and Fisheries, Military Affairs, Naval Affairs, Post-Office and Post-Roads, Public Buildings and Grounds, Public Lands, Rivers and Harbors, War Claims, Pensions, Insular Affairs, and clerk to continue Digest of Claims under resolution of March seventh, eighteen hundred and eighty-eight, at two thousand dollars each; and for assistant clerk to the Committee on War Claims, one thousand two hundred dollars; in all, fifty-seven thousand nine hundred and twenty dollars.

Clerks and messengers to committees.

For seventeen clerks to committees, at six dollars each per day during the session, twelve thousand three hundred and forty-two dollars.

Clerks to committees, session.

OFFICE OF SERGEANT-AT-ARMS: For Sergeant-at-Arms of the House of Representatives, four thousand five hundred dollars; deputy to the Sergeant-at-Arms, two thousand dollars; cashier, three thousand dollars; paying teller, two thousand dollars; bookkeeper, one thousand eight hundred dollars; messenger, one thousand two hundred dollars; page, seven hundred and twenty dollars; and laborer, six hundred and sixty dollars; in all, fifteen thousand eight hundred and eighty dollars.

Sergeant-at-Arms, deputy, etc.

OFFICE OF DOORKEEPER: For Doorkeeper, three thousand five hundred dollars; hire of horses, feed, repair of wagon and harness, six hundred dollars, or so much thereof as may be necessary; assistant doorkeeper, superintendent of document room, assistant superintendent of document room, and Department messenger, at two thousand dollars each; one special employee (John T. Chancey), one thousand five hundred dollars; one special employee, one thousand five hundred dollars; document file clerk, one thousand four hundred dollars; assistant document file clerk, one thousand three hundred and fourteen dollars; clerk to Doorkeeper, and janitor, at one thousand two hundred dollars each; nine messengers, including the messenger to the reporters' gallery, at one thousand two hundred dollars each; nine messengers, at one thousand dollars each; six laborers, at seven hundred and twenty dollars each; two laborers in the water-closet, at seven hundred and twenty dollars each; one laborer, six hundred dollars; female attendant in ladies' retiring room, seven hundred and twenty dollars; superintendent of folding room, two thousand dollars; three clerks in folding

Doorkeeper, assistant, etc.

Superintendent of document room, etc.

Messengers, etc.

Superintendent of folding room, etc.

	room, one at one thousand eight hundred dollars, and two at one thousand two hundred dollars each; foreman, one thousand five hundred dollars; messenger, one thousand two hundred dollars; folder in sealing room, one thousand two hundred dollars; page, five hundred dollars; laborer, seven hundred and twenty dollars; ten folders, at nine hundred dollars each; five folders, at eight hundred and forty dollars each; three folders during the session, at seventy dollars per month each, eight hundred and forty dollars; fifteen folders, at seven hundred and twenty dollars each; night watchman, nine hundred dollars; driver, six hundred dollars; fourteen messengers, on the soldiers' roll, at one thousand two hundred dollars each; two chief pages, at nine hundred dollars each; thirty-three pages, boys not under twelve years of age, during the session, including two riding pages, one telephone page, and one telegraph page, at two dollars and fifty cents per day each, nine thousand nine hundred and eighty-two dollars and fifty cents; two messengers during the session, at seventy dollars per month each, five hundred and sixty dollars; ten laborers, during the session, at sixty dollars per month each, two thousand four hundred dollars; eight laborers, known as cloakroom men, at six hundred dollars each; horse and buggy, for Department messenger, two hundred and fifty dollars; four assistants in document room, one at one thousand six hundred dollars, one at one thousand two hundred dollars, and two at one thousand dollars each; in all, one hundred and twenty-six thousand one hundred and forty-six dollars and fifty cents.
Pages.	
Laborers.	
Assistants, document room.	
Joel Grayson.	For employment of Joel Grayson in document room, one thousand eight hundred dollars.
Minority employees.	For the following minority employees authorized and named in the resolution adopted by the House of Representatives December seventh, eighteen hundred and ninety-nine, namely: One special employee, one thousand five hundred dollars; two special messengers, at one thousand two hundred dollars each; and one special chief page, nine hundred dollars; in all, four thousand eight hundred dollars.
Assistant Department messenger.	For the assistant Department messenger authorized and named in the resolution adopted by the House of Representatives December seventh, eighteen hundred and ninety-seven, one thousand eight hundred dollars.
Special messenger.	For the special messenger authorized and named in the resolution adopted by the House of Representatives January fifteenth, nineteen hundred, one thousand two hundred dollars.
Postmaster, assistant, etc.	OFFICE OF POSTMASTER: For Postmaster, two thousand five hundred dollars; assistant postmaster, two thousand dollars; ten messengers, including messenger to superintend transportation of mails, at one thousand two hundred dollars each; three messengers, during the session, at eight hundred dollars each; four messengers, at one hundred dollars per month each, during the session, one thousand six hundred dollars; and one laborer, seven hundred and twenty dollars; in all, twenty-one thousand two hundred and twenty dollars.
Horses and wagons.	For hire of horses and mail wagons for carrying the mails, two thousand five hundred dollars, or so much thereof as may be necessary.
Reporting debates.	OFFICIAL REPORTERS: For five official reporters of the proceedings and debates of the House, at five thousand dollars each; assistant official reporter, one thousand two hundred dollars; in all, twenty-six thousand two hundred dollars.
Stenographers to committees.	STENOGRAPHERS TO COMMITTEES: For three stenographers to committees, at five thousand dollars each; assistant stenographer to committees, one thousand six hundred dollars; in all, sixteen thousand six hundred dollars.
"During the session" defined.	That wherever the words "during the session" occur in the foregoing paragraphs they shall be construed to mean four months, or one hundred and twenty-one days.

FOR CLERK HIRE, MEMBERS AND DELEGATES: To pay Members and Delegates the amount which they certify they have paid or agreed to pay for clerk hire necessarily employed by them in the discharge of their official and representative duties, as provided in the Joint Resolution approved March third, eighteen hundred and ninety-three, during the session of Congress, and when Congress is not in session as provided in House Resolution passed May eighth, eighteen hundred and ninety-six, and the deficiency appropriation Act approved July seventh, eighteen hundred and ninety-eight, four hundred and seventeen thousand dollars, or so much thereof as may be necessary; and Representatives and Delegates elect to Congress whose credentials in due form of law have been duly filed with the Clerk of the House of Representatives, in accordance with the provisions of section thirty-one of the Revised Statutes of the United States, shall be entitled to payment under this appropriation.

Clerk hire; Members and Delegates.

Vol. 27, p. 757.

Vol. 30, p. 687.
Clerks for members-elect.

R. S., sec. 31, p. 6.

FOR CONTINGENT EXPENSES, NAMELY: For wrapping paper, paste-board, paste, twine, newspaper wrappers, and other necessary materials for folding, for the use of Members of the House, and for use in the Clerk's office and the House folding room (not including envelopes, writing paper, and other paper and materials to be printed and furnished by the Public Printer, upon requisitions from the Clerk of the House, under the provisions of the Act approved January twelfth, eighteen hundred and ninety-five, for the public printing and binding), seven thousand dollars.

Contingent expenses.

Folding materials.

Vol. 28, p. 624.

For fuel and oil for the heating apparatus, thirteen thousand dollars.

Fuel, oil, etc.

For furniture, and repairs of the same, nine thousand dollars.

Furniture.

For packing boxes, three thousand two hundred and eighteen dollars and forty cents.

Packing boxes

For miscellaneous items and expenses of special and select committees, twenty thousand dollars.

Miscellaneous items.

For stationery for members of the House of Representatives, including five thousand dollars for stationery for the use of the committees and officers of the House, fifty thousand dollars.

Stationery.

For postage stamps for the Postmaster, one hundred dollars; for the Clerk, three hundred dollars; for the Sergeant-at-Arms, two hundred dollars; and for the Doorkeeper, fifty dollars; in all, six hundred and fifty dollars.

Postage stamps.

OFFICE OF THE PUBLIC PRINTER.

Public printing.

For Public Printer, four thousand five hundred dollars; chief clerk, two thousand five hundred dollars; two clerks of class four; two clerks of class three; one clerk of class two; in all, fifteen thousand two hundred dollars.

Public printer, clerks, etc.

For contingent expenses, namely: For stationery, postage, advertising, traveling expenses, horses and wagons, and miscellaneous items, three thousand dollars.

Contingent expenses.

LIBRARY OF CONGRESS.

Library of Congress.

General Administration: For Librarian of Congress, six thousand dollars; chief assistant librarian, four thousand dollars; chief clerk, two thousand five hundred dollars; Librarian's secretary, one thousand five hundred dollars; one clerk, nine hundred dollars; one assistant messenger, seven hundred and twenty dollars; in all, fifteen thousand six hundred and twenty dollars.

Librarian, assistants, etc.

Mail and Supply: For assistant in charge, one thousand two hundred dollars; one assistant, nine hundred dollars; one messenger boy, three hundred and sixty dollars; in all, two thousand four hundred and sixty dollars.

Mail and supply.

Packing and Stamping: For two attendants, at seven hundred and twenty dollars each; one thousand four hundred and forty dollars.

Packing and stamping.

Order.

Order (purchasing): For chief of division, two thousand dollars; one assistant, one thousand five hundred dollars; one assistant, one thousand two hundred dollars; three assistants, at nine hundred dollars each; two assistants, at seven hundred and twenty dollars each; two assistants, at six hundred dollars each; one assistant, five hundred and twenty dollars; and two messenger boys, at three hundred and sixty dollars each; in all, eleven thousand two hundred and eighty dollars.

Catalogue and shelf.

Catalogue and shelf: For chief of division, three thousand dollars; two assistants, at one thousand eight hundred dollars each; five assistants, at one thousand five hundred dollars each; six assistants, at one thousand two hundred dollars each; eleven assistants, at nine hundred dollars each; four assistants, at seven hundred and twenty dollars each; one assistant, six hundred dollars; ten assistants, at five hundred and forty dollars each; six messengers, at three hundred and sixty dollars each; in all, forty-two thousand two hundred and forty dollars.

Binding.

Binding: For one assistant in charge, one thousand two hundred dollars; one assistant, nine hundred dollars; one messenger boy, three hundred and sixty dollars; in all, two thousand four hundred and sixty dollars.

Bibliography.

Bibliography: For chief of division, two thousand dollars; one assistant, one thousand two hundred dollars; two assistants, at nine hundred dollars each; one assistant, seven hundred and twenty dollars; and one messenger boy, three hundred and sixty dollars; in all, six thousand and eighty dollars.

Reading rooms.

Reading rooms (including evening service) and special collections: For superintendent of reading room, three thousand dollars; two assistants, at one thousand five hundred dollars each; four assistants, at one thousand two hundred dollars each; one assistant (reading room for the blind), nine hundred dollars; five assistants, at nine hundred dollars each; ten assistants, at seven hundred and twenty dollars each; evening service: five assistants, at nine hundred dollars each; fifteen assistants, at seven hundred and twenty dollars each; one attendant, Senate reading room, nine hundred dollars; one attendant, Representatives' reading room, nine hundred dollars; one attendant, Representatives' reading room, seven hundred and twenty dollars; two attendants, cloakrooms, at seven hundred and twenty dollars each; one attendant, Toner Library, nine hundred dollars; one attendant, Washingtonian Library, nine hundred dollars; four messenger boys, at three hundred and sixty dollars each; two watchmen, at seven hundred and twenty dollars each; in all, forty-seven thousand three hundred and forty dollars.

Periodical.

Periodical (including evening service): For chief of division, two thousand dollars; chief assistant, one thousand five hundred dollars; two assistants, at nine hundred dollars each; three assistants, at seven hundred and twenty dollars each; two messenger boys, at three hundred and sixty dollars each; for arrears of assorting and collating and to enable periodical reading room to be opened in the evening, two assistants, at seven hundred and twenty dollars each; in all, nine thousand six hundred and twenty dollars.

Documents.

Documents: For chief of division, three thousand dollars; one assistant, one thousand two hundred dollars; one assistant, seven hundred and twenty dollars; one messenger, three hundred and sixty dollars; in all, five thousand two hundred and eighty dollars.

Manuscript.

Manuscript: For chief of division, one thousand five hundred dollars; two assistants, at seven hundred and twenty dollars each; one messenger boy, three hundred and sixty dollars; in all, three thousand three hundred dollars.

Maps and charts.

Maps and charts: For chief of division, two thousand dollars; one assistant, one thousand two hundred dollars; two assistants, at nine hundred dollars each; one assistant, seven hundred and twenty dollars;

one messenger boy, three hundred and sixty dollars; in all, six thousand and eighty dollars.

Music: For chief of division, one thousand five hundred dollars; one assistant, one thousand two hundred dollars; one assistant, one thousand dollars; two assistants, at seven hundred and twenty dollars each; one messenger boy, three hundred and sixty dollars; in all, five thousand five hundred dollars. Music.

Prints: For chief of division, two thousand dollars; three assistants, at nine hundred dollars each; one messenger, three hundred and sixty dollars; in all, five thousand and sixty dollars. Prints.

Smithsonian deposit: For custodian, one thousand five hundred dollars; one assistant, one thousand two hundred dollars; one messenger, seven hundred and twenty dollars; one messenger boy, three hundred and sixty dollars; in all, three thousand seven hundred and eighty dollars. Smithsonian deposit.

Congressional Reference Library: For custodian, one thousand five hundred dollars; one assistant, one thousand two hundred dollars; one assistant, nine hundred dollars; one assistant, seven hundred and twenty dollars; two messenger boys, at three hundred and sixty dollars each; in all, five thousand and forty dollars. Congressional Reference Library.

Law Library: For custodian, two thousand five hundred dollars; two assistants, at one thousand four hundred dollars each; one messenger, nine hundred dollars; in all, six thousand two hundred dollars. Law Library.

COPYRIGHT OFFICE, under the direction of the Librarian of Congress: Register of copyrights, three thousand dollars; four clerks, at one thousand eight hundred dollars each; four clerks, at one thousand six hundred dollars each; two clerks, at one thousand four hundred dollars each; nine clerks, at one thousand two hundred dollars each; three clerks, at one thousand dollars each; eight clerks, at nine hundred dollars each; seven clerks, at seven hundred and twenty dollars each; one clerk, six hundred dollars; one messenger boy, three hundred and sixty dollars; Arrears, Special Service: Three clerks, at one thousand two hundred dollars each; one porter, seven hundred and twenty dollars; one messenger boy, three hundred and sixty dollars; in all, fifty-one thousand and eighty dollars. Copyright office.

To enable the Librarian of Congress to employ during the last quarter of the fiscal year nineteen hundred such of the additional employees as are herein provided for in the Library of Congress for the fiscal year nineteen hundred and one, and at the rates of compensation prescribed, fourteen thousand two hundred and forty-five dollars, or so much thereof as may be necessary. Additional employees, etc.

For special, temporary, and miscellaneous service, at the discretion of the Librarian, to be available immediately and continue available until expended, two thousand dollars. Special, etc., service.

INCREASE OF LIBRARY OF CONGRESS: For purchase of books for the Library, and for freight, commissions, and traveling expenses incidental to the acquisition of books by purchase, gift, or exchange, fifty thousand dollars; Purchase, etc., of books.

For purchase of law books for the Library, under the direction of the Chief Justice, three thousand dollars;

For purchase of new books of reference for the Supreme Court, to be a part of the Library of Congress and purchased by the marshal of the Supreme Court, under the direction of the Chief Justice, one thousand five hundred dollars;

For expenses of exchanging public documents for the publications of foreign Governments, one thousand six hundred and eighty dollars;

For purchase of periodicals, serials, and newspapers, five thousand dollars;

In all, sixty-one thousand one hundred and eighty dollars.

For miscellaneous and contingent expenses of the Library, station- Contingent expenses.

ery, supplies, and all stock and materials directly purchased, miscellaneous traveling expenses, postage, transportation, and all incidental expenses connected with the administration of the Library and the Copyright Office, eight thousand five hundred dollars.

Custody of building
and grounds.
Superintendent,
clerks, etc.

CUSTODY, CARE, AND MAINTENANCE OF LIBRARY BUILDING AND GROUNDS: For superintendent of the Library building and grounds, five thousand dollars; for clerks, messengers, watchmen, engineers, firemen, electricians, elevator conductors, mechanics, laborers, charwomen, and others, as follows: Chief clerk, two thousand dollars; clerk, one thousand four hundred dollars; clerk, one thousand dollars; messenger, eight hundred and forty dollars; assistant messenger, seven hundred and twenty dollars; telephone operator, six hundred dollars; captain of watch, one thousand four hundred dollars; lieutenant of watch, one thousand dollars; eighteen watchmen; carpenter, nine hundred dollars; painter, nine hundred dollars; foreman of laborers, nine hundred dollars; thirteen laborers, at four hundred and eighty dollars each; two attendants in ladies' room, at three hundred and twenty-five dollars each; two check boys, at three hundred and twenty-five dollars each; mistress of charwomen, four hundred and twenty-five dollars; charwoman, two hundred and forty dollars; thirty-five charwomen, at one hundred and eighty dollars each; chief engineer, one thousand five hundred dollars; four assistant engineers, at one thousand dollars each; electrician, one thousand five hundred dollars; assistant electrician, one thousand dollars; two machinists, at nine hundred dollars each; plumber, nine hundred dollars; two elevator conductors, at seven hundred and twenty dollars each; nine firemen; six skilled laborers, at seven hundred and twenty dollars each; in all, sixty-seven thousand and sixty-five dollars.

Additional em-
ployes, etc.

To enable the superintendent to employ during the last quarter of the fiscal year nineteen hundred such of the additional employees as are herein provided for the custody, care, and maintenance of the Library building and grounds for the fiscal year nineteen hundred and one, and at the rates of compensation prescribed, eight hundred and three dollars and twenty-five cents.

Fuel, lights, etc.

For fuel, lights, repairs, and miscellaneous supplies, electric and steam apparatus, reference books, stationery, and all incidental expenses in connection with the custody, care, and maintenance of said building and grounds, twenty-five thousand dollars.

Furniture.

For furniture, including partitions, screens, and shelving, forty-five thousand dollars.

Botanic Garden.

BOTANIC GARDEN.

Superintendent, etc.

For superintendent, one thousand eight hundred dollars.

For assistants and laborers, under the direction of the Joint Library Committee of Congress, twelve thousand and ninety-three dollars and seventy-five cents.

Repairs and improv-
ments.

For procuring manure, tools, fuel, purchasing trees, shrubs, plants, seeds, and for services, materials, miscellaneous supplies, and contingent expenses in connection with repairs and improvements to Botanic Garden, under direction of the Joint Library Committee of Congress, five thousand dollars.

Executive.

EXECUTIVE.

* Compensation of the
President.

For compensation of the President of the United States, fifty thousand dollars.

Vice-President.

For compensation of the Vice-President of the United States from March third, nineteen hundred and one, two thousand six hundred and twenty-two dollars and twenty-three cents.

For compensation to the following in the office of the President of the United States: Secretary, five thousand dollars; two assistant secretaries, at two thousand eight hundred dollars each; executive clerk, two thousand two hundred dollars; executive clerk and disbursing officer, two thousand dollars; two clerks, at two thousand dollars each; five clerks of class four; one clerk of class three; steward, one thousand eight hundred dollars; usher to the President, one thousand eight hundred dollars; chief doorkeeper, one thousand eight hundred dollars; four doorkeepers, at one thousand two hundred dollars each; four messengers, at one thousand two hundred dollars each; two messengers, at nine hundred dollars each; watchman, nine hundred dollars; fireman, seven hundred and twenty dollars; laborer, seven hundred and twenty dollars; in all, forty-eight thousand five hundred and forty dollars.

Executive office.

Secretary, assistants, etc.

And hereafter a complete inventory, in proper books, shall be made annually, by the steward, under the direction of the officer in charge of public buildings and grounds, of all the public property in and belonging to the Executive Mansion, showing when purchased, use to which applied, cost, condition, and final disposition, to be submitted to Congress with annual report of the officer in charge of public buildings and grounds.

Inventory and report of property belonging to Executive Mansion to be made annually.

For contingent expenses of the Executive Office, including stationery therefor, as well as record books, telegrams, telephones, books for library, miscellaneous items, and furniture and carpets for offices, care of office carriage, horses, and harness, twelve thousand dollars.

Contingent expenses.

CIVIL SERVICE COMMISSION.

Civil Service Commission.

For three Commissioners, at three thousand five hundred dollars each; chief examiner, three thousand dollars; secretary, two thousand dollars; eight clerks of class four; ten clerks of class three; thirteen clerks of class two; fifteen clerks of class one; three clerks, at one thousand dollars each; two clerks, at nine hundred dollars each; one messenger; two laborers; engineer, eight hundred and forty dollars; two watchmen; in all, ninety-one thousand three hundred and forty dollars.

Commissioners, examiner, etc.

For necessary traveling expenses, including those of examiners acting under the direction of the Commission, and for expenses of examinations and investigations held elsewhere than at Washington, seven thousand dollars.

Expenses.

DEPARTMENT OF STATE.

Department of State.

For compensation of the Secretary of State, eight thousand dollars; Assistant Secretary, four thousand five hundred dollars; Second and Third Assistant Secretaries, at four thousand five hundred dollars each; chief clerk, two thousand five hundred dollars; assistant solicitor of the Department of State, to be appointed by the Secretary of State, two thousand five hundred dollars; seven chiefs of bureaus, and two translators, at two thousand one hundred dollars each; private secretary to the Secretary, two thousand two hundred and fifty dollars; ten clerks of class four; four clerks of class three; eight clerks of class two; twenty clerks of class one, one of whom is to be a telegraph operator; five clerks, at one thousand dollars each; ten clerks, at nine hundred dollars each; two messengers; two assistant messengers; packer, seven hundred and twenty dollars; and thirteen laborers; for temporary typewriters and stenographers, to be selected by the Secretary, two thousand dollars; in all, one hundred and thirty-five thousand six hundred and seventy dollars.

Pay of Secretary, assistants, clerks, etc.

Stationery.	For stationery, furniture fixtures, and repairs, and for the purchase of passport paper, six thousand dollars.
Purchase of books, etc., for library.	For books and maps, and books for the library, and to enable the Secretary of State to purchase for the library of the Department of State books and manuscripts, including a collection of books and pamphlets bearing upon the history of the war of the Revolution, formerly in the library of General Sir Henry Clinton, commander in chief of the British forces in America during that period, the same having been richly annotated in his hand, three thousand dollars.
Lithographer, etc.	For services of lithographer and necessary materials for the lithographic press, one thousand two hundred dollars.
Contingent expenses.	For contingent expenses, namely: For care and subsistence of horses, to be used only for official purposes, and repairs of wagons, carriage, and harness, rent of stable, telegraphic and electric apparatus and repairs to the same, and miscellaneous items not included in the foregoing; in all, three thousand five hundred dollars.
Editing, etc., laws.	For expenses of editing and distributing the laws enacted during the first session of the Fifty-sixth Congress, three thousand dollars, to be immediately available.
Editing, etc., Statutes at Large.	For editing and distributing the Statutes at Large of the Fifty-sixth Congress, one thousand dollars, to be immediately available.

Treasury Department.

TREASURY DEPARTMENT.

Secretary, assistants, clerks, etc.	OFFICE OF THE SECRETARY: For compensation of the Secretary of the Treasury, eight thousand dollars; three Assistant Secretaries of the Treasury, at four thousand five hundred dollars each; clerk to the Secretary, two thousand two hundred and fifty dollars; stenographer, one thousand eight hundred dollars; three private secretaries, one to each Assistant Secretary, at one thousand eight hundred dollars each; Government actuary, under control of the Treasury, one thousand eight hundred dollars; one clerk of class three; one clerk of class two; two clerks of class one; one clerk, one thousand dollars; four messengers; three assistant messengers, and one laborer; in all, forty-five thousand three hundred and thirty dollars.
Chief clerk, clerks, etc.	Office of chief clerk and superintendent: For chief clerk, including three hundred dollars as superintendent of Treasury building, three thousand dollars; assistant superintendent of Treasury building, two thousand five hundred dollars; inspector of electric-light plants, gas, and fixtures for all public buildings under control of the Treasury Department, one thousand nine hundred dollars; four clerks of class four; additional to one clerk of class four, as bookkeeper, one hundred dollars; two clerks of class three; three clerks of class two; four clerks of class one (one as librarian); one clerk, one thousand dollars; one messenger; two assistant messengers; storekeeper, one thousand two hundred dollars; telegraph operator, one thousand two hundred dollars; chief engineer, one thousand four hundred dollars; assistant engineer, one thousand dollars; two assistant engineers, at seven hundred and twenty dollars each; six elevator conductors, at seven hundred and twenty dollars each; three firemen; five firemen, at six hundred and sixty dollars each; coal passer, five hundred dollars; locksmith, one thousand two hundred dollars; captain of the watch, one thousand four hundred dollars; two lieutenants of the watch, at nine hundred dollars each; fifty-eight watchmen; six special watchmen, at seven hundred and twenty dollars each; foreman of laborers, one thousand dollars; skilled laborer, male, eight hundred and forty dollars; three skilled laborers, male, at seven hundred and twenty dollars each; twenty-six laborers; ten laborers, at five hundred dollars each; laborer, four hundred and eighty dollars; two laborers, at three hundred and sixty dollars each; ninety charwomen; foreman of cabinet
Engineer, etc.	
Watchmen.	
Laborers.	

shop, one thousand five hundred dollars; draftsman, one thousand two hundred dollars; eleven cabinetmakers, at one thousand dollars each; cabinetmaker, seven hundred and twenty dollars; carpenter, one thousand dollars; carpenter's helper, six hundred and sixty dollars. For the Winder Building: Engineer, one thousand dollars; three firemen; conductor of elevator, seven hundred and twenty dollars; four watchmen; three laborers, one of whom, when necessary, shall assist and relieve the conductor of the elevator; laborer, four hundred and eighty dollars; and six charwomen. For the Cox Building, seventeen hundred and nine New York avenue: Three watchmen-firemen, at seven hundred and twenty dollars each; and one laborer; in all, one hundred and seventy-five thousand seven hundred dollars.

Cabinetmakers, etc.

Winder Building.

Cox Building.

Division of bookkeeping and warrants: For chief of division, three thousand five hundred dollars; assistant chief of division, two thousand seven hundred dollars; estimate and digest clerk, two thousand two hundred and fifty dollars; two principal bookkeepers, at two thousand one hundred dollars each; ten bookkeepers, at two thousand dollars each; eleven clerks of class four; four clerks of class three; two clerks of class two; three clerks of class one; one messenger; one assistant messenger; and one laborer; in all, sixty-seven thousand four hundred and seventy dollars.

Bookkeeping and warrants division.

Division of customs: For chief of division, two thousand seven hundred and fifty dollars; assistant chief of division, two thousand dollars; four clerks of class four; additional to one clerk of class four acting as drawback clerk, two hundred dollars; three clerks of class three; two clerks of class two; two clerks of class one; three clerks, at one thousand dollars each; three clerks, at nine hundred dollars each; and two assistant messengers; in all, twenty-nine thousand two hundred and ninety dollars.

Customs division.

Division of appointments: For chief of division, two thousand seven hundred and fifty dollars; assistant chief of division, two thousand dollars; four clerks of class four; three clerks of class three; three clerks of class two; five clerks of class one; four clerks, at one thousand dollars each; five clerks, at nine hundred dollars each; one messenger; three assistant messengers; and one laborer; in all, thirty-nine thousand one hundred and ten dollars.

Appointments division.

Division of public moneys: For chief of division, two thousand five hundred dollars; assistant chief of division, two thousand dollars; four clerks of class four; three clerks of class three; two clerks of class two; one clerk of class one; one clerk, one thousand dollars; one clerk, nine hundred dollars; one messenger; and one assistant messenger; in all, twenty-three thousand nine hundred and sixty dollars.

Public moneys division.

Division of loans and currency: For chief of division, two thousand five hundred dollars; assistant chief of division, two thousand one hundred dollars; five clerks of class four; additional to two clerks of class four as receiving clerk of bonds, and bookkeeper, one hundred dollars each; one clerk of class three; two clerks of class two; three clerks of class one; two clerks, at one thousand dollars each; thirteen clerks, at nine hundred dollars each; six expert counters, at seven hundred and twenty dollars each; two assistant messengers; six laborers; superintendent of paper room, one thousand two hundred dollars; paper cutter, at three dollars per day; paper counter, seven hundred and twenty dollars; twenty-four paper counters and laborers, at six hundred and twenty dollars each; and one laborer, five hundred and fifty dollars; and for continuing two additional clerks, at nine hundred dollars each, and six additional paper counters and laborers, at six hundred and twenty dollars each, rendered necessary because of increase of work incident to the war with Spain; in all, sixty-nine thousand and twenty-nine dollars.

Loans and currency division.

Revenue-Cutter division.

Division of Revenue-Cutter Service: For assistant chief of division, two thousand dollars; one clerk of class four; four clerks of class three; two clerks of class two; three clerks of class one; two clerks, at one thousand dollars each; two clerks, at nine hundred dollars each; and one laborer; in all, twenty-one thousand and sixty dollars.

Miscellaneous division.

Miscellaneous division: For chief of division, two thousand five hundred dollars; assistant chief of division, two thousand dollars; one clerk of class four; one clerk of class three; one clerk of class one; clerk, one thousand dollars; clerk, nine hundred dollars; and one assistant messenger; in all, eleven thousand seven hundred and twenty dollars.

Stationery division.

Division of stationery, printing, and blanks: For chief of division, two thousand five hundred dollars; assistant chief of division, two thousand dollars; three clerks of class four; three clerks of class three; three clerks of class two; one clerk of class one; two clerks, at nine hundred dollars each; two messengers; two assistant messengers; foreman of bindery, at five dollars per day; four binders, at four dollars per day each; and two sewers and folders, at two dollars and fifty cents per day each; in all, thirty-three thousand one hundred and fifty-eight dollars.

Mail and files division.

Division of mail and files: For chief of division, two thousand five hundred dollars; one clerk of class three; additional to clerk of class three, as registered mail and bond clerk, two hundred dollars; five clerks of class two; additional to one clerk of class two, in charge of documents, two hundred dollars; two clerks of class one; six clerks, at one thousand dollars each; four clerks, at nine hundred dollars each; one mail messenger, one thousand two hundred dollars; two assistant messengers; and two laborers, at six hundred dollars each; in all, twenty-seven thousand three hundred and forty dollars.

Special agents division.

Division of special agents: For assistant chief of division, two thousand four hundred dollars; one clerk of class three; one clerk of class two; three clerks of class one; one clerk, one thousand dollars; three clerks, at nine hundred dollars each; and one messenger; in all, thirteen thousand five hundred and forty dollars.

Disbursing clerks.

Offices of disbursing clerks: For two disbursing clerks, at two thousand five hundred dollars each; one clerk of class four; one clerk of class three; one clerk of class two; two clerks of class one; one clerk, one thousand dollars; in all, thirteen thousand two hundred dollars.

Supervising Architect's office.

OFFICE OF THE SUPERVISING ARCHITECT: In the construction branch of the Treasury: For Supervising Architect, four thousand five hundred dollars; and one assistant messenger; in all, five thousand two hundred and twenty dollars.

Draftsmen, etc

And the services of skilled draftsmen, civil engineers, computers, accountants, assistants to the photographer, copyists, and such other services as the Secretary of the Treasury may deem necessary and specially order, may be employed in the office of the Supervising Architect exclusively to carry into effect the various appropriations for public buildings, to be paid for from and equitably charged against such appropriations: *Provided*, That the expenditures on this account for the fiscal year ending June thirtieth, nineteen hundred and one, shall not exceed two hundred and fifty thousand dollars; and that the Secretary of the Treasury shall each year in the annual estimates report to Congress the number of persons so employed and the amount paid to each.

Proviso.
—limit, etc.

Comptroller's office.

OFFICE OF COMPTROLLER OF THE TREASURY: For Comptroller of the Treasury, five thousand five hundred dollars; Assistant Comptroller of the Treasury, four thousand five hundred dollars; chief clerk, two thousand five hundred dollars; chief law clerk, two thousand five hundred dollars; four law clerks revising accounts and briefing opinions, one at two thousand one hundred dollars and three at two thou-

sand dollars each; private secretary, one thousand eight hundred dollars; four expert accountants, at two thousand dollars each; six clerks of class four; two clerks of class three; two clerks of class two; typewriter-copyist, one thousand dollars; two messengers; one assistant messenger; and one laborer: in all, fifty-three thousand seven hundred and sixty dollars.

OFFICE OF AUDITOR FOR TREASURY DEPARTMENT: For Auditor, four thousand dollars; Deputy Auditor, two thousand five hundred dollars; law clerk, two thousand dollars; four chiefs of division, at two thousand dollars each; seventeen clerks of class four; thirteen clerks of class three; ten clerks of class two; twenty clerks of class one; three clerks, at one thousand dollars each; three clerks, at nine hundred dollars each; three assistant messengers; four laborers; and for continuing three clerks of class one and for four additional clerks of class one rendered necessary by increased work incident to the war with Spain; in all, one hundred and twenty-five thousand seven hundred dollars.

Office of Auditor for
Treasury Department.

For clerical force for the liquidation of manifests of vessels and cars arriving in the United States from foreign countries with merchandise intended for consumption, namely: For one clerk of class four; two clerks of class three; three clerks of class two; three clerks of class one; ten clerks, at one thousand dollars each; and three clerks, at nine hundred dollars each; in all, twenty-five thousand five hundred dollars.

Clerks on manifests.

OFFICE OF AUDITOR FOR WAR DEPARTMENT: For Auditor, four thousand dollars; Deputy Auditor, two thousand five hundred dollars; law clerk, two thousand dollars; six chiefs of division, at two thousand dollars each; sixteen clerks of class four; additional to one clerk as disbursing clerk, two hundred dollars; forty-two clerks of class three; sixty-four clerks of class two; fifty-four clerks of class one; ten clerks, at one thousand dollars each; five clerks, at nine hundred dollars each; skilled laborer, nine hundred dollars; three clerks, at eight hundred and forty dollars each; one messenger; three assistant messengers; and eight laborers; in all, two hundred and ninety-seven thousand three hundred dollars.

Office of Auditor for
War Department.

For continuing the following additional force rendered necessary because of increased work incident to the war with Spain: Eight clerks of class four; seventeen clerks of class three; ten clerks of class two; thirty clerks of class one; ten clerks, at one thousand dollars each; ten clerks, at nine hundred dollars each; and three laborers; in all, one hundred and twelve thousand five hundred and eighty dollars.

Additional force.

For the purpose of restoring and repairing the worn-out and defaced rolls and vouchers in the office of the Auditor for the War Department, twenty-one thousand dollars.

Restoring rolls, etc.

OFFICE OF AUDITOR FOR NAVY DEPARTMENT: For Auditor, four thousand dollars; Deputy Auditor, two thousand five hundred dollars; three chiefs of division, at two thousand dollars each; one clerk of class four; ten clerks of class three; six clerks of class two; eleven clerks of class one; six clerks, at one thousand dollars each; five clerks, at nine hundred dollars each; one clerk, eight hundred dollars; one messenger; one assistant messenger; and two laborers; in all, sixty-six thousand and eighty dollars.

Office of Auditor for
Navy Department.

For continuing the following additional force, rendered necessary because of increased work incident to the war with Spain: Two clerks of class three; three clerks of class two; four clerks of class one; six clerks, at one thousand dollars each; and four clerks, at nine hundred dollars each; in all, twenty-one thousand eight hundred dollars.

Additional force.

OFFICE OF AUDITOR FOR INTERIOR DEPARTMENT: For Auditor, four thousand dollars; Deputy Auditor, two thousand five hundred dollars; law clerk, two thousand dollars; three chiefs of division, at two thousand dollars each; eight clerks of class four; nineteen clerks of class

Office of Auditor for
Interior Department

three; thirty-five clerks of class two; twenty-five clerks of class one; eleven clerks, at one thousand dollars each; seven clerks, at nine hundred dollars each; one clerk, eight hundred and forty dollars; one assistant messenger; ten laborers; and one female laborer, four hundred and eighty dollars; in all, one hundred and sixty-four thousand two hundred and forty dollars.

Office of Auditor for
State, etc., Depart-
ments.

OFFICE OF AUDITOR FOR STATE AND OTHER DEPARTMENTS: For Auditor, four thousand dollars; Deputy Auditor, two thousand five hundred dollars; law clerk, two thousand dollars; three chiefs of division, at two thousand dollars each; twelve clerks of class four; thirteen clerks of class three; eleven clerks of class two; seven clerks of class one; five clerks, at one thousand dollars each; four clerks, at nine hundred dollars each; two copyists; one messenger; and three laborers; in all, ninety-three thousand nine hundred and twenty dollars.

Office of Auditor for
Post-Office Depart-
ment.

OFFICE OF AUDITOR FOR POST-OFFICE DEPARTMENT: For Auditor, four thousand dollars; Deputy Auditor, two thousand five hundred dollars; chief clerk, two thousand dollars; law clerk, two thousand dollars; seven chiefs of division, at two thousand dollars each; thirteen clerks of class four; additional to one clerk as disbursing clerk, two hundred dollars; sixty-one clerks of class three; seventy-six clerks of class two; ninety clerks of class one; seventy clerks, at one thousand dollars each; twenty-one clerks, at nine hundred dollars each; skilled laborer, one thousand dollars; twenty-five money-order assorters, at nine hundred dollars each; thirty-one money-order assorters, at eight hundred and forty dollars each; twenty-three money-order assorters, at seven hundred and twenty dollars each; two messengers; twelve assistant messengers; twenty-three male laborers, at six hundred and sixty dollars each; three female laborers, at six hundred and sixty dollars each; and fifteen charwomen; in all, five hundred and forty-six thousand one hundred and eighty dollars.

Additional force on
money orders.

For additional force for bringing up work of assorting and checking money orders one year or more in arrears, and for increased business, namely: For five clerks of class four; four clerks of class three; five clerks of class two; eight clerks of class one; twelve clerks, at one thousand dollars each; and five clerks, at nine hundred dollars each; in all, forty-eight thousand five hundred dollars.

Treasurers' office.

OFFICE OF THE TREASURER: For Treasurer of the United States, six thousand dollars; Assistant Treasurer, three thousand six hundred dollars; cashier, three thousand six hundred dollars; assistant cashier, three thousand two hundred dollars; chief clerk, two thousand five hundred dollars; five chiefs of division, at two thousand five hundred dollars each; vault clerk, two thousand five hundred dollars; principal bookkeeper, two thousand five hundred dollars; assistant bookkeeper, two thousand one hundred dollars; two tellers, at two thousand five hundred dollars each; two assistant tellers, at two thousand two hundred and fifty dollars each; clerk for the Treasurer, one thousand eight hundred dollars; twenty-five clerks of class four; seventeen clerks of class three; fourteen clerks of class two; coin clerk, one thousand four hundred dollars; twenty-three clerks of class one; eleven clerks, at one thousand dollars each; fifty-two clerks, at nine hundred dollars each; twenty-two expert counters, at seven hundred and twenty dollars each; nine clerks, at seven hundred dollars each; mail messenger, eight hundred and forty dollars; six messengers; six assistant messengers; twenty-three laborers; seven charwomen; four pressmen, at one thousand four hundred dollars each; eight separators, at six hundred and sixty dollars each; seven feeders, at six hundred and sixty dollars each; one compositor and pressman, one thousand four hundred dollars; in all, two hundred and ninety-four thousand five hundred dollars.

Redemption of cur-
rency.

For the force employed in redeeming the national currency (to be reimbursed by the national banks), namely: For superintendent, three

thousand five hundred dollars; teller, two thousand five hundred dollars; bookkeeper, two thousand four hundred dollars; assistant teller, two thousand dollars; two clerks of class four; three clerks of class three; four clerks of class two; twenty clerks of class one; ten clerks, at one thousand dollars each; one skilled laborer, one thousand dollars; ten clerks, at nine hundred dollars each; three assistant messengers; and two charwomen: in all, seventy-one thousand and forty dollars.

OFFICE OF THE REGISTER OF THE TREASURY: For Register, four thousand dollars; Assistant Register, two thousand two hundred and fifty dollars; two chiefs of division, at two thousand dollars each; four clerks of class four; six clerks of class three; five clerks of class two; five clerks of class one; one clerk, one thousand dollars; twenty-two clerks, at nine hundred dollars each; one messenger; two assistant messengers; and four laborers; in all, sixty-five thousand seven hundred and seventy dollars.

Register's office.

For continuing the following additional force rendered necessary because of increased work incident to the war with Spain: Three clerks of class one; and three clerks, at one thousand dollars each; in all, six thousand six hundred dollars.

OFFICE OF THE COMPTROLLER OF THE CURRENCY: For Comptroller of the Currency, five thousand dollars; Deputy Comptroller, two thousand eight hundred dollars; chief clerk, two thousand five hundred dollars; three chiefs of division, at two thousand two hundred dollars each; stenographer, one thousand six hundred dollars; eight clerks of class four; additional to bond clerk, two hundred dollars; eleven clerks of class three; ten clerks of class two; nine clerks of class one; ten clerks, at one thousand dollars each; thirteen clerks, at nine hundred dollars each; one messenger; two assistant messengers; engineer, one thousand dollars; one fireman; three laborers; and two night watchmen; in all, one hundred and four thousand six hundred and twenty dollars.

Office of Comptroller of the Currency.

For expenses of special examinations of national banks and bank plates, of keeping macerator in Treasury building in repair, and for other incidental expenses attending the working of the macerator, five thousand dollars.

Special examinations, etc.

For expenses of the national currency (to be reimbursed by the national banks), namely: For superintendent, two thousand two hundred dollars; teller, bookkeeper, and assistant bookkeeper, at two thousand dollars each; two clerks of class one; one clerk, one thousand dollars; five clerks, at nine hundred dollars each; and one assistant messenger; in all, sixteen thousand eight hundred and twenty dollars.

National currency expenses.

OFFICE OF THE COMMISSIONER OF INTERNAL REVENUE: For Commissioner of Internal Revenue, six thousand dollars; deputy commissioner, four thousand dollars; additional deputy commissioner during the fiscal year nineteen hundred and one, three thousand six hundred dollars; chemist, two thousand five hundred dollars; two heads of divisions, at two thousand five hundred dollars each; four heads of divisions, at two thousand two hundred and fifty dollars each; two additional heads of divisions during the fiscal year nineteen hundred and one, at two thousand two hundred and fifty dollars each; superintendent of stamp vault, two thousand dollars; stenographer, one thousand eight hundred dollars; twenty-four clerks of class four; twenty-four clerks of class three; thirty-four clerks of class two; twenty-four clerks of class one; twenty-two clerks, at one thousand dollars each; thirty clerks, at nine hundred dollars each; two messengers; fourteen assistant messengers; and thirteen laborers; in all, two hundred and sixty-five thousand seven hundred and forty dollars.

Office of Commissioner of Internal Revenue.

For one stamp agent, one thousand six hundred dollars, and one counter, nine hundred dollars; in all, two thousand five hundred dollars, the same to be reimbursed by the stamp manufacturers.

Stamp agent.

Light-House Board.

LIGHT-HOUSE BOARD: For chief clerk, two thousand four hundred dollars; two clerks of class four; two clerks of class three; two clerks of class two; four clerks of class one; two clerks, at one thousand dollars each; ten clerks, at nine hundred dollars each; one clerk, eight hundred and forty dollars; two assistant messengers; laborer, six hundred dollars; assistant civil engineer, two thousand four hundred dollars; draftsman, one thousand eight hundred dollars; draftsman, one thousand five hundred and sixty dollars; draftsman, one thousand four hundred and forty dollars; draftsman, one thousand two hundred dollars; in all, thirty-nine thousand and eighty dollars.

Life-Saving Service.

OFFICE OF LIFE-SAVING SERVICE: For General Superintendent of the Life-Saving Service, four thousand dollars; assistant general superintendent, two thousand five hundred dollars; principal clerk, two thousand dollars; topographer and hydrographer, one thousand eight hundred dollars; civil engineer, one thousand eight hundred dollars; draftsman, one thousand five hundred dollars; four clerks of class four; three clerks of class three; three clerks of class two; five clerks of class one; two clerks, at one thousand dollars each; four clerks, at nine hundred dollars each; one assistant messenger; and one laborer; in all, forty-two thousand seven hundred and eighty dollars.

Bureau of Navigation.

BUREAU OF NAVIGATION: For Commissioner of Navigation, three thousand six hundred dollars; two clerks of class four; additional to one clerk designated as deputy commissioner, four hundred dollars; one clerk of class three; two clerks of class two; four clerks of class one; nine clerks, at nine hundred dollars each; one assistant messenger; and one laborer; in all, twenty-six thousand two hundred and eighty dollars.

Bureau of Engraving and Printing.

BUREAU OF ENGRAVING AND PRINTING: For Director of Bureau, four thousand five hundred dollars; assistant director, two thousand two hundred and fifty dollars; accountant, two thousand dollars; stenographer, one thousand six hundred dollars; one clerk of class three; two clerks of class one; one clerk, one thousand dollars; two assistant messengers; and one laborer; in all, seventeen thousand four hundred and fifty dollars.

Bureau of Statistics.

BUREAU OF STATISTICS: For officer in charge of the Bureau of Statistics, three thousand five hundred dollars; chief clerk, two thousand two hundred and fifty dollars; statistical clerk, two thousand dollars; four clerks of class four; three clerks of class three; stenographer and typewriter, one thousand five hundred dollars; five clerks of class two; eight clerks of class one; translator, one thousand two hundred dollars; six clerks, at one thousand dollars each; two copyists; one messenger; one assistant messenger; one laborer; and one female laborer, four hundred and eighty dollars; in all, forty-nine thousand five hundred and fifty dollars.

Experts, etc.

For payment of the services of experts, and for other necessary expenditures connected with the collection of facts relative to the internal and foreign commerce of the United States, two thousand dollars.

Secret Service Division.

SECRET SERVICE DIVISION: For one chief, three thousand five hundred dollars; chief clerk, two thousand dollars; one clerk of class four; two clerks of class two; one clerk of class one; one clerk, one thousand dollars; and one attendant, seven hundred and twenty dollars; in all, thirteen thousand and twenty dollars.

Standard weights and measures.

OFFICE OF CONSTRUCTION OF STANDARD WEIGHTS AND MEASURES: For construction and verification of standard weights and measures, including metric standards, for the custom-houses, other offices of the United States, and for the several States, and mural standards of length in Washington, District of Columbia: For inspector of standards, three thousand dollars; adjuster, one thousand five hundred dollars; one verifier, one thousand five hundred dollars; mechanic, one thousand two hundred and fifty dollars; one assistant messenger; one adjuster's

helper, seven hundred and twenty dollars; and one watchman; in all, nine thousand four hundred and ten dollars.

For purchase of materials and apparatus, and incidental expenses, one thousand dollars.

For expenses of the attendance of the American delegate at the meeting of the International Bureau of Weights and Measures, as provided for in the convention signed May twentieth, eighteen hundred and seventy-five, four hundred and seventy-five dollars, or so much thereof as may be necessary.

Expenses.

American delegate to International Bureau of Weights and Measures.

OFFICE OF THE DIRECTOR OF THE MINT: For Director, four thousand five hundred dollars; examiner, and computer, at two thousand five hundred dollars each; assayer, two thousand two hundred dollars; adjuster of accounts, two thousand dollars; two clerks of class four; one clerk of class two; four clerks of class one; translator, one thousand four hundred dollars; one clerk, one thousand dollars; one copyist; one messenger; one assistant in laboratory, one thousand two hundred dollars; and one assistant messenger; in all, twenty-nine thousand five hundred and sixty dollars.

Office of Director of the Mint.

For freight on bullion and coin, by registered mail or otherwise, between mints and assay offices, seventy-five thousand dollars.

Freight.

For contingent expenses of the Bureau of the Mint, to be expended under the direction of the Director, namely: For assay laboratory, chemicals, fuel, materials, and other necessities, one thousand dollars.

Contingent expenses.

For examination of mints, expense in visiting mints and assay offices for the purpose of superintending the annual settlements, and for special examinations, two thousand five hundred dollars.

For books, pamphlets, periodicals, specimens of coins and ores, balances, weights, and incidentals, four hundred dollars.

For the collection of statistics relative to the annual production of the precious metals in the United States, three thousand five hundred dollars.

Statistics.

OFFICE OF SUPERVISING SURGEON-GENERAL MARINE-HOSPITAL SERVICE: For Supervising Surgeon-General, four thousand dollars; chief clerk, two thousand dollars; two clerks of class four; four clerks of class three; three clerks of class two; four clerks of class one; clerk and translator, one thousand two hundred dollars; hospital steward (employed as chemist), one thousand two hundred dollars; six clerks, at nine hundred dollars each; one messenger, six hundred dollars; five laborers, at five hundred and forty dollars each; in all, thirty-six thousand one hundred dollars, the same to be paid from the permanent appropriations for the Marine-Hospital Service.

Marine-Hospital Service.

OFFICE SUPERVISING INSPECTOR-GENERAL STEAMBOAT-INSPECTION SERVICE: For Supervising Inspector-General, three thousand five hundred dollars; chief clerk, one thousand eight hundred dollars; two clerks of class three; one clerk of class one; one clerk of class one (stenographer and typewriter); one messenger; in all, eleven thousand seven hundred and forty dollars, the same to be paid from the permanent appropriations for the Steamboat-Inspection Service.

Steamboat-Inspection Service.

BUREAU OF IMMIGRATION: For Commissioner-General of Immigration, four thousand dollars; chief clerk, two thousand two hundred and fifty dollars; confidential clerk, one thousand two hundred dollars; statistician and stenographer, with power to act as immigrant inspector, one thousand eight hundred dollars; one supervising immigrant inspector, to be attached to this Bureau in Washington for special work outside, one thousand six hundred dollars; one messenger; and one assistant messenger; in all, twelve thousand four hundred and ten dollars, which, together with other expenses of regulating immigration, shall be paid from the permanent appropriation for expenses regulating immigration.

Immigration Bureau.

Contingent expenses.	FOR CONTINGENT EXPENSES OF THE TREASURY DEPARTMENT, INCLUDING ALL BUILDINGS UNDER CONTROL OF THE TREASURY IN WASHINGTON, DISTRICT OF COLUMBIA, namely:
Stationery.	For stationery for the Treasury Department and its several Bureaus, twenty-six thousand dollars.
Postage.	For postage required to prepay matter addressed to Postal Union countries, and for postage for the Treasury Department, one thousand dollars. For purchasing material for binding important records, four hundred dollars.
Newspapers, etc.	For newspapers, law books, city directories, and other books of reference relating to the business of the Department, one thousand dollars.
Investigations.	For investigation of accounts and records, including the necessary traveling expenses, and for other traveling expenses, when ordered by the Secretary of the Treasury, in connection with special work, including the temporary employment of stenographers, typewriters, accountants, or other expert services outside the District of Columbia when not properly chargeable to any other appropriation under the control of the Treasury Department, five hundred dollars.
Freight, etc.	For freight, expressage, telegraph and telephone service, five thousand dollars.
Rent.	For rent of buildings, seven thousand and ninety dollars.
Horses and wagons.	For purchase of horses and wagons, for office and mail service, to be used only for official purposes, care and subsistence of horses, including shoeing, and of wagons, harness, and repairs of the same, three thousand dollars.
Ice.	For purchase of ice, including ice for the office of the Auditor for the Post-Office Department, two thousand five hundred dollars.
File holders, etc.	For purchase of file holders and file cases, two thousand dollars.
Fuel, etc.	For purchase of coal, wood, engine oils and grease, grates, grate baskets and fixtures, blowers, coal hods, coal, shovels, pokers, and tongs, nine thousand five hundred dollars.
Lighting.	For purchase of gas, electric current for lighting and power purposes, gas and electric light fixtures, electric-light wiring and material, candles, candlesticks, droplights and tubing, gas burners, gas torches, globes, lanterns, and wicks, fourteen thousand dollars.
Miscellaneous.	For washing and hemming towels, for the purchase of awnings and fixtures, window shades and fixtures, alcohol, benzine, turpentine, varnish, baskets, belting, bellows, bowls, brooms, buckets, brushes, canvas, crash, cloth, chamois skins, cotton waste, door and window fasteners, dusters, flower garden, street and engine hose, lace leather, lye, nails, oils, plants, picks, pitchers, powders, stencil plates, hand stamps, and repairs of same, stamp ink, spittoons, soap, matches, match safes, sponges, tacks, traps, thermometers, tools, towels, towel racks, tumblers, wire, zinc, and for blacksmithing, repairs of machinery, removal of rubbish, sharpening tools, advertising for proposals and for sales at public auction in Washington, District of Columbia, of condemned property belonging to the Treasury Department, payment of auctioneer fees, and purchase of other absolutely necessary articles, eight thousand dollars.
Numbering machines, etc.	For purchase of registering accountants, numbering machines, and other machines of a similar character, and repairs thereto, two thousand dollars.
Carpets.	For purchase of carpets, carpet border and lining, linoleum, mats, rugs, matting, and repairs, and for cleaning, cutting, making, laying, and relaying of the same, by contract, three thousand dollars.
Furniture.	For purchase of boxes, book rests, chairs, chair caning, chair covers, desks, bookcases, clocks, cloth for covering desks, cushions, leather for covering chairs and sofas, locks, lumber screens, tables, type-

writers, ventilators, wardrobe cabinets, washstands, water coolers and stands, seven thousand dollars.

COLLECTING INTERNAL REVENUE.

Collecting internal revenue.

For salaries and expenses of collectors and deputy collectors and surveyors, and clerks, including transportation of public funds, and also including expenses of enforcing the Act of August second, eighteen hundred and eighty-six, taxing oleomargarine, and the Act of August fourth, eighteen hundred and eighty-six, imposing upon the Government the expense of the inspection of tobacco exported; also the Act of June sixth, eighteen hundred and ninety-six, imposing a tax on filled cheese, one million seven hundred and ten thousand dollars.

Collectors, etc.

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Provided, That the Commissioner of Internal Revenue is authorized to detail deputy collectors of internal revenue in one district for special duty in other districts, and the deputy collectors so detailed shall be paid by the collector of internal revenue and disbursing agent for the district for which they are appointed and for which the allowance for their salary and expenses is made, the same as if all their services had been performed and expenses incurred in that district.

Proviso.
Detail of deputies in one district for special service in other districts.

For continuing the additional clerks and other employees in the Office of the Commissioner of Internal Revenue and for salaries and expenses of increased force of deputy collectors rendered necessary by the Act of June thirteenth, eighteen hundred and ninety-eight, providing for war expenditures, and for other purposes, and for salaries and expenses of ten additional agents provided for in section three, and the twenty additional clerks and agents provided for in section forty-seven of said Act of June thirteenth, eighteen hundred and ninety-eight, six hundred and fifty thousand dollars.

Additional clerks, etc.

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For salaries and expenses of agents, fees and expenses of gaugers, salaries and expenses of storekeepers and storekeeper-gaugers, and miscellaneous expenses, one million nine hundred thousand dollars:

Agents, gaugers, etc.

Provided, That the compensation of the chief of the internal-revenue agents shall not exceed ten dollars per day, and of the other agents not exceeding seven dollars per day each; and for per diem in lieu of subsistence, when absent on duty from their legal residence, said agents shall receive, at a rate to be fixed by the Secretary of the Treasury, not exceeding three dollars per day: *Provided further*, That the Commissioner of Internal Revenue is authorized to detail gaugers, storekeeper-gaugers, and storekeepers, appointed in one district, for special or regular duty in other districts, and the accounts of gaugers, storekeeper-gaugers, and storekeepers so detailed shall be adjusted and paid in the district where they are appointed the same as if assigned to regular duty, without regard to the number of districts in which they may have been employed in any one month, the same as if all their services had been performed and expenses incurred in the district in which appointed, and the order of the Commissioner of Internal Revenue transferring gaugers, storekeeper-gaugers, or storekeepers to special work shall be accepted by the accounting officers of the Treasury Department as full authority for proper expenses incurred by said gaugers, storekeeper-gaugers, or storekeepers, while so assigned.

Provisos.
Agents compensation and per diem, etc.

Detail of gaugers, etc., in one district for duty in other districts, etc.

INDEPENDENT TREASURY.

Independent treasury.

OFFICE OF ASSISTANT TREASURER AT BALTIMORE: For assistant treasurer, four thousand five hundred dollars; cashier, two thousand five hundred dollars; three clerks, at one thousand eight hundred dollars each; two clerks, at one thousand four hundred dollars each; three clerks, at one thousand two hundred dollars each; two clerks, at one

Office of assistant treasurers.
Baltimore.

thousand dollars each; messenger, eight hundred and forty dollars; three vault watchmen, at seven hundred and twenty dollars each; in all, twenty-three thousand eight hundred dollars.

Boston.

OFFICE OF ASSISTANT TREASURER AT BOSTON: For assistant treasurer, five thousand dollars; chief clerk, and paying teller, at two thousand five hundred dollars each; assistant paying teller, two thousand two hundred dollars; vault clerk, and receiving teller, at two thousand dollars each; first bookkeeper, one thousand eight hundred dollars; second bookkeeper, one thousand four hundred dollars; specie clerk, one thousand eight hundred dollars; assistant specie clerk, and money clerk, at one thousand five hundred dollars each; redemption clerk, and one clerk, at one thousand four hundred dollars each; two clerks, at one thousand two hundred dollars each; clerk, one thousand one hundred dollars; three clerks, at one thousand dollars each; clerk, eight hundred dollars; messenger and chief watchman, one thousand and sixty dollars; stenographer and typewriter, one thousand dollars; three watchmen and janitors, at eight hundred and fifty dollars each; in all, thirty-eight thousand nine hundred and ten dollars.

Chicago.

OFFICE OF ASSISTANT TREASURER AT CHICAGO: For assistant treasurer, five thousand dollars; cashier, two thousand five hundred dollars; vault clerk, one thousand eight hundred dollars; paying teller, one thousand eight hundred dollars; assorting teller, and receiving teller, at one thousand five hundred dollars each; clerk, one thousand six hundred dollars; bookkeeper, one thousand five hundred dollars; three coin, coupon, and currency clerks, at one thousand five hundred dollars each; fifteen clerks, at one thousand two hundred dollars each; messenger, eight hundred and forty dollars; stenographer, seven hundred and twenty dollars; janitor, six hundred dollars; and three watchmen, at seven hundred and twenty dollars each; in all, forty-four thousand and twenty dollars.

Cincinnati.

OFFICE OF ASSISTANT TREASURER AT CINCINNATI: For assistant treasurer, four thousand five hundred dollars; cashier, two thousand dollars; bookkeeper, one thousand eight hundred dollars; receiving teller, one thousand five hundred dollars; check clerk, and interest clerk, at one thousand two hundred dollars each; two clerks, at one thousand two hundred dollars each; two clerks, at one thousand dollars each; one clerk and stenographer, seven hundred and twenty dollars; two night watchmen, at seven hundred and twenty dollars each; messenger, six hundred dollars; in all, nineteen thousand three hundred and sixty dollars.

New Orleans.

OFFICE OF ASSISTANT TREASURER AT NEW ORLEANS: For assistant treasurer, four thousand dollars; chief clerk and cashier, two thousand two hundred and fifty dollars; receiving teller, and paying teller, at two thousand dollars each; bookkeeper, one thousand five hundred dollars; five clerks, at one thousand two hundred dollars each; coin and redemption clerk, one thousand two hundred dollars; two clerks, at one thousand dollars each; porter, five hundred dollars; day watchman, seven hundred and twenty dollars; night watchman, seven hundred and twenty dollars; in all, twenty-two thousand eight hundred and ninety dollars.

New York.

OFFICE OF ASSISTANT TREASURER AT NEW YORK: For assistant treasurer, eight thousand dollars; deputy assistant treasurer and cashier, four thousand two hundred dollars; assistant cashier and chief clerk, three thousand six hundred dollars; assistant cashier and vault clerk, three thousand two hundred dollars; two chiefs of division, at three thousand one hundred dollars each; chief paying teller, three thousand dollars; two chiefs of division, at two thousand seven hundred dollars each; chief of division, two thousand six hundred dollars; chief of division, and chief bookkeeper, at two thousand four hundred dollars each; chief of division, and assistant chief of division, at two

thousand three hundred dollars each; two assistant chiefs of division, at two thousand two hundred and fifty dollars each; two assistant tellers, at two thousand two hundred dollars each; two assistant tellers, and one bookkeeper, at two thousand one hundred dollars each; six assistant tellers, one assistant chief of division, and three bookkeepers, at two thousand dollars each; ten assistant tellers, and two bookkeepers, at one thousand eight hundred dollars each; two assistant tellers, at one thousand seven hundred dollars each; four assistant tellers, one bookkeeper, and two clerks, at one thousand six hundred dollars each; six assistant tellers, and two clerks, at one thousand five hundred dollars each; nine assistant tellers, one bookkeeper, and four clerks, at one thousand four hundred dollars each; one assistant teller, and two clerks, at one thousand three hundred dollars each; eight assistant tellers, and three clerks, at one thousand two hundred dollars each; six assistant tellers, at one thousand dollars each; five assistant tellers, and one clerk, at nine hundred dollars each; five assistant tellers, at eight hundred dollars each; two messengers, at one thousand two hundred dollars each; three messengers, at nine hundred dollars each; two messengers, at eight hundred dollars each; two hall men, at one thousand dollars each; two porters, at nine hundred dollars each; superintendent of building, one thousand eight hundred dollars; chief detective, one thousand five hundred dollars; assistant detective, one thousand two hundred dollars; two engineers, at one thousand and fifty dollars each; assistant engineer, eight hundred and twenty dollars; eight watchmen, at seven hundred and twenty dollars each; in all, two hundred and four thousand seven hundred and eighty dollars.

OFFICE OF ASSISTANT TREASURER AT PHILADELPHIA: For assistant treasurer, four thousand five hundred dollars; cashier and chief clerk, two thousand five hundred dollars; bookkeeper, two thousand five hundred dollars; paying teller, two thousand two hundred dollars; bond and authorities clerk, and vault clerk, at one thousand nine hundred dollars each; assorting teller, one thousand eight hundred dollars; coin teller, one thousand seven hundred dollars; redemption teller, and receiving teller, at one thousand six hundred dollars each; clerk, one thousand five hundred dollars; two clerks, at one thousand four hundred dollars each; clerk, one thousand three hundred dollars; five clerks, at one thousand two hundred dollars each; superintendent messenger and chief watchman, one thousand one hundred dollars; five counters, at nine hundred dollars each; seven watchmen, at seven hundred and twenty dollars each; in all, forty-four thousand four hundred and forty dollars.

Philadelphia.

OFFICE OF ASSISTANT TREASURER AT SAINT LOUIS: For assistant treasurer, four thousand five hundred dollars; cashier and chief clerk, two thousand five hundred dollars; first teller, two thousand dollars; second teller, one thousand eight hundred dollars; third teller, one thousand six hundred dollars; fourth teller, one thousand two hundred dollars; bookkeeper, one thousand five hundred dollars; three assistant bookkeepers, and coin teller, at one thousand two hundred dollars each; two clerks, at one thousand two hundred dollars each; assistant coin teller, stenographer and typewriter, and messenger, at one thousand dollars each; two day watchmen, and coin counters, at nine hundred dollars each; night watchman, seven hundred and twenty dollars; and janitor, six hundred dollars; in all, twenty-eight thousand four hundred and twenty dollars.

St. Louis.

OFFICE OF ASSISTANT TREASURER AT SAN FRANCISCO: For assistant treasurer, four thousand five hundred dollars; cashier, three thousand dollars; bookkeeper, two thousand five hundred dollars; chief clerk, two thousand four hundred dollars; assistant cashier, receiving teller, and assistant bookkeeper, at two thousand dollars each; coin teller, and one clerk, at one thousand eight hundred dollars each; clerk, one

San Francisco.

thousand four hundred dollars; messenger, eight hundred and forty dollars; and four watchmen, at seven hundred and twenty dollars each; in all, twenty-seven thousand one hundred and twenty dollars.

Special agents.

For salaries of special agents, and for actual expenses of examiners detailed to examine the books, accounts, and money on hand at the several subtreasuries and depositories, including national banks acting as depositories under the requirements of section thirty-six hundred and forty-nine of the Revised Statutes of the United States, also including examinations of cash accounts at mints, three thousand dollars.

Paper for checks.

For paper for interest, transfer, redemption, pension, and other checks and drafts for the use of the Treasurer of the United States, assistant treasurers, pension agents, disbursing officers, and others, twelve thousand five hundred dollars.

Mints and assay offices.

UNITED STATES MINTS AND ASSAY OFFICES.

Carson.

MINT AT CARSON, NEVADA: For assayer in charge, who shall also perform the duties of melter, two thousand dollars; assistant assayer, and one clerk, at one thousand five hundred dollars each; in all, five thousand dollars.

Wages.

For wages of workmen and watchmen, five thousand five hundred dollars.

Contingent expenses.

For incidental and contingent expenses, two thousand six hundred dollars.

Denver.

MINT AT DENVER, COLORADO: For assayer in charge, three thousand dollars; melter, two thousand two hundred and fifty dollars; chief clerk, one thousand eight hundred dollars; clerk, one thousand six hundred dollars; clerk, one thousand four hundred dollars; two calculating clerks, at one thousand four hundred dollars each; two clerks, at one thousand two hundred dollars each; in all, fifteen thousand two hundred and fifty dollars.

Wages.

For wages of workmen, twenty-two thousand dollars.

Contingent expenses.

For incidental and contingent expenses, six thousand dollars.

Assay office continued until coinage mint established.
Vol. 28, p. 673.

Until the mint and assay office at Denver shall become a coinage mint in accordance with law, the present mint shall be continued as an assay office, and the business now transacted at said mint shall be continued therein, and the appropriations heretofore and herein made shall be applicable to such mint.

New Orleans.

MINT AT NEW ORLEANS, LOUISIANA: For superintendent, three thousand five hundred dollars; assayer, melter and refiner, and coiner, at two thousand five hundred dollars each; cashier, and chief clerk, at two thousand dollars each; assistant assayer, assistant melter and refiner, and assistant coiner, at one thousand nine hundred dollars each; abstract clerk, bookkeeper, weigh clerk, and assayer's computation clerk, at one thousand six hundred dollars each; register of deposits, warrant clerk, and assistant weigh clerk, at one thousand two hundred and fifty dollars each; cashier's clerk, one thousand one hundred dollars; in all, thirty-one thousand nine hundred and fifty dollars.

Wages.

For wages of workmen and adjusters, thirty thousand dollars.

Contingent expenses.

For incidental and contingent expenses, including wastage of operative officers and loss on sale of sweeps, and for machinery and repairs, fifteen thousand dollars.

Philadelphia.

MINT AT PHILADELPHIA: For superintendent, four thousand five hundred dollars; assayer, melter and refiner, coiner, and engraver, at three thousand dollars each; assistant assayer, assistant melter and refiner, and assistant coiner, at two thousand dollars each; cashier, two thousand five hundred dollars; chief clerk, two thousand two hundred and fifty dollars; bookkeeper, abstract clerk, and weigh clerk, at two thousand dollars each; cashier's clerk, warrant clerk, and register of depos-

its, at one thousand seven hundred dollars each; assistant weigh clerk, and assayer's computation clerk, at one thousand six hundred dollars each; in all, forty-one thousand five hundred and fifty dollars.

For wages of workmen and adjusters, three hundred and fifty thousand dollars.

For incidental and contingent expenses, including new machinery and repairs, expenses annual assay commission, melter and refiner's wastage, and loss on sale of sweeps arising from the manufacture of ingots for coinage and wastage and loss on sale of coiners' sweeps, and purchase not exceeding five hundred dollars in value of specimen coins and ores for the cabinet of the mint, seventy-five thousand dollars.

MINT AT SAN FRANCISCO, CALIFORNIA: For superintendent, four thousand five hundred dollars; assayer, melter and refiner, and coiner, at three thousand dollars each; chief clerk and cashier, at two thousand five hundred dollars each; bookkeeper, abstract clerk, weigh clerk, warrant clerk, assistant assayer, assistant melter and refiner, assistant coiner, and register of deposits, at two thousand dollars each; cashier's clerk, one thousand eight hundred dollars; assayer's computation clerk, assistant weigh clerk, and superintendent's calculating clerk, at one thousand six hundred dollars each; in all, forty-one thousand one hundred dollars.

For wages of workmen and adjusters, one hundred and seventy-five thousand dollars.

For incidental and contingent expenses, including new machinery, melter and refiner's wastage, and loss on sale of sweeps, arising from the manufacture of ingots for coinage, and wastage of, and loss on sale of coiners' sweeps, forty thousand dollars.

ASSAY OFFICE AT BOISE, IDAHO: For assayer, who shall also perform the duties of melter, two thousand dollars; one clerk, one thousand four hundred dollars; in all, three thousand four hundred dollars.

For wages of workmen, seven thousand five hundred dollars.

For incidental and contingent expenses, three thousand dollars.

ASSAY OFFICE AT CHARLOTTE, NORTH CAROLINA: For assayer and melter, one thousand five hundred dollars; assistant assayer, one thousand two hundred and fifty dollars; in all, two thousand seven hundred and fifty dollars.

For wages of workmen, one thousand and eighty dollars.

For incidental and contingent expenses, nine hundred and twenty dollars.

ASSAY OFFICE AT DEADWOOD, SOUTH DAKOTA: For assayer in charge, who shall also perform the duties of melter, two thousand dollars; one clerk, one thousand two hundred dollars; in all, three thousand two hundred dollars.

For wages of workmen, six thousand dollars.

For incidental and contingent expenses, including rent of building, three thousand dollars.

ASSAY OFFICE AT HELENA, MONTANA: For assayer in charge, two thousand two hundred and fifty dollars; melter, one thousand eight hundred dollars; chief clerk, one thousand eight hundred dollars; clerk, one thousand four hundred dollars; in all, seven thousand two hundred and fifty dollars.

For wages of workmen, fourteen thousand dollars.

For incidental and contingent expenses, four thousand dollars.

ASSAY OFFICE AT NEW YORK: For superintendent, four thousand five hundred dollars; assayer, and melter and refiner, at three thousand dollars each; chief clerk, assistant melter and refiner, and weigh clerk, at two thousand five hundred dollars each; bookkeeper, two thousand three hundred and fifty dollars; warrant clerk, two thousand dollars; cashier, two thousand two hundred and fifty dollars; bar clerk, abstract clerk, and assayer's computing clerk, at one thousand eight

Wages.

Contingent expenses.

San Francisco.

Wages.

Contingent expenses.

Boise.

Wages.

Contingent expenses.

Charlotte, N. C.

Wages.

Contingent expenses.

Deadwood.

Wages.

Contingent expenses.

Helena, Mont.

Wages.

Contingent expenses.

New York.

hundred dollars each; assistant weigh clerk, one thousand six hundred dollars; register of deposits, one thousand two hundred and fifty dollars; assayer's first assistant, two thousand two hundred and fifty dollars; assayer's second assistant, two thousand one hundred and fifty dollars; assayer's third assistant, two thousand dollars; in all, thirty-nine thousand two hundred and fifty dollars.

Wages.

For wages of workmen and messengers, twenty-seven thousand five hundred dollars.

Contingent expenses.

For incidental and contingent expenses, ten thousand dollars.

St. Louis.

ASSAY OFFICE AT SAINT LOUIS, MISSOURI: For assayer in charge, two thousand dollars; clerk, one thousand dollars; in all, three thousand dollars.

Wages.

For wages of workmen (including janitor), one thousand dollars.

Contingent expenses.

For incidental and contingent expenses, seven hundred and fifty dollars.

Seattle.

ASSAY OFFICE AT SEATTLE, WASHINGTON: For assayer in charge, who shall also perform the duties of melter, two thousand five hundred dollars; chief clerk, one thousand eight hundred dollars; one clerk, one thousand six hundred dollars; one clerk, one thousand five hundred dollars; one clerk, one thousand four hundred dollars; one clerk, one thousand two hundred dollars; in all, ten thousand dollars.

Contingent expenses, etc.

For wages of workmen, rent, and contingent expenses, thirty thousand dollars.

Territories.

GOVERNMENT IN THE TERRITORIES.

Alaska.

TERRITORY OF ALASKA: For governor, four thousand dollars; judge, four thousand dollars; attorney, four thousand dollars; marshal and clerk, at two thousand five hundred dollars each; ten commissioners, one of whom shall reside at Kadiak, and one of whom shall reside in Forty Mile mining district, in the District of Alaska, at one thousand dollars each; ten deputy marshals, at seven hundred and fifty dollars each; in all, thirty-four thousand five hundred dollars: *Provided*, That the said commissioners shall report to the Attorney-General on or before November, nineteen hundred, the amount of all fees earned for the first quarter of the fiscal year nineteen hundred and one.

Proviso.

Report of fees by commissioners.

Contingent expenses.

For incidental and contingent expenses of the Territory, clerk hire, stationery, lights, and fuel, to be expended under the direction of the governor, two thousand dollars.

Arizona.

TERRITORY OF ARIZONA: For governor, three thousand dollars; chief justice and three associate judges, at three thousand dollars each; secretary, one thousand eight hundred dollars; interpreter and translator in the executive office, five hundred dollars; in all, seventeen thousand three hundred dollars.

Contingent expenses.

For contingent expenses of the Territory, to be expended by the governor, five hundred dollars.

Legislative expenses.

For legislative expenses, namely: For rent, messenger, postage, stationery, fuel, lights, printing, and incidental expenses for secretary's office; per diem of members of the legislature, mileage, legislative supplies, pay of officers of legislature, rent, furniture, printing, and incidentals for legislative assembly, twenty-four thousand two hundred and fifty dollars.

Expenses moving, etc.

For moving furniture, records of Territory of Arizona, fitting up offices, new capitol building, and necessary expenses of such moving, five hundred dollars.

New Mexico.

TERRITORY OF NEW MEXICO: For governor, three thousand dollars; chief justice and four associate judges, at three thousand dollars each; secretary, one thousand eight hundred dollars; and interpreter and translator in the executive office, five hundred dollars; in all, twenty thousand three hundred dollars.

Contingent expenses.

For contingent expenses of the Territory, to be expended by the governor, five hundred dollars.

For legislative expenses, namely: For rent, light, fuel, telephone, ice, water, stationery, record files, record casings, printing, postage, clerks, messenger and porter, and incidentals in secretary's office; per diem of members of the legislature, mileage, legislative supplies, pay of officers of legislature, rent, furniture, printing, and incidentals for legislative assembly, twenty-four thousand two hundred and fifty dollars.

Legislative expenses.

TERRITORY OF OKLAHOMA: For governor, three thousand dollars; chief justice and four associate judges, at three thousand dollars each; and secretary, one thousand eight hundred dollars; in all, nineteen thousand eight hundred dollars.

Oklahoma.

For contingent expenses of the Territory, to be expended by the governor for rents, private secretary, stenographer and typewriter, and typewriter supplies, janitor, messenger, fuel, lights, stationery and printing; postage, telegrams, furniture for office, express, and other incidentals, one thousand dollars.

Contingent expenses.

For legislative expenses, namely: For rent of office, furniture, fuel, lights, stationery, clerk hire, printing, postage, ice, record casings, messenger, porter, and other incidental expenses of the secretary's office; per diem of members of the legislature, mileage, legislative supplies, pay of officers of legislature, rent, furniture, printing, and incidentals for legislative assembly, twenty-four thousand two hundred and fifty dollars: *Provided*, That the legislative assembly shall not consider any proposition or pass any bill to remove the seat of government of said Territory from its present location: *Provided further*, That said legislative assembly shall not make any appropriation or enter into any contract for a capitol building.

Legislature.
—expenses of.

Proviso.
—not to remove present seat of government.
—or contract for new capitol building.

WAR DEPARTMENT.

War Department.

OFFICE OF THE SECRETARY: For compensation of the Secretary of War, eight thousand dollars; Assistant Secretary, four thousand five hundred dollars; chief clerk, including five hundred dollars as assistant in military park and insular affairs, three thousand dollars; clerk to the chief clerk, two thousand one hundred dollars; clerk to the Secretary, two thousand two hundred and fifty dollars; clerk to the Assistant Secretary, two thousand one hundred dollars; stenographer, one thousand eight hundred dollars; disbursing clerk, two thousand dollars; four chiefs of division, at two thousand dollars each; superintendent of buildings, outside of State, War, and Navy Department building, in addition to compensation as chief of division, five hundred dollars; appointment clerk, two thousand dollars; librarian, one thousand eight hundred dollars; four clerks of class four; five clerks of class three; ten clerks of class two; eleven clerks of class one; four clerks, at one thousand dollars each; carpenter, one thousand dollars; foreman of laborers, one thousand dollars; two carpenters, at nine hundred dollars each; four messengers; seven assistant messengers; eight laborers; hostler, six hundred dollars; two hostlers, and one watchman, at five hundred and forty dollars each; in all, one hundred and four thousand one hundred and fifty dollars.

Secretary, assistant clerks, etc.

For continuing the employment of such additional temporary force of clerks, messengers, laborers, and other assistants; rendered necessary because of increased work incident to the war with Spain, as in the judgment of the Secretary of War may be proper and necessary to the prompt, efficient, and accurate dispatch of official business in the War Department and its bureaus, to be allotted by the Secretary of War to such bureaus and offices as the exigencies of the needs of the service may demand, six hundred thousand dollars. Persons in the classified service of the Government shall not be eligible to appointment under this appropriation or other appropriations for additional employees because of increased work incident to the war with Spain.

Additional temporary force.

—persons in classified service not eligible, etc.

or to be transferred from any position in the classified service to positions paid under this or said other appropriations.

Record and Pension
Office.

RECORD AND PENSION OFFICE: For three chiefs of division, at two thousand dollars each; one agent, two thousand dollars; twenty-four clerks of class four; forty-five clerks of class three; ninety-five clerks of class two; one hundred and eighty-seven clerks of class one; fifty-five clerks, at one thousand dollars each; engineer, one thousand four hundred dollars; assistant engineer, nine hundred dollars; two firemen; skilled mechanic, one thousand dollars; five messengers; thirty-five assistant messengers; messenger boy, three hundred and sixty dollars; five watchmen; superintendent of building, two hundred and fifty dollars; and seventeen laborers; in all, five hundred and eighty-five thousand one hundred and seventy dollars; and all employees provided for by this paragraph for the Record and Pension Office of the War Department shall be exclusively engaged on the work of this office for the fiscal year nineteen hundred and one.

Adjutant-General's
Office.

OFFICE OF THE ADJUTANT-GENERAL: For chief clerk, two thousand dollars; clerk to the Adjutant-General, one thousand eight hundred dollars; two chiefs of division, at two thousand dollars each; twelve clerks of class four; fourteen clerks of class three; thirteen clerks of class two; fifty-eight clerks of class one; seven clerks, at one thousand dollars each; four messengers; eighteen assistant messengers; and three watchmen; in all, one hundred and sixty-five thousand and eighty dollars.

Inspector-General's
Office.

OFFICE OF THE INSPECTOR-GENERAL: For one clerk of class four; two clerks of class three; three clerks of class two; two clerks of class one; one messenger; and one assistant messenger; in all, thirteen thousand one hundred and sixty dollars.

Judge-Advocate-
General's Office.

OFFICE OF THE JUDGE-ADVOCATE-GENERAL: For chief clerk, two thousand dollars; one clerk of class four; two clerks of class three; one clerk of class two; three clerks of class one; one clerk, one thousand dollars; one copyist; one messenger; and one assistant messenger; in all, fifteen thousand four hundred and sixty dollars.

Signal Office.

SIGNAL OFFICE: For chief clerk, two thousand dollars; one clerk of class four; one clerk of class one; one messenger; one laborer; in all, six thousand five hundred dollars.

Quartermaster-Gen-
eral's Office.

OFFICE OF THE QUARTERMASTER-GENERAL: For chief clerk, two thousand dollars; eleven clerks of class four; nine clerks of class three; twenty-three clerks of class two; thirty-nine clerks of class one; eight clerks, at one thousand dollars each; six skilled typewriters, at one thousand dollars each; female messenger, four hundred and eighty dollars; four messengers; nine assistant messengers; two laborers; civil engineer, one thousand eight hundred dollars; assistant civil engineer, one thousand two hundred dollars; draftsman, one thousand eight hundred dollars; assistant draftsman, one thousand six hundred dollars; assistant draftsman, one thousand four hundred dollars; experienced builder and mechanic, two thousand five hundred dollars; in all, one hundred and fifty-two thousand five hundred and forty dollars.

Commissary - Gen-
eral's Office.

OFFICE OF THE COMMISSARY-GENERAL: For chief clerk, two thousand dollars; one clerk of class four; three clerks of class three; four clerks of class two; fourteen clerks of class one; nine clerks, at one thousand dollars each; two assistant messengers; two laborers; in all, forty-two thousand seven hundred and sixty dollars.

Surgeon-General's
Office.

OFFICE OF THE SURGEON-GENERAL: For chief clerk, two thousand dollars; fourteen clerks of class four; eleven clerks of class three; twenty-six clerks of class two; twenty-nine clerks of class one; five clerks, at one thousand dollars each; anatomist, one thousand six hundred dollars; engineer, one thousand four hundred dollars; assistant engineer, for night duty, nine hundred dollars; two firemen; skilled

mechanic, one thousand dollars; twelve assistant messengers; three watchmen; superintendent of building (Army Medical Museum and Library), two hundred and fifty dollars; five laborers; chemist, two thousand and eighty-eight dollars; principal assistant librarian, two thousand and eighty-eight dollars; pathologist, one thousand eight hundred dollars; microscopist, one thousand eight hundred dollars; assistant librarian, one thousand eight hundred dollars; in all, one hundred and fifty-one thousand two hundred and sixty-six dollars.

OFFICE OF THE PAYMASTER-GENERAL: For chief clerk, two thousand dollars; five clerks of class four; five clerks of class three; seven clerks of class two; two clerks of class one; one assistant messenger; four laborers; in all, thirty-four thousand five hundred and sixty dollars. Paymaster-General's Office.

OFFICE OF THE CHIEF OF ORDNANCE: For chief clerk, two thousand dollars; two clerks of class four; two clerks of class three; two clerks of class two; twenty clerks of class one; three clerks, at one thousand dollars each; two messengers; one assistant messenger; one laborer; in all, forty-one thousand six hundred and sixty dollars. Office Chief of Ordnance.

OFFICE OF THE CHIEF OF ENGINEERS: For chief clerk, two thousand dollars; five clerks of class four; four clerks of class three; four clerks of class two; four clerks of class one; one clerk, one thousand dollars; one assistant messenger, and two laborers; in all, thirty thousand eight hundred and forty dollars. Office Chief of Engineers.

And the services of skilled draftsmen, civil engineers, and such other services as the Secretary of War may deem necessary may be employed in the office of the Chief of Engineers to carry into effect the various appropriations for rivers and harbors, fortifications, and surveys to be paid from such appropriations: *Provided*, That the expenditures on this account for the fiscal year ending June thirtieth, nineteen hundred and one, shall not exceed seventy-two thousand dollars; and that the Secretary of War shall each year, in the annual estimates, report to Congress the number of persons so employed and the amount paid to each. Skilled draftsmen.

For postage stamps for the War Department and its bureaus, as required under the Postal Union, to prepay postage on matters addressed to Postal Union countries, one thousand dollars. Postage stamps.

For contingent expenses of the War Department and its bureaus and offices, including purchase of professional and scientific books, law books, books of reference, periodicals, blank books, pamphlets, newspapers, maps; furniture and repairs to same; carpets, matting, oilcloth, file cases, towels, ice, brooms, soap, sponges, fuel, gas, and heating apparatus for and repairs to the buildings (outside of the State, War, and Navy Department building) occupied by the Adjutant-General's Office, the Surgeon-General's Office, Record and Pension Office, Paymaster-General's and Ordnance offices, Signal Office and building for signal stores and supplies, the depot quartermaster's office, and the other offices of the War Department and its bureaus located in the Lemon Building; expenses of horses and wagons to be used only for official purposes; freight and express charges, temporary labor not to exceed one thousand dollars, and other absolutely necessary expenses, thirty-eight thousand dollars. Contingent expenses.

For additional amount for the foregoing objects, twenty thousand dollars.

For stationery for the War Department and its bureaus and offices, twenty-two thousand five hundred dollars. Stationery.

For additional amount for the foregoing object, ten thousand dollars.

For rent of buildings for use of the War Department as follows: Rent.
For medical dispensary, Surgeon-General's Office, one thousand dollars; for Paymaster-General's and Ordnance offices, one thousand eight hundred dollars; for depot quartermaster's office, one thousand five hundred dollars; for War Department (Lemon Building), six thousand

dollars; for Record and Pension Office, three thousand two hundred dollars; in all, thirteen thousand five hundred dollars.

Public buildings and grounds.

PUBLIC BUILDINGS AND GROUNDS.

Clerks, etc.

OFFICE OF PUBLIC BUILDINGS AND GROUNDS: For one assistant engineer, one thousand eight hundred dollars; one office clerk, one thousand eight hundred dollars; one clerk, one thousand six hundred dollars; one messenger; landscape gardener, two thousand dollars; one surveyor and draftsman, one thousand five hundred dollars; in all, nine thousand five hundred and forty dollars.

Overseers, etc.

For overseers, draftsmen, foremen, gardeners, mechanics, and laborers employed in the public grounds, thirty-three thousand dollars.

Watchmen.

For one sergeant of watchmen, nine hundred dollars.

For day watchmen as follows: One in Franklin Park; one in Lafayette Park; two in Smithsonian Grounds; one in Judiciary Park; one in Lincoln Park and adjacent reservations; one at Iowa Circle; one at Thomas Circle and neighboring reservations; one at Washington Circle and neighboring reservations; one at Dupont Circle and neighboring reservations; one at McPherson and Farragut parks; one at Stanton Park and neighboring reservations; two at Henry and Seaton parks; one at Mount Vernon Park and adjacent reservations; one for the greenhouses and nursery; one at grounds south of Executive Mansion; one at Garfield Park; eighteen in all, at six hundred and sixty dollars each, eleven thousand eight hundred and eighty dollars.

For night watchmen as follows: Two in Smithsonian Grounds; one in Judiciary Park; two in Henry and Seaton parks; one in grounds south of Executive Mansion; one in Monument Park; and two in Garfield Park; nine in all, at seven hundred and twenty dollars each, six thousand four hundred and eighty dollars.

Wakefield, Va.

For watchman for the care of the monument and dock at Wakefield, Virginia, the birthplace of Washington, three hundred dollars.

Contingent expenses.

For contingent and incidental expenses, including purchase of professional and scientific books and periodicals, books of reference, blank books, photographs, and maps, seven hundred dollars.

Amount payable from revenues of District of Columbia.

Of the foregoing amounts appropriated under Public Buildings and Grounds, the sum of twenty-seven thousand one hundred and thirty dollars shall be paid out of the revenues of the District of Columbia.

State, War, and Navy Department building.

STATE, WAR, AND NAVY DEPARTMENT BUILDING.

Clerk, engineers, etc.

Office of the superintendent: For one clerk of class one; stenographer and typewriter, nine hundred dollars; chief engineer, one thousand two hundred dollars; eight assistant engineers, at one thousand dollars each; captain of the watch, one thousand two hundred dollars; two lieutenants of the watch, at eight hundred and forty dollars each; fifty-eight watchmen; carpenter, one thousand dollars; plumber, machinist, and painter, at nine hundred dollars each; four skilled laborers, at seven hundred and twenty dollars each; twenty-eight firemen; ten conductors of elevators, at seven hundred and twenty dollars each; seventeen laborers; and eighty charwomen; in all, one hundred and twenty thousand three hundred dollars.

Fuel, lights, etc.

For fuel, lights, and miscellaneous items, including city directories, thirty-eight thousand dollars.

Navy Department.

NAVY DEPARTMENT.

Pay of Secretary, assistant, etc.

OFFICE OF THE SECRETARY: For compensation of the Secretary of the Navy, eight thousand dollars; Assistant Secretary of the Navy, four thousand five hundred dollars; chief clerk, two thousand five

hundred dollars; clerk to the Secretary, two thousand two hundred and fifty dollars; disbursing clerk, two thousand two hundred and fifty dollars; four clerks of class four; one clerk of class three; stenographer, one thousand eight hundred dollars; one clerk of class two; four clerks of class one; two clerks, at one thousand dollars each; telegraph operator, one thousand dollars; carpenter, nine hundred dollars; two messengers; four assistant messengers; four laborers; in all, forty-seven thousand four hundred dollars.

It shall be the duty of the Secretary of the Navy to submit in the Book of Estimates for the fiscal year nineteen hundred and two, and annually thereafter, under the respective bureaus and offices of the Navy Department, a statement in detail, showing the number of persons employed during the previous fiscal year and the rate of compensation of each under appropriations for "Increase of the Navy" or other general appropriations.

Statement of number, etc., of persons employed under appropriations for "Increase of the Navy," etc.

LIBRARY OF THE NAVY DEPARTMENT: For one clerk of class two; one clerk of class one; one assistant messenger; one laborer; in all, three thousand nine hundred and eighty dollars.

Library.

OFFICE OF NAVAL RECORDS OF THE REBELLION: For two clerks of class four; two clerks of class two; two clerks of class one; two clerks, at one thousand dollars each; two copyists; two copyists, at seven hundred and twenty dollars each; necessary traveling expenses for collection of records, two hundred and fifty dollars; in all, fourteen thousand two hundred and ninety dollars.

Office of Naval Records of the Rebellion.

For continuing the publication of an edition of eleven thousand copies of the Official Records of the Union and Confederate Navies in the War of the Rebellion, in accordance with the plan approved by the Secretary of the Navy under the Act of Congress approved July thirty-first, eighteen hundred and ninety-four, and for the purpose of making such maps and illustrations as relate to the work, twenty-one thousand dollars.

Continuing publication.

Vol. 28, p. 190.

JUDGE-ADVOCATE-GENERAL, UNITED STATES NAVY: For a solicitor, to be an assistant to the Judge-Advocate of the Navy, and to perform the duties of that officer in case of his death, resignation, absence, or sickness, two thousand five hundred dollars; chief clerk, two thousand dollars; two clerks of class four; one clerk of class three; one clerk of class two; one clerk of class one; one clerk, one thousand dollars; one clerk, nine hundred dollars; and one laborer; in all, fourteen thousand eight hundred and sixty dollars.

Judge-Advocate-General's Office.

BUREAU OF NAVIGATION: For chief clerk, two thousand dollars; one clerk of class four; three clerks of class three; four clerks of class two; four clerks of class one; six clerks, at one thousand dollars each; two copyists; twenty copyists, at eight hundred and forty dollars each; three copyists, at seven hundred and twenty dollars each; three assistant messengers; three laborers; in all, forty-nine thousand nine hundred dollars.

Bureau of Navigation.

OFFICE OF NAVAL INTELLIGENCE: For one clerk of class three; one clerk of class two; one translator, one thousand four hundred dollars; one assistant draftsman, one thousand two hundred dollars; three clerks, at one thousand dollars each; and one laborer; in all, nine thousand two hundred and sixty dollars.

Office of Naval Intelligence.

BUREAU OF EQUIPMENT: For chief clerk, two thousand dollars; one clerk of class four; one electrical expert and draftsman, one thousand six hundred dollars; one clerk of class two; one clerk of class one; one copyist; one assistant messenger; one messenger boy, three hundred and sixty dollars; and one laborer; in all, ten thousand six hundred and forty dollars.

Bureau of Equipment.

HYDROGRAPHIC OFFICE: For two clerks of class two; one clerk of class one; one assistant messenger; one watchman; in all, five thousand four hundred and forty dollars.

Hydrographic Office.

Services.

For hydrographic engineer, draftsmen, engravers, assistants, nautical experts, computers, lithographers, custodian of archives, compiler, copyists, copperplate printers, apprentices, helpers, and laborers in the Hydrographic Office, ninety-five thousand four hundred and eighteen dollars; and no other fund appropriated shall be used in payment for such or similar services in the Hydrographic Office, at Washington, District of Columbia.

Materials.

For purchase of copperplates, steel plates, chart paper, packing boxes, chart portfolios, electrotyping copperplates; cleaning copperplates; tools, instruments, power, and materials for drawing, engraving, and printing; materials for and mounting charts; reduction of charts by photography; photolithographing charts for immediate use; transfer of photolithographic and other charts to copper; care and repairs to printing presses, furniture, instruments, and tools; extra drawing and engraving; translating from foreign languages; telegrams on public business; the preparation of the Pilot Chart and supplements, and the printing and mailing of the same; and purchase of data for charts and sailing directions and other nautical publications; works, and periodicals relating to hydrography, marine meteorology, navigation, surveying, oceanography, and terrestrial magnetism, seven thousand dollars.

Rent.

For rent of building and rooms, repairs and heating of the same, and for gas, water, and telephone rates, two thousand one hundred dollars.

Contingent expenses.

Contingent expenses of branch offices at Boston, New York, Philadelphia, Baltimore, Norfolk, Savannah, New Orleans, San Francisco, Portland (Oregon), Portland (Maine), Chicago, Cleveland, Port Townsend, Buffalo, Duluth, and Sault Sainte Marie, including furniture, fuel, lights, rent and care of offices, car fare and ferriage in visiting merchant vessels, freight and express charges, telegrams, and other necessary expenses incurred in collecting the latest information for the Pilot Chart, and for other purposes for which the offices were established, and for the establishment of a branch office at Galveston, thirty thousand dollars.

Monthly Pilot Chart, Pacific Ocean.

For a monthly Pilot Chart of the North Pacific Ocean, showing graphically the matters of value and interest to the maritime community of the Pacific coast, and particularly the directions and forces of the winds to be expected during the month succeeding the date of issue; the set and strength of the currents; the feeding grounds of whales and seals; the regions of storm, fog, and ice; the positions of derelicts and floating obstructions to navigation; and the best routes to be followed by steam and by sail; including the expenses of communicating and circulating information; lithographing and engraving; the purchase of materials for, and printing and mailing the chart, two thousand dollars.

Limit on expenditures.

No expenditure shall be incurred or authorized for personal services or otherwise under the Hydrographic Office, at Washington, District of Columbia, during the fiscal year nineteen hundred and one except as herein authorized by appropriations under the Navy Department or under appropriations that may be made for printing and binding.

Naval Observatory.

NAVAL OBSERVATORY: For pay of three assistant astronomers, one at two thousand dollars, and two at one thousand eight hundred dollars each; one clerk of class four; one clerk of class one; instrument maker, one thousand five hundred dollars; electrician, one thousand five hundred dollars; photographer, one thousand two hundred dollars; five computers, at one thousand two hundred dollars each; assistant librarian, one thousand two hundred dollars; foreman and captain of the watch, one thousand dollars; carpenter and engineer, at one thousand dollars each; one skilled laborer, seven hundred and twenty dollars; three firemen; six watchmen; elevator conductor, seven hun

dred and twenty dollars; and ten laborers; in all, thirty-seven thousand five hundred and twenty dollars.

For miscellaneous computations, four thousand dollars.

Computations.

For professional and scientific books, periodicals, engravings, photographs, and fixtures for the library, seven hundred and fifty dollars.

Books.

For apparatus and instruments, and for repairs of the same, two thousand dollars.

Apparatus.

For repairs to buildings, fixtures, and fences, furniture, gas, chemicals, and stationery, freight (including transmission of public documents through the Smithsonian exchange), foreign postage, and expressage, plants, fertilizers, and all contingent expenses, two thousand five hundred dollars.

Contingent expenses.

For fuel, oil, grease, tools, pipe, wire, and other materials needed for the maintenance and repair of boilers, engines, heating apparatus, electric lighting and power plant, and water-supply system; purchase and maintenance of teams; material for boxing nautical instruments for transportation; paints, telegraph and telephone service, and incidental labor, seven thousand five hundred dollars.

Miscellaneous.

NAUTICAL ALMANAC OFFICE: For the following assistants, in preparing for publication the American Ephemeris and Nautical Almanac, namely: Three, at one thousand six hundred dollars each; two, at one thousand four hundred dollars each; three, at one thousand two hundred dollars each; two, at one thousand dollars each; one copyist and typewriter, nine hundred dollars; one assistant messenger; one laborer; and one messenger boy, four hundred and twenty dollars; in all, fifteen thousand nine hundred dollars.

Nautical Almanac Office.

For pay of computers on piecework in preparing for publication the American Ephemeris and Nautical Almanac and improving the tables of the planets, moon, and stars, seven thousand dollars.

BUREAU OF STEAM ENGINEERING: For chief clerk, two thousand dollars; one clerk of class three; one clerk of class two; one clerk of class one; one assistant messenger; two laborers; draftsman, one thousand four hundred dollars; assistant draftsman, one thousand dollars; one stenographer and typewriter, one thousand dollars; one stenographer and typewriter, nine hundred dollars; in all, twelve thousand five hundred and forty dollars.

Bureau of Steam Engineering.

BUREAU OF CONSTRUCTION AND REPAIR: For chief clerk, two thousand dollars; assistant draftsman, one thousand four hundred dollars; two clerks of class three; two clerks of class one; one assistant messenger; and one laborer; in all, ten thousand three hundred and eighty dollars.

Bureau of Construction and Repair.

BUREAU OF ORDNANCE: For chief clerk, two thousand dollars; draftsman, one thousand eight hundred dollars; assistant draftsman, one thousand four hundred dollars; two clerks of class two; two clerks of class one; one assistant messenger; and one laborer; in all, eleven thousand seven hundred and eighty dollars.

Bureau of Ordnance.

BUREAU OF SUPPLIES AND ACCOUNTS: For chief clerk, two thousand dollars; three clerks of class four; six clerks of class three; two clerks of class two; two stenographers, at one thousand four hundred dollars each; eleven clerks of class one; five clerks, at one thousand dollars each; one assistant messenger; one messenger boy, four hundred and twenty dollars; and one laborer; in all, forty-two thousand six hundred dollars.

Bureau of Supplies and Accounts.

BUREAU OF MEDICINE AND SURGERY: For chief clerk, two thousand dollars; one clerk of class three; one clerk of class two; one clerk of class one; one clerk, one thousand dollars; two copyists, at eight hundred and forty dollars each; one laborer; janitor, six hundred dollars; and one laborer, four hundred and eighty dollars (for Naval Dispensary); in all, ten thousand six hundred and twenty dollars.

Bureau of Medicine and Surgery.

Bureau of Yards and
Docks.

BUREAU OF YARDS AND DOCKS: For chief clerk, two thousand dollars; draftsman and clerk, one thousand eight hundred dollars; one clerk of class three; two clerks of class two; one clerk of class one; one assistant messenger; and one laborer; in all, ten thousand seven hundred and eighty dollars.

Books.

For professional books and periodicals for Department library, seven hundred and fifty dollars.

Contingent expenses.

For stationery, furniture, newspapers, plans, drawings, drawing materials, horses and wagons, to be used only for official purposes, freight, expressage, postage, and other absolutely necessary expenses of the Navy Department and its various bureaus and offices, twelve thousand dollars.

Interior Department.

DEPARTMENT OF THE INTERIOR.

Pay of secretary,
assistants, clerks, etc.

OFFICE OF THE SECRETARY: For compensation of the Secretary of the Interior, eight thousand dollars; First Assistant Secretary, four thousand five hundred dollars; Assistant Secretary, four thousand dollars; chief clerk, two thousand five hundred dollars, and two hundred and fifty dollars additional as superintendent of the Patent Office building; nine members of a Board of Pension Appeals, to be appointed by

Board of Pension
Appeals.
—additional mem-
bers.

the Secretary of the Interior, at two thousand dollars each; three additional members of said Board of Pension Appeals, to be appointed by the Secretary of the Interior and to be selected from the force of the Pension Office, at two thousand dollars each; special land inspector, connected with the administration of the public land service to be appointed by the Secretary of the Interior and to be subject to his direction, two thousand five hundred dollars; clerk in charge of documents, two thousand dollars; custodian, who shall give bond in such sum as the Secretary of the Interior may determine, two thousand dollars; seven clerks, chiefs of division, at two thousand dollars each, one of whom shall be disbursing clerk; four clerks, at two thousand dollars each; private secretary to the Secretary of the Interior, two thousand two hundred and fifty dollars; twelve clerks of class four; eleven clerks of class three; thirteen clerks of class two; twenty-seven clerks of class one, two of whom shall be stenographers or typewriters; returns office clerk, one thousand two hundred dollars; female clerk, to be designated by the President, to sign land patents, one thousand two hundred dollars; two clerks, at one thousand dollars each; one clerk, nine hundred dollars; eight copyists; telephone operator, six hundred dollars; three messengers; six assistant messengers; fourteen laborers; two skilled mechanics; one at nine hundred dollars and one at seven hundred and twenty dollars; two carpenters, at nine hundred dollars each; one laborer, six hundred dollars; one packer, six hundred and sixty dollars; conductor of elevator, seven hundred and twenty dollars; four charwomen; captain of the watch, one thousand dollars; forty watchmen; additional to two watchmen acting as lieutenants of watchmen, at one hundred and twenty dollars each; engineer, one thousand two hundred dollars; assistant engineer, one thousand dollars; and seven firemen; in all, two hundred and thirty-six thousand six hundred and twenty dollars.

Land inspector.

Messengers.

Watchmen.

Additional employ-
ees, General Post-
Office building.

For additional employees, for the proper protection, heating, care, and preservation of the General Post-Office building, to be occupied by the Department of the Interior, namely: One engineer, one thousand four hundred dollars; one assistant engineer, one thousand dollars; four firemen; three watchmen, acting as lieutenants, at eight hundred and forty dollars each; twenty watchmen; one conductor of elevator, at seven hundred and twenty dollars; fourteen laborers; ten laborers, at four hundred and eighty dollars each; in all, thirty-six thousand two hundred and sixty dollars.

For a clerk of class four, to act as census clerk, and for rent, salaries, heat, and light incident to the proper care and preservation of the records of the Eleventh and previous censuses, six thousand eight hundred dollars.

Eleventh Census,
expenses, etc.

OFFICE OF ASSISTANT ATTORNEY-GENERAL: For assistant attorney, two thousand seven hundred and fifty dollars; assistant attorney, two thousand five hundred dollars; two assistant attorneys, at two thousand two hundred and fifty dollars each; sixteen assistant attorneys, at two thousand dollars each; four clerks of class three, one of whom shall act as stenographer and one of whom shall be a stenographer and typewriter; one clerk of class one; and one clerk, nine hundred dollars; in all, fifty thousand two hundred and fifty dollars.

Assistant Attorney-
General's office.

For per diem in lieu of subsistence of one special land inspector connected with the administration of the public land service, while traveling on duty, at a rate to be fixed by the Secretary of the Interior, not exceeding three dollars per day, and for actual necessary expenses of transportation, two thousand dollars, to be expended under the direction of the Secretary of the Interior.

Per diem, land in-
spectors.

GENERAL LAND OFFICE: For the Commissioner of the General Land Office, five thousand dollars; Assistant Commissioner, to be appointed by the President, by and with the advice and consent of the Senate, who shall be authorized to sign such letters, papers, and documents and to perform such other duties as may be directed by the Commissioner, and shall act as Commissioner in the absence of that officer or in case of a vacancy in the office of Commissioner, three thousand five hundred dollars; chief clerk, two thousand two hundred and fifty dollars; two law clerks, at two thousand two hundred dollars each; three inspectors of surveyors-general and district land offices, at two thousand dollars each; recorder, two thousand dollars; eleven chiefs of division, at two thousand dollars each; two law examiners, at two thousand dollars each; ten principal examiners of land claims and contests, at two thousand dollars each; thirty clerks of class four; fifty-six clerks of class three; fifty-nine clerks of class two; sixty-one clerks of class one; fifty-three clerks, at one thousand dollars each; fifty-nine copyists; two messengers; eight assistant messengers; twenty-one laborers; and one packer, seven hundred and twenty dollars; one depository acting for the Commissioner as receiver of public moneys and also as confidential secretary, two thousand dollars; librarian for the law library of the General Land Office, to be selected by the Secretary of the Interior wholly with reference to his special fitness for such work, one thousand dollars; in all, four hundred and ninety-nine thousand six hundred and seventy dollars.

General Land Of-
fice.

For per diem in lieu of subsistence of inspectors and of clerks detailed to investigate fraudulent land entries, trespasses on the public lands, and cases of official misconduct; also of clerks detailed to examine the books of and assist in opening new land offices, while traveling on duty, at a rate to be fixed by the Secretary of the Interior, not exceeding three dollars per day, and for actual necessary expenses of transportation, including necessary sleeping-car fares, and for employment of stenographers and other assistants when necessary to the efficient conduct of examinations, and when authorized by the Commissioner of the General Land Office, seven thousand dollars.

Per diem, etc., in-
vestigations.

For law books for the law library of the General Land Office, including two hundred and fifty dollars for law digests, four hundred and fifty dollars.

Law books.

For connected and separate United States and other maps prepared in the General Land Office, fourteen thousand eight hundred and forty dollars: *Provided*, That of the United States maps procured hereunder seven thousand two hundred copies shall be delivered to the Senate and fourteen thousand four hundred copies shall be delivered

Maps.

Proviso.
—distribution.

to the House of Representatives, and the residue shall be delivered to the Secretary of the Interior for distribution.

Mine inspectors.
Vol. 26, p. 1104.

MINE INSPECTORS: For salaries of two mine inspectors, authorized by the Act approved March third, eighteen hundred and ninety-one, for the protection of the lives of miners in the Territories, at two thousand dollars per annum each, four thousand dollars.

For per diem, subject to such rules and regulations as the Secretary of the Interior may prescribe, in lieu of subsistence at a rate not exceeding three dollars per day each, while absent from their homes on duty, and for actual necessary traveling expenses of said inspectors, including necessary sleeping-car fares, three thousand three hundred and fifty dollars.

Indian Office.

INDIAN OFFICE: For the Commissioner of Indian Affairs, four thousand dollars; Assistant Commissioner, who shall also perform the duties of chief clerk, three thousand dollars; financial clerk, two thousand dollars; chief of division, two thousand dollars; principal bookkeeper, one thousand eight hundred dollars; five clerks of class four; fourteen clerks of class three; draftsman, one thousand six hundred dollars; stenographer, one thousand six hundred dollars; stenographer, one thousand four hundred dollars; ten clerks of class two; twenty-five clerks of class one; fourteen clerks, at one thousand dollars each; one stenographer, and one clerk, to superintendent of Indian schools, at one thousand dollars each; seventeen copyists; architect, one thousand five hundred dollars; draftsman, one thousand five hundred dollars; one messenger; two assistant messengers; two laborers; female messenger, eight hundred and forty dollars; messenger boy, three hundred and sixty dollars; and two charwomen; in all, one hundred and thirty-two thousand three hundred and eighty dollars.

Pension Office.

PENSION OFFICE: For the Commissioner of Pensions, five thousand dollars; First Deputy Commissioner, three thousand six hundred dollars; Second Deputy Commissioner, three thousand six hundred dollars; chief clerk, two thousand two hundred and fifty dollars; assistant chief clerk, two thousand dollars; medical referee, three thousand dollars; assistant medical referee, two thousand two hundred and fifty dollars; two qualified surgeons, who shall be experts in their profession, at two thousand dollars each; thirty-eight medical examiners, who shall be surgeons of education, skill, and experience in their profession, at one thousand eight hundred dollars each; ten chiefs of division, at two thousand dollars each; law clerk, two thousand dollars; fifty-eight principal examiners, at two thousand dollars each; twenty assistant chiefs of division, at one thousand eight hundred dollars each; three stenographers, at one thousand six hundred dollars each; seventy clerks of class four; eighty-five clerks of class three; three hundred and thirty clerks of class two; four hundred clerks of class one; two hundred and fifty clerks, at one thousand dollars each; one hundred and sixty copyists; superintendent of building, one thousand four hundred dollars; two engineers, at one thousand two hundred dollars each; three firemen; thirty-three messengers; twelve assistant messengers; twenty messenger boys, at four hundred dollars each; thirty-five laborers; ten female laborers, at four hundred dollars each; fifteen charwomen; one painter, skilled in his trade, nine hundred dollars; one cabinetmaker, skilled in his trade, nine hundred dollars; captain of the watch, eight hundred and forty dollars; three sergeants of the watch, at seven hundred and fifty dollars each; twenty watchmen; in all, one million nine hundred and seventy-one thousand two hundred and ten dollars.

Per diem, etc., investigations.

For per diem, when absent from home and traveling on duty outside the District of Columbia, for special examiners, or other persons employed in the Bureau of Pensions, detailed for the purpose of making special investigations pertaining to said Bureau, in lieu of expenses

for subsistence, not exceeding three dollars per day, and for actual and necessary expenses for transportation and assistance and any other necessary expenses, including telegrams, four hundred thousand dollars: *Provided*, That two special examiners, or clerks detailed and acting as chief and assistant chief of the division of special examiners, may be allowed, from this appropriation, in addition to their salaries and in lieu of per diem and all expenses for subsistence, a sum sufficient to make their annual compensation two thousand dollars and one thousand eight hundred dollars, respectively, and whenever it may be necessary for either of them to travel on official business outside the District of Columbia by special direction of the Commissioner, he shall receive the same allowance in lieu of subsistence and for transportation as is herein provided for special examiners and detailed clerks engaged in field service; and the Secretary of the Interior shall so apportion the sum herein appropriated as to prevent a deficiency therein.

proviso.
Chief and assistant
special examiners.

For an additional force of one hundred and fifty special examiners for one year, at a salary of one thousand three hundred dollars each, one hundred and ninety-five thousand dollars, and no person so appointed shall be employed in the State from which he is appointed; and any of those now employed in the Pension Office or as special examiners may be reappointed if they be found to be qualified.

Additional special
examiners.

PATENT OFFICE: For the Commissioner of Patents, five thousand dollars; Assistant Commissioner, who shall perform such duties pertaining to the office of Commissioner as may be assigned to him by the Commissioner, three thousand dollars; chief clerk, two thousand five hundred dollars; two law clerks, at two thousand five hundred dollars each; three examiners in chief, at three thousand dollars each; examiner of interferences, two thousand five hundred dollars; thirty-six principal examiners, at two thousand five hundred dollars each; thirty-eight first assistant examiners, at one thousand eight hundred dollars each; forty-two second assistant examiners, at one thousand six hundred dollars each; fifty-one third assistant examiners, at one thousand four hundred dollars each; sixty-fourth assistant examiners, at one thousand two hundred dollars each; financial clerk, who shall give bonds in such amount as the Secretary of the Interior may determine, two thousand dollars; librarian, two thousand dollars; three chiefs of division, at two thousand dollars each; three assistant chiefs of division, at one thousand eight hundred dollars each; five clerks of class four, one of whom shall act as application clerk; machinist, one thousand six hundred dollars; six clerks of class three, one of whom shall be translator of languages; fourteen clerks of class two; fifty-seven clerks of class one; skilled laborer, one thousand two hundred dollars; three skilled draftsmen, at one thousand two hundred dollars each; four draftsmen, at one thousand dollars each; twenty-seven permanent clerks, at one thousand dollars each; messenger and property clerk, one thousand dollars; five model attendants, at one thousand dollars each; ten model attendants, at eight hundred dollars each; ninety-six copyists, seven of whom may be copyists of drawings; forty-one copyists, at seven hundred and twenty dollars each; three messengers; twenty-six assistant messengers; fifty-one laborers, at six hundred dollars each; fifty laborers, at four hundred and eighty dollars each; thirty-four messenger boys, at three hundred and sixty dollars each; in all, seven hundred and seventy-three thousand four hundred dollars.

Patent Office.

For purchase of professional and scientific books and expenses of transporting publications of patents issued by the Patent Office to foreign governments, two thousand dollars.

Books.

For purchase of law books, five hundred dollars.

For producing the Official Gazette, including weekly, monthly, quarterly, and annual indexes therefor, exclusive of expired patents, one hundred thousand dollars.

Official Gazette.

Copies of drawings,
etc.

Vol. 28, p. 620.

Proviso.
Work at Govern-
ment Printing Office.

Investigating use of
inventions.

International Bu-
reau, Berne.

Bureau of Educa-
tion.

Agricultural College
statistics.

Vol. 26, p. 47.

Vol. 12, p. 503.

Books, etc.

Statistics.

Distribution, etc.,
documents.

Commissioner of
Railroads.

For producing copies of drawings of the weekly issues of patents; for producing copies of designs, trade-marks, and pending applications; and for the reproduction of exhausted copies of drawings and specifications; said work referred to in this and the preceding paragraph to be done as provided by the "Act providing for the public printing and binding and for the distribution of public documents:" *Provided*, That the entire work may be done at the Government Printing Office if, in the judgment of the Joint Committee on Printing, or, if there shall be no Joint Committee, in the judgment of the Committee on Printing of either House, it shall be deemed to be for the best interests of the Government, sixty-four thousand dollars.

For investigating the question of the public use or sale of inventions for two years or more prior to filing applications for patents, and for expenses attending defense of suits instituted against the Commissioner of Patents, two hundred and fifty dollars.

For the share of the United States in the expense of conducting the International Bureau at Berne, Switzerland, seven hundred dollars.

BUREAU OF EDUCATION: For Commissioner of Education, three thousand dollars; chief clerk, one thousand eight hundred dollars; statistician, one thousand eight hundred dollars; translator, one thousand six hundred dollars; collector and compiler of statistics, two thousand four hundred dollars; specialist in foreign educational systems, one thousand eight hundred dollars; specialist in education as a preventive of pauperism and crime, two thousand dollars; specialist in educational systems, one thousand four hundred dollars; two clerks of class four; two clerks of class three; four clerks of class two; seven clerks of class one; two clerks, at one thousand dollars each; seven copyists; two copyists, at eight hundred dollars each; copyist, seven hundred and twenty dollars; skilled laborer, eight hundred and forty dollars; one assistant messenger; two laborers; two laborers, at four hundred and eighty dollars each; laborer, four hundred dollars; and one laborer, three hundred and sixty dollars; in all, fifty-one thousand eight hundred and twenty dollars.

For one clerk of class four, to obtain, receive, collate, and, under the direction of the Commissioner of Education, to furnish the Secretary of the Interior with the information in relation to the operations and work of the colleges of agriculture and mechanic arts that will enable the Secretary to discharge the duties imposed on the Secretary of the Interior by the Act approved August thirtieth, eighteen hundred and ninety, to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and mechanic arts, established under the provisions of an Act of Congress approved July second, eighteen hundred and sixty-two, one thousand eight hundred dollars.

For books for library, current educational periodicals, other current publications, and completing valuable sets of periodicals, two hundred and fifty dollars.

For collecting statistics for special reports and circulars of information, two thousand five hundred dollars.

For the purchase, distribution, and exchange of educational documents, and for the collection, exchange, and cataloguing of educational apparatus and appliances, text-books and educational reference books, articles of school furniture and models of school buildings illustrative of foreign and domestic systems and methods of education, and for procuring anthropological instruments of precision, and for repairing the same, two thousand five hundred dollars.

OFFICE OF COMMISSIONER OF RAILROADS: For Commissioner, four thousand five hundred dollars; bookkeeper, two thousand dollars; assistant bookkeeper, one thousand eight hundred dollars; one clerk of class two: one clerk, one thousand dollars; and one assistant messenger; in all,

eleven thousand four hundred and twenty dollars: *Provided*, That the office of Commissioner of Railroads shall terminate on the thirtieth day of June, nineteen hundred and one. *Proviso.*
—office terminated.

OFFICE OF THE ARCHITECT OF THE CAPITOL: For Architect, four thousand five hundred dollars; chief clerk and assistant, two thousand two hundred and fifty dollars, and said officer hereafter in case of the absence or disability of the Architect shall have full power and authority to do and perform all the acts which the Architect might himself do, and in case of a vacancy shall perform the duties of the Architect until the vacancy shall be filled according to law; draftsman, one thousand eight hundred dollars; compensation to disbursing clerk, one thousand dollars; one assistant messenger; person in charge of the heating of the Supreme Court and central portion of the Capitol, eight hundred and sixty-four dollars; laborer in charge of water-closets in central portion of the Capitol, six hundred and sixty dollars; three laborers for cleaning Rotunda, corridors, and Dome, at six hundred and sixty dollars each; two laborers in charge of public closets of the House of Representatives and in the terrace, at seven hundred and twenty dollars each; in all, fifteen thousand two hundred and fourteen dollars. Architect of the Capitol.

OFFICE OF THE DIRECTOR OF THE GEOLOGICAL SURVEY: For Director, five thousand dollars; chief clerk, two thousand two hundred and fifty dollars; chief disbursing clerk, two thousand four hundred dollars; librarian, two thousand dollars; photographer, two thousand dollars; three assistant photographers, one at nine hundred dollars, one at seven hundred and twenty dollars, and one at four hundred and eighty dollars; two clerks of class one; one clerk, one thousand dollars; four clerks, at nine hundred dollars each; four copyists, at seven hundred and twenty dollars each; watchman, eight hundred and forty dollars; four watchmen, at six hundred dollars each; janitor, six hundred dollars; four messengers, at four hundred and eighty dollars each; in all, thirty-one thousand three hundred and ninety dollars. Geological Survey.

For contingent expenses of the office of the Secretary of the Interior and the bureaus, offices, and buildings of the Interior Department, including the Civil Service Commission: For furniture, carpet, ice, lumber, hardware, dry goods, advertising, telegraphing, expressage, wagons, and harness, food and shoeing of horses, diagrams, awnings, constructing model and other cases, cases for drawings, file holders, repairs of cases and furniture, and other absolutely necessary expenses, including fuel and lights, ninety thousand dollars. Contingent expenses.

For stationery for the Department of the Interior and its several bureaus and offices, including the Civil Service Commission, fifty-five thousand five hundred dollars. Stationery.

For professional and scientific books, law books, and books to complete broken sets, periodicals, directories, and other books of reference relating to the business of the Department, seven hundred and fifty dollars. Books.

For rent of buildings for the Department of the Interior, namely: For the Bureau of Education, four thousand dollars; Geological Survey, ten thousand dollars; additional rooms for the engraving and printing divisions of the Geological Survey, one thousand two hundred dollars; storage of documents, two thousand dollars; Civil Service Commission, four thousand dollars; Patent Office model exhibit, thirteen thousand dollars; in all, thirty-four thousand two hundred dollars. Rent.

For postage stamps for the Department of the Interior and its bureaus as required under the Postal Union, to prepay postage on matter addressed to Postal Union countries, three thousand six hundred dollars. Postage stamps.

Surveyors-general,
etc.

SURVEYORS-GENERAL AND THEIR CLERKS.

Alaska.

For surveyor-general of Alaska, three thousand dollars; clerks in his office, three thousand dollars; in all, six thousand dollars.

For rent of office for surveyor-general, pay of messenger, stationery, binding of records, furniture, drafting instruments, and other incidental expenses, one thousand five hundred dollars.

Arizona.

For surveyor-general of the Territory of Arizona, two thousand dollars; and for the clerks in his office, five thousand dollars; in all, seven thousand dollars.

For rent of office for the surveyor-general, pay of messenger, fuel, light, stationery, printing, binding of records, drafting supplies, record cases, office furniture, new typewriter, and other incidental expenses, one thousand dollars.

California.

For surveyor-general of California, two thousand dollars; and for the clerks in his office, twelve thousand dollars; in all, fourteen thousand dollars.

For pay of messenger, stationery, binding, washing, telephone, repairing maps, repairs to locks, clocks, and typewriter, and other incidental expenses, one thousand five hundred dollars.

Colorado.

For surveyor-general of the State of Colorado, two thousand dollars; and for the clerks of his office, ten thousand dollars; in all, twelve thousand dollars.

For rent of office for the surveyor-general, pay of messenger, stationery, binding and repairing records, repairs of furniture, and other incidental expenses, two thousand five hundred dollars.

Florida.

For surveyor-general of Florida, one thousand eight hundred dollars; and for the clerks in his office, one thousand two hundred dollars; in all, three thousand dollars.

For pay of messenger, stationery, supplies, post-office box rent, and other incidental expenses, five hundred dollars.

Idaho.

For surveyor-general of Idaho, two thousand dollars; and for the clerks in his office, eight thousand dollars; in all, ten thousand dollars.

For rent of office for the surveyor-general, pay of messenger, stationery, binding, printing, fuel, light, typewriter, drafting instruments, new furniture, post-office box rent, and other incidental expenses, one thousand five hundred dollars.

Louisiana.

For surveyor-general of Louisiana one thousand eight hundred dollars; and for the clerks in his office, seven thousand dollars; in all, eight thousand eight hundred dollars.

For messenger, stationery, binding records, and other incidental expenses, one thousand dollars.

Minnesota.

For surveyor-general of Minnesota, one thousand eight hundred dollars; and for the clerks in his office, two thousand dollars; in all, three thousand eight hundred dollars.

For pay of messenger, stationery, printing, binding, and other incidental expenses, five hundred dollars.

Montana.

For surveyor-general of Montana, two thousand dollars; and for the clerks in his office, eleven thousand dollars; in all, thirteen thousand dollars.

For rent of office for the surveyor-general, pay of messenger, lights, post-office box, ice, stationery, binding, furniture, and other incidental expenses, one thousand five hundred dollars.

Nevada.

For surveyor-general of Nevada, one thousand eight hundred dollars; and for the clerks in his office, one thousand five hundred dollars; in all, three thousand three hundred dollars.

For rent of office for the surveyor-general, pay of messenger, fuel, stationery, post-office box rent, draftsmen's requisites, fuel, binding records, and other incidental expenses, five hundred dollars.

New Mexico.

For surveyor-general of the Territory of New Mexico, two thousand

dollars; and for clerks in his office, ten thousand dollars; in all, twelve thousand dollars.

For printing, stationery, drafting instruments, drawing paper, binding record books, and plats, telephone, registration of letters, post-office box rent, towels, pay of messenger, and other incidental expenses, one thousand dollars.

For surveyor-general of North Dakota, two thousand dollars; and for the clerks in his office, five thousand five hundred dollars; in all, seven thousand five hundred dollars.

North Dakota.

For rent of office for the surveyor-general, pay of messenger, stationery, printing, binding, lights, laundry, ice, post-office box rent, furniture and repairs, and other incidental expenses, one thousand five hundred dollars.

For surveyor-general of Oregon, two thousand dollars; and for the clerks in his office, seven thousand two hundred and fifty dollars; in all, nine thousand two hundred and fifty dollars.

Oregon.

For pay of messenger, stationery, furniture, record books, laundry, ice, binding, post-office box rent and other incidental expenses, one thousand dollars.

For surveyor-general of South Dakota, two thousand dollars; and for clerks in his office, five thousand dollars; in all, seven thousand dollars.

South Dakota.

For rent of office for the surveyor-general, stationery, typewriters, drafting instruments, fuel, pay of messenger, binding, furniture, laundry, post-office box rent, and other incidental expenses, one thousand five hundred dollars.

For surveyor-general of Utah, two thousand dollars; and for the clerks in his office, six thousand dollars; in all, eight thousand dollars.

Utah.

For rent of office for the surveyor-general, pay of messenger, stationery supply, binding, drawing paper, and other incidental expenses, one thousand two hundred dollars.

For surveyor-general of Washington, two thousand dollars; and for the clerks in his office, eight thousand eight hundred dollars; in all, ten thousand eight hundred dollars.

Washington.

For rent of office for the surveyor-general, books, blanks, furniture, stationery, pay of messenger, binding records, and other incidental expenses, two thousand dollars.

For surveyor-general of Wyoming, two thousand dollars; and for the clerks in his office, six thousand three hundred dollars; in all, eight thousand three hundred dollars.

Wyoming.

For rent of office for the surveyor-general, pay of messenger, stationery, and supplies, lights, ice, post-office box rent, and other incidental expenses, one thousand dollars.

POST-OFFICE DEPARTMENT.

Post-Office Department.

OFFICE POSTMASTER-GENERAL: For compensation of the Postmaster-General, eight thousand dollars; chief clerk, Post-Office Department, two thousand five hundred dollars; private secretary, two thousand two hundred and fifty dollars; stenographer, one thousand six hundred dollars; appointment clerk, one thousand eight hundred dollars; one clerk of class four; two clerks of class three; four clerks of class two; one clerk of class one; one clerk, one thousand dollars; curator of museum, one thousand dollars; one clerk, nine hundred dollars; one messenger; one assistant messenger; one telephone operator, six hundred and sixty dollars; page, three hundred and sixty dollars; in all, thirty-three thousand four hundred and thirty dollars.

Pay of Postmaster-General, clerks, etc.

Office of Assistant Attorney-General for the Post-Office Department: Assistant attorney, two thousand seven hundred and fifty dollars; one clerk of class four; one clerk of class three; one clerk of class

Assistant Attorney-General's office.

two; two clerks of class one; assistant messenger; in all, ten thousand six hundred and seventy dollars.

First Assistant Postmaster-General, clerks, etc.

Money-Order System.

Free delivery.

Dead-Letter Office.

OFFICE FIRST ASSISTANT POSTMASTER-GENERAL: For First Assistant Postmaster-General, four thousand dollars; chief clerk, two thousand five hundred dollars; Superintendent of the Money-Order System, three thousand dollars; chief clerk Money-Order System, two thousand dollars; superintendent of free delivery, three thousand dollars; four assistant superintendents of free delivery, at two thousand dollars each; Superintendent of the Dead-Letter Office, two thousand five hundred dollars; one clerk of class four, who shall be chief clerk of the Dead-Letter Office; superintendent of salaries and allowances, three thousand dollars; assistant superintendent of salaries and allowances, two thousand dollars; superintendent of post-office supplies, two thousand two hundred and fifty dollars; assistant superintendent of the division of post-office supplies, one thousand eight hundred dollars; chief of the correspondence division, two thousand dollars; ten clerks of class four; eighteen clerks of class three; twenty-one clerks of class two; forty-two clerks of class one; forty-five clerks, at one thousand dollars each; thirty-seven clerks, at nine hundred dollars each; eight assistant messengers; twenty-five laborers; two pages, at three hundred and sixty dollars each; and five female laborers, at four hundred and eighty dollars each; in all, two hundred and sixty-eight thousand one hundred and thirty dollars.

Temporary force.

For continuing the employment of such additional temporary force of clerks and other employees, rendered necessary because of increase of work incident to the war with Spain, as in the judgment of the Postmaster-General may be proper and necessary to the prompt, efficient, and accurate dispatch of the business in the office of the First Assistant Postmaster-General, seventeen thousand eight hundred and fifty dollars.

Second Assistant Postmaster-General, clerks, etc.

OFFICE SECOND ASSISTANT POSTMASTER-GENERAL: For Second Assistant Postmaster-General, four thousand dollars; chief clerk, two thousand one hundred dollars; chief of division of inspection, two thousand dollars; chief of contract division, two thousand dollars; chief of mail equipment division, two thousand dollars; superintendent of railway adjustment division, two thousand dollars; superintendent of foreign mails, three thousand dollars; chief clerk, two thousand dollars; nine clerks of class four; thirty-six clerks of class three; nineteen clerks of class two; stenographer, one thousand six hundred dollars; nineteen clerks of class one; sixteen clerks, at one thousand dollars each; six clerks, at nine hundred dollars each; messenger in charge of mails, nine hundred dollars; four assistant messengers; and two laborers; in all, one hundred and seventy thousand four hundred dollars.

Third Assistant Postmaster-General, clerks, etc.

OFFICE THIRD ASSISTANT POSTMASTER-GENERAL: For Third Assistant Postmaster-General, four thousand dollars; chief clerk, two thousand one hundred dollars; chief of division of postage stamps, two thousand two hundred and fifty dollars; chief of finance division, who shall give bond in such amount as the Postmaster-General may determine for the faithful discharge of his duties, two thousand two hundred and fifty dollars; chief of classification division, two thousand dollars; superintendent of registry system, two thousand five hundred dollars; four assistant superintendents of registry system, at two thousand dollars each; four clerks of class four; eighteen clerks of class three; twenty-two clerks of class two; twenty-six clerks of class one; ten clerks, at one thousand dollars each; six clerks, at nine hundred dollars each; three assistant messengers; eight laborers; in all, one hundred and forty-three thousand nine hundred and forty dollars.

Per diem, etc., assistant superintendents registry system.

For per diem allowance for assistant superintendents of registry system, when actually traveling on business of the Post-Office Department, at a rate to be fixed by the Postmaster-General, not exceeding

three dollars per day, and for actual necessary traveling expenses, five thousand eight hundred and forty dollars.

OFFICE FOURTH ASSISTANT POSTMASTER-GENERAL: For Fourth Assistant Postmaster-General, four thousand dollars; chief clerk, two thousand one hundred dollars; chief post-office inspector, three thousand dollars; chief clerk of mail depredations, two thousand dollars; chief of appointment division, two thousand dollars; chief of bond division, two thousand dollars; one clerk of class four; nineteen clerks of class three; twelve clerks of class two; twenty clerks of class one; stenographer, one thousand six hundred dollars; stenographer, one thousand two hundred dollars; nine clerks, at one thousand dollars each; five clerks at nine hundred dollars each; page, three hundred and sixty dollars; three assistant messengers, and four laborers; in all, one hundred and nine thousand five hundred and sixty dollars.

Fourth Assistant
Postmaster-General,
clerks, etc.
Chief inspector.

OFFICE OF TOPOGRAPHER: For topographer, two thousand five hundred dollars; three skilled draftsmen, at one thousand eight hundred dollars each; three skilled draftsmen, at one thousand six hundred dollars each; three skilled draftsmen, at one thousand four hundred dollars each; three skilled draftsmen, at one thousand two hundred dollars each; examiner, one thousand two hundred dollars; one clerk of class two; map mounter, one thousand two hundred dollars; assistant map mounter, seven hundred and twenty dollars; one assistant map mounter, who shall be a mechanic, one thousand dollars; one assistant messenger, and four copyists of maps, at nine hundred dollars each; in all, thirty thousand three hundred and forty dollars.

Topographer, drafts-
men, etc.

OFFICE OF DISBURSING CLERK: Disbursing clerk and superintendent of buildings, two thousand one hundred dollars; one clerk of class two; engineer, one thousand four hundred dollars; seven assistant engineers, at one thousand dollars each; one electrician, one thousand two hundred dollars; two assistant electricians, one at one thousand two hundred dollars, and one at one thousand dollars; three dynamo tenders, at nine hundred dollars each; one fireman, who shall be a blacksmith, and one fireman, who shall be a steam fitter, at nine hundred dollars each; nine elevator conductors, at seven hundred and twenty dollars each; one assistant messenger; twelve firemen; ten laborers and coal passers, at five hundred dollars each; carpenter, one thousand two hundred dollars; assistant carpenter, one thousand dollars; captain of the watch, one thousand dollars; additional to two watchmen acting as lieutenants of watchmen, at one hundred and twenty dollars each; thirty-one watchmen; twenty-four laborers; plumber, and awning maker, at nine hundred dollars each; two female laborers, at four hundred and eighty dollars each; and twenty-seven charwomen, in all, ninety-one thousand four hundred and eighty dollars.

Disbursing clerk,
etc.

FOR CONTINGENT EXPENSES OF THE POST-OFFICE DEPARTMENT, including the additional building occupied for storage of post-office supplies, namely:

Contingent expenses.

For stationery and blank books, including amount necessary for the purchase of free penalty envelopes, seven thousand dollars.

For fuel and repairs to heating, lighting, and power plant, sixteen thousand dollars.

For gas and electric lights, one thousand dollars.

For plumbing, one thousand five hundred dollars.

For telegraphing, four thousand dollars.

For painting, one thousand dollars.

For carpets and matting, including one thousand dollars for the office of the Auditor for the Post-Office Department, three thousand dollars.

For furniture, including one thousand dollars for the office of the Auditor for the Post-Office Department, two thousand five hundred dollars.

For purchase, exchange, and keeping of horses and repair of wagons

and harness to be used only for official purposes, one thousand three hundred dollars.

For hardware, five hundred dollars.

For miscellaneous items, including one thousand five hundred dollars for the office of the Auditor for the Post-Office Department, fourteen thousand nine hundred and eighty-five dollars, of which sum not exceeding three thousand nine hundred and eighty-five dollars may be expended for telephone service, and not exceeding five hundred dollars may be expended for law books, books of reference, railway guides, city directories, and books necessary to conduct the business of the Department.

Rent. For rent of a suitable building for the storage of post-office supplies, four thousand dollars.

For rent of stable, two hundred and forty dollars.

Official Postal Guide. For the publication of copies of the Official Postal Guide, including not exceeding one thousand five hundred copies for the use of the Executive Departments, twenty-five thousand dollars.

Post-route maps. For miscellaneous expenses in the topographer's office in the preparation and publication of the post-route maps, twenty thousand dollars. And the Postmaster-General may authorize the sale of post-route maps to the public at cost of printing and ten per centum thereof added, the proceeds of such sales to be used as a further appropriation for the preparation and publication of post-route maps.

Postage stamps. For postage stamps for correspondence addressed abroad which is not exempt from postage under article eight of the Paris convention of the Universal Postal Union, five hundred and fifty dollars.

Department of Justice.

DEPARTMENT OF JUSTICE.

Pay of Attorney-General, Assistants, Solicitor-General, clerks, etc.

OFFICE OF THE ATTORNEY-GENERAL: For compensation of the Attorney-General, eight thousand dollars; Solicitor-General, seven thousand dollars; four Assistant Attorneys-General, at five thousand dollars each; Assistant Attorney-General of the Post-Office Department, four thousand five hundred dollars; solicitor of internal revenue, four thousand five hundred dollars; solicitor for the Department of State, four thousand five hundred dollars; two assistant attorneys, at three thousand dollars each; four assistant attorneys, at two thousand five hundred dollars each; assistant attorney, two thousand dollars; assistant attorney, in charge of dockets, two thousand five hundred dollars; law clerk and examiner of titles, two thousand seven hundred dollars; chief clerk and ex officio superintendent of the building, two thousand five hundred dollars; private secretary to the Attorney-General, two thousand two hundred and fifty dollars; stenographer to the Solicitor-General, one thousand six hundred dollars; three stenographic clerks, at one thousand six hundred dollars each; two law clerks, at two thousand dollars each; seven clerks of class four; chief of division of accounts, two thousand five hundred dollars; attorney in charge of pardons, two thousand four hundred dollars; additional for disbursing clerk, five hundred dollars; seven clerks of class three; nine clerks of class two; sixteen clerks of class one; telegraph operator and stenographer, one thousand two hundred dollars; nine copyists; one messenger; eight assistant messengers; four laborers; three watchmen; engineer, one thousand two hundred dollars; two conductors of the elevator, at seven hundred and twenty dollars each; eight charwomen; superintendent of building, two hundred and fifty dollars; and three firemen; in all, one hundred and seventy-five thousand five hundred and twenty dollars.

Contingent expenses. For contingent expenses of the Department, namely:

For furniture and repairs, seven hundred and fifty dollars.

For books for law library of the Department, one thousand seven hundred and fifty dollars.

For purchase of session laws and statutes of the States and Territories for library of Department, five hundred dollars.

For stationery, two thousand five hundred dollars.

For miscellaneous expenditures, including telegraphing, fuel, lights, foreign postage, labor, repairs of building and care of grounds, and other necessities, directly ordered by the Attorney-General, seven thousand five hundred dollars.

For official transportation, including purchase, keep, and shoeing of animals, and purchase and repairs of wagons and harness, two thousand dollars.

OFFICE OF THE SOLICITOR OF THE TREASURY: For Solicitor of the Treasury, four thousand five hundred dollars; assistant solicitor, three thousand dollars; chief clerk, two thousand dollars; four clerks of class four; four clerks of class three; three clerks of class two; one assistant messenger; and one laborer; in all, twenty-eight thousand six hundred and eighty dollars.

Solicitor of the Treasury.

For law books for office of the Solicitor of the Treasury, three hundred dollars.

Law books.

For stationery for office of Solicitor of the Treasury, one hundred and fifty dollars.

Stationery.

DEPARTMENT OF LABOR.

Department of Labor.

For compensation of the Commissioner of Labor, five thousand dollars; chief clerk, two thousand five hundred dollars; disbursing clerk, two thousand dollars; four statistical experts, at two thousand dollars each; four clerks of class four; five clerks of class three; six clerks of class two; twelve clerks of class one; ten clerks, at one thousand dollars each; two copyists; one messenger; one assistant messenger; three watchmen; four laborers; three charwomen; six special agents, at one thousand six hundred dollars each; ten special agents, at one thousand four hundred dollars each; four special agents, at one thousand two hundred dollars each; in all, one hundred and two thousand seven hundred and eighty dollars.

Commissioner, clerks, etc.

For per diem in lieu of subsistence of special agents and employees while traveling on duty away from home and outside of the District of Columbia, at a rate not to exceed three dollars per day, and for their transportation, and for employment of experts and temporary assistance, and for traveling expenses of officers and employees, and for the purchase of reports and materials for the bulletin of the Department of Labor authorized by legislative act approved March second, eighteen hundred and ninety-five, sixty thousand dollars.

Per diem, etc. special agents.

Vol. 28, p. 805.

For stationery, one thousand dollars.

Stationery.

For books, periodicals, and newspapers for the library, one thousand dollars.

Books.

For postage stamps to prepay postage on matter addressed to Postal Union countries, four hundred and fifty dollars.

Postage stamps.

For rent of rooms, including steam heat and elevator service, six thousand seven hundred and fifty dollars.

Rent.

For contingent expenses, namely: For furniture, carpets, ice, lumber, hardware, dry goods, advertising, telegraphing, telephone service, expressage, storage for documents not to exceed seven hundred and fifty dollars, repairs of cases and furniture, fuel and lights, soap, brushes, brooms, mats, oils, and other absolutely necessary expenses, three thousand dollars.

Contingent expenses.

JUDICIAL.

Judicial.

SUPREME COURT: For the Chief Justice of the Supreme Court of the United States, ten thousand five hundred dollars; and for eight associate justices, at ten thousand dollars each;

Supreme Court. Justices.

Marshal.	For marshal of the Supreme Court of the United States, three thousand dollars;
Clerks to justices.	For stenographic clerk for the Chief Justice and for each associate justice of the Supreme Court, at not exceeding one thousand six hundred dollars each; in all, one hundred and seven thousand nine hundred dollars.
Circuit judges.	CIRCUIT COURTS: For twenty-five circuit judges, at six thousand dollars each, one hundred and fifty thousand dollars;
Circuit courts of appeals.	For nine clerks of circuit courts of appeals, at three thousand dollars each, twenty-seven thousand dollars;
Clerks.	For messenger to act as librarian and crier, circuit court of appeals, eighth circuit, two thousand dollars; in all, one hundred and seventy-nine thousand dollars.
Crier, eighth circuit.	
District judges.	DISTRICT COURTS: For salaries of the sixty-five district judges of the United States, at five thousand dollars each, three hundred and twenty-five thousand dollars.
Indian Territory courts.	UNITED STATES COURTS, INDIAN TERRITORY: For salaries of the four judges of the United States courts in the Indian Territory, at five thousand dollars each, twenty thousand dollars.
Retired judges. R. S., sec. 714, p. 135.	RETIRED JUDGES: To pay the salaries of the United States judges retired under section seven hundred and fourteen of the Revised Statutes, so much as may be necessary for the fiscal year ending June thirtieth, nineteen hundred and one, is hereby appropriated.
Court of Private Land Claims.	COURT OF PRIVATE LAND CLAIMS: For chief justice and four associate justices, at five thousand dollars each;
	For clerk, two thousand dollars;
	For stenographer, one thousand five hundred dollars;
	For attorney, three thousand five hundred dollars;
	For interpreter and translator, one thousand five hundred dollars; in all, thirty-three thousand five hundred dollars.
	For deputy clerks, as authorized by law, so much therefor as may be necessary.
Court continued to June 30, 1902. Vol. 28, p. 805.	That section nineteen of an Act entitled "An Act to establish a Court of Private Land Claims and to provide for the settlement of private land claims in certain States and Territories," approved March third, eighteen hundred and ninety-one, as amended in legislative, executive, and judicial appropriation Act for the fiscal year eighteen hundred and ninety-eight, approved February nineteenth, eighteen hundred and ninety-seven, be, and the same is hereby, further amended to read as follows:
Vol. 29, p. 577.	"SEC. 19. That the powers and functions of the court established by this Act shall cease and determine on the thirtieth day of June, nineteen hundred and two, and all papers, files, and records in the possession of the said court belonging to any other public office of the United States shall be returned to such office, and all other papers, files, and records in the possession of or appertaining to said court shall be returned to and filed in the Department of the Interior."
Assistant attorneys, etc.	To enable the Attorney-General to employ such assistant attorneys, agents, stenographers, and experts to aid the United States attorney for said court as may be necessary to conduct the business of the Court of Private Land Claims during the fiscal year nineteen hundred and one, eight thousand dollars.
Court of appeals, District of Columbia.	COURT OF APPEALS, DISTRICT OF COLUMBIA: For the chief justice of court of appeals of the District of Columbia, six thousand five hundred dollars; and for two associate justices, at six thousand dollars each;
	For clerk, three thousand dollars;
	For assistant or deputy clerk, two thousand dollars;
Proviso. Reports.	For reporter, one thousand dollars: <i>Provided</i> , That the reports issued by him shall not be sold for more than five dollars per volume;
	For messenger, seven hundred and twenty dollars;

For necessary expenditures in the conduct of the clerk's office, five hundred dollars;

In all, twenty-five thousand seven hundred and twenty dollars, one-half of which shall be paid from the revenues of the District of Columbia.

SUPREME COURT, DISTRICT OF COLUMBIA: For salaries of the chief justice of the supreme court of the District of Columbia and of the five associate judges, at five thousand dollars each, thirty thousand dollars, one-half of which shall be paid from the revenues of the District of Columbia.

Supreme court, District of Columbia.

CLERK OF DISTRICT COURT, NORTHERN DISTRICT OF ILLINOIS: For salary of the clerk of the district court for the northern district of Illinois, as authorized by the Act of July thirty-first, eighteen hundred and ninety-four, three thousand dollars.

Clerk, northern district of Illinois.

COMMISSIONER YELLOWSTONE PARK: For salary of commissioner in Yellowstone National Park, one thousand five hundred dollars. And the provisions of section twenty-one of an Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-seven, and for other purposes, approved May twenty-eighth, eighteen hundred and ninety-six, shall not be construed as impairing the right of said commissioner to receive said salary as herein provided.

Commissioner Yellowstone Park.
Vol. 29, p. 184.
Provision as to fees of commissioners not to impair salary.

COURT OF CLAIMS: For salaries of five judges of the Court of Claims, at four thousand five hundred dollars each; chief clerk, three thousand dollars; assistant clerk, two thousand dollars; bailiff, one thousand five hundred dollars; one clerk, at one thousand six hundred dollars; one clerk, at one thousand four hundred dollars; three clerks, at one thousand two hundred dollars each; one messenger; one stenographer, one thousand two hundred dollars; three firemen; three watchmen; one elevator conductor, seven hundred and twenty dollars; one assistant messenger; one laborer; and two charwomen; in all, forty-four thousand five hundred and forty dollars.

Court of Claims.

To defray the cost of the employment of auditors in the Court of Claims, to be disbursed under the direction of the court, eight thousand dollars.

Auditors.

For stationery, court library, repairs, and other miscellaneous expenses, two thousand dollars.

Contingent expenses.

For fuel, electric lights, and electric elevator, one thousand four hundred dollars.

For reporting the decisions of the court and superintending the printing of the thirty-fifth volume of the reports of the Court of Claims, to be paid on the order of the court, one thousand dollars; said sum to be paid to the reporter, notwithstanding section seventeen hundred and sixty-five of the Revised Statutes, or section three of the Act of June twentieth, eighteen hundred and seventy-four, chapter three hundred and twenty-eight.

Reporting decisions.

R. S., sec., 1765, p. 314.

SEC. 2. That the pay of assistant messengers, firemen, watchmen, laborers, and charwomen provided for in this Act, unless otherwise specially stated, shall be as follows: For assistant messengers, firemen, and watchmen, at the rate of seven hundred and twenty dollars per annum each; for laborers, at the rate of six hundred and sixty dollars per annum each, and for charwomen, at the rate of two hundred and forty dollars per annum each.

Rates of pay, assistant messengers, firemen, etc.

SEC. 3. That the term of temporary service of such additional clerks and other employees rendered necessary because of increased work incident to the war with Spain, and under the Act of June thirteenth, eighteen hundred and ninety-eight, providing for war expenditures and for other purposes, appointed in the various departments of the Government, shall be extended for the term of one year from June thirtieth nineteen hundred, without compliance with the conditions

Terms of service temporary employees.

Vol. 30, pp. 696, 890, etc.

prescribed by the Act entitled "An Act to regulate and improve the civil service," approved January sixteenth, eighteen hundred and eighty-three, provided they are otherwise competent.

Appropriations not available for incapacitated employees.

SEC. 4. That the appropriations herein made for the officers, clerks, and persons employed in the public service shall not be available for the compensation of any persons permanently incapacitated for performing such service.

State papers, etc., late Confederate States, compilation, etc., of.

SEC. 5. That permission is hereby granted to J. D. Richardson, to compile, edit, and publish, without expense to the Government, the state papers and diplomatic correspondence of the late Confederate States, and access to said papers and correspondence shall be given him for that purpose, by the heads of the Executive Departments having such papers in charge under such regulations as may be respectively prescribed by them.

Repeal.

SEC. 6. That all laws or parts of laws inconsistent with this Act are repealed.

Approved, April 17, 1900.

April 17, 1900.

CHAP. 193.—An Act Granting the right of way to the Minnesota and Manitoba Railroad Company across the ceded portion of the Chippewa (Red Lake) Indian Reservation in Minnesota.

Minnesota and Manitoba Railroad granted right of way through Chippewa (Red Lake) Indian Reservation, Minn.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby granted to the Minnesota and Manitoba Railroad Company, a corporation organized and existing under the laws of the State of Minnesota, and its successors and assigns, the right of way of said railroad, with necessary side tracks and switch tracks, and for telegraph and telephone lines, through the ceded lands of what was formerly the Red Lake Indian Reservation, which railroad commenced at a point at or near the terminus of the Manitoba and Southeastern Railway, on the boundary line between the State of Minnesota and the province of Manitoba; thence in a southeasterly direction through townships one hundred and sixty-four, one hundred and sixty-three, one hundred and sixty-two, one hundred and sixty-one, one hundred and sixty to a point on Rainy River, forming the northeastern boundary of the State of Minnesota, at or near the mouth of the Baudette River, in the State of Minnesota, which right of way shall be fifty feet in width on each side of the central line of said railroad. And said company shall also have the right to take from lands, to which there is no prior valid claim and which have not been appraised for sale as pine lands, lying adjacent to the line of said railroad, material, stone, earth, and timber necessary for the construction of said railroad; also ground adjacent to such right of way for station buildings, depots, machine shops, side tracks, turn-outs, turntables, water stations, and such other structures at such points as the said railroad company may deem to their interest to erect, not to exceed three hundred feet in width and three thousand feet in length for each station, to the extent of one station for each ten miles of road, except at the crossing of said Rainy River, at which point said railroad company may take not exceeding forty acres in addition to the grounds allowed for station purposes for the corresponding section of ten miles: *Provided*, That no part of such lands herein granted shall be used except in such manner and for such purposes only as are necessary for the construction, maintenance, and convenient operation of said railroad.

—width.

Materials.

Additional ground for stations, etc.

Proviso.
—use restricted.

Damages.

SEC. 2. That before said railroad shall be constructed through any land, claim, or improvements held by individual occupants according to any custom of the tribes, treaties, or laws of the United States, compensation shall be made such occupant or claimant for all property

to be taken or damage done by reason of the construction of such railroad. In case of failure to make satisfactory settlement with any such claimant, the United States district court at Minneapolis, Minnesota, shall have jurisdiction, upon petition of either party, to determine such just compensation in accordance with the laws of Minnesota provided for determining the damage when property is taken for railroad purposes. The amount of damages resulting to the tribes of Indians, in their tribal capacity, by reason of the construction of said railroad through such ceded lands of the former Red Lake Reservation as are not occupied in severalty, shall be ascertained and determined in such manner as the Secretary of the Interior may direct, and be subject to his final approval; but no right of any kind shall vest in said railroad company in or to any part of the right of way herein provided for until plats thereof, made upon actual survey for the definite location of such railroad, and including grounds for station buildings, depots, machine shops, side tracks, turn-outs, and water stations, shall have been approved by the Secretary of the Interior, and until compensation aforesaid shall have been fixed and paid: *Provided*, That said railroad shall be located, constructed, and operated with due regard to the rights of the Indians.

—jurisdiction.

Plats.

proviso.
Rights of Indians to be preserved.

SEC. 3. That said company shall file maps showing the definite location of the line of road and station grounds in the local land office for the district in which the land lies, and upon approval thereof by the Secretary of the Interior the grant of right of way shown thereon shall relate back to the date of such filing. Upon the completion of the road the company shall file an affidavit of its engineer and a certificate of its president as evidence thereof.

Maps.

SEC. 4. That said company is hereby authorized to enter upon said ceded lands for the purpose of surveying and locating its line of railroad.

Surveys.

SEC. 5. That the right herein granted shall be forfeited by said company unless the road shall be constructed through the said ceded lands within two years after the passage of this Act.

Completion.

SEC. 6. That nothing herein contained shall restrict or impair the rights which said company may now have or hereafter acquire to the benefits and provisions of the Act of Congress approved March third, eighteen hundred and seventy-five, entitled "An Act granting to railroads the right of way through the public lands of the United States."

Railroad rights.

Vol. 18, p. 482.

SEC. 7. That Congress reserves the right to alter, amend, or repeal this Act, or any part thereof.

Amendment.

Approved, April 17, 1900.

CHAP. 243.—An Act To set apart a portion of the Arlington estate for experimental agricultural purposes, and to place said portion under the jurisdiction of the Secretary of Agriculture and his successors in office.

April 18, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That jurisdiction is hereby transferred and given to the Secretary of Agriculture and his successors in office over so much of the Government land in Alexandria County, Virginia, known as the Arlington estate, as lies east of the public road leading from the Aqueduct Bridge to Alexandria, Virginia, otherwise called the Georgetown and Alexandria road, and between said road and the Potomac River, containing about four hundred acres, with the exception, however, of a strip of land as follows, commencing at the point where the Georgetown and Alexandria road enters the Arlington estate on the north side, thence along said road six hundred and twenty-

Experimental agriculture on Arlington estate.
Jurisdiction given Secretary of Agriculture of lands.

—location.

Intent of act.

five yards, thence in a line perpendicular to said road to the Chesapeake and Ohio Canal, thence along said canal to the south line of the reservation, jurisdiction over which is retained by the Secretary of War.

SEC. 2. That the declared purpose of this Act is to set apart said tract of land as a general experimental farm in its broadest sense, where all that pertains to agriculture in its several and different branches, including animal industry and horticulture, may be fostered and encouraged, and the practice and science of farming in the United States advanced, promoted, and practically illustrated.

Secretary given immediate control of property, etc.

SEC. 3. That the Secretary of Agriculture will take immediate and absolute control of said property described in section one, and by clearing, underdraining, grassing, laying out proper roads and driveways, constructing proper bridges and buildings, and in other ways as his judgment may dictate bring said property as rapidly as possible into the proper condition to answer the purposes for which it is set apart: *Provided*, That all improvements of or which may at any time be made upon said premises, as herein contemplated, shall be so located, constructed, and maintained as not to interfere with or obstruct the natural waterways or the sewers or other means now established or which may hereafter be provided, constructed, or maintained for the purpose of affording proper drainage and sewerage to the other portions of said estate: *And provided further*, That this Act shall not impair or interfere with any of the rights heretofore granted by Act of Congress to the Washington, Alexandria and Mount Vernon Railway Company to construct, maintain, and operate its electric railroad across the said portion of the estate lying east of said public road.

Proviso.
Existing sewers, etc., not to be obstructed.

—or rights of Washington, Alexandria and Mount Vernon Railway impaired.

Secretary given full discretion, etc.

SEC. 4. That in the development, improvement, and management of said property full discretion is hereby given the Secretary of Agriculture and his successors in office to carry into effect the declared purposes of this Act.

Effect.

SEC. 5. That this Act shall be in force from its passage.

Approved, April 18, 1900.

April 18, 1900.

CHAP. 244.—An Act Repealing section forty-seven hundred and sixteen of the Revised Statutes, so far as the same may be applicable to the claims of dependent parents of soldiers, sailors, and marines who served in the Army or Navy of the United States during the war with Spain.

Pensions.
Dependent parents of soldiers, etc., who served in the Confederate army and in the war with Spain may be pensioned.
R. S., sec. 4716, p. 919.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section forty-seven hundred and sixteen of the Revised Statutes be, and the same is hereby, repealed, so far as the same may be applicable to the claims to pension of dependent parents of soldiers, sailors, and marines who served in the Army or Navy of the United States during the war with Spain.

Approved, April 18, 1900.

April 18, 1900.

CHAP. 245.—An Act To authorize the holding of a regular term of the district court of the United States for the western district of Virginia in the city of Charlottesville, Virginia.

Virginia western judicial district.
Term of district court to be held at Charlottesville.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a regular term of the district court of the United States for the western district of Virginia shall be held in each year in the city of Charlottesville, Virginia, on the second Monday in January.

Approved, April 18, 1900.

CHAP. 246.—An Act To extend the privileges of the seventh section of the Act approved June tenth, eighteen hundred and eighty, to the port of Greenbay, Wisconsin.

April 18, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the privileges of the seventh section of the Act approved June tenth, eighteen hundred and eighty, governing the immediate transportation of dutiable merchandise without appraisement be, and they are hereby, extended to the port of Greenbay, in the customs collection district of Milwaukee, Wisconsin.

Greenbay, Wis.
Granted immediate
transportation privi-
leges.
Vol. 21, p. 173.

Approved, April 18, 1900.

CHAP. 250.—An Act To legalize and maintain the iron bridge across Pearl River at Rockport, Mississippi.

April 21, 1900.

Whereas the boards of supervisors of Copiah and Simpson counties, Mississippi, did, in eighteen hundred and ninety-eight, jointly contract for an iron bridge to be built across Pearl River, at Rockport, Mississippi, believing that said stream at this point was practically nonnavigable; that afterwards an injunction was sued out by the Government, restraining contractors, which, being heard before Judge H. C. Niles, of the district Federal court at Jackson, Mississippi, he decided that the part of Pearl River from Rockport to Jackson was a nonnavigable stream and dissolved the injunction; that an iron bridge was built in accordance with said contract and opened for travel in August, eighteen hundred and ninety-nine, without a draw; that in January, nineteen hundred, an appeal was taken by the Government to the United States circuit court and is now pending; and

Preamble.

Whereas said boards of supervisors are desirous of complying with their obligation with the bridge company and giving the citizens of said counties the benefit of said bridge, which is of great public utility: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the bridge aforesaid be, and the same is hereby, legalized and maintained as constructed by said counties for the use of the general public.

Bridge across Pearl
River at Rockport,
Miss., legalized.

SEC. 2. That Congress reserves the right to alter, amend, or repeal this Act at pleasure.

Amendment.

Received by the President, April 10, 1900.

[NOTE BY THE DEPARTMENT OF STATE.—The foregoing act having been presented to the President of the United States for his approval, and not having been returned by him to the house of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.]

CHAP. 251.—An Act To extend the provisions of an Act entitled "An Act granting increase of pension to soldiers of the Mexican war in certain cases," approved January fifth, eighteen hundred and ninety-three.

April 23, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the benefits of the Act entitled "An Act granting increase of pension to soldiers of the Mexican war in certain cases," approved January fifth, eighteen hundred and ninety-three, be, and they are hereby, extended to all survivors of the Mexican war who are pensionable under existing Mexican war service pension laws, and who have become or may hereafter become wholly disabled for manual labor and in such destitute circumstances

Mexican war pen-
sions.
Increase in certain
cases authorized.
Vol. 27, p. 413.

that eight dollars per month are insufficient to provide them the necessities of life, irrespective of the date of the granting of the said service pension.

Approved, April 23, 1900.

April 23, 1900.

CHAP. 252.—An Act To amend an Act entitled "An Act in relation to taxes and tax sales in the District of Columbia."

District of Columbia.
Redemption by
owner of property sold
for taxes.
Chap. 32, vol. 30, p.
252, amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section four of the Act of February twenty-eighth, eighteen hundred and ninety-eight, entitled "An Act in relation to taxes and tax sales in the District of Columbia," be, and the same is hereby, amended by striking out all after the word "sale" in line eight of said section.

Approved, April 23, 1900.

April 23, 1900.

CHAP. 253.—An Act Making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June thirtieth, nineteen hundred, and for other purposes.

Deficiencies appro-
priations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in the appropriations for the fiscal year nineteen hundred, and for other objects hereinafter stated, namely:

United States courts.

UNITED STATES COURTS.

Marshals.

For payment of salaries, fees, and expenses of United States marshals and their deputies, one hundred and sixty-five thousand dollars, to include payments for services rendered in behalf of the United States or otherwise.

Jurors.

For fees of jurors, fifty-five thousand dollars.

Witnesses.

For fees of witnesses, one hundred and fifty-five thousand dollars.

Miscellaneous ex-
penses.

For payment of such miscellaneous expenses as may be authorized by the Attorney-General, for the United States courts and their officers, including the furnishing and collecting of evidence where the United States is or may be a party in interest, and moving of records, thirty thousand dollars.

Reappropriation of
unexpended balances
for erecting prisons,
etc.
Vol. 26, p. 839.

The unexpended balance of the sum of one hundred thousand dollars, appropriated by the Act approved March third, eighteen hundred and ninety-one, entitled "An Act for the erection of United States prisons and for the imprisonment of United States prisoners, and for other purposes," to be expended under the direction of the Attorney-General in the fitting of workshops for the employment of prisoners, and the unexpended balance of the sum of fifteen thousand dollars, appropriated by the sundry civil appropriation Act, approved July first, eighteen hundred and ninety-eight, to enable the Attorney-General and the Secretary of the Interior to have prepared plans, specifications, and estimates, and for expenses connected with the selection of a prison site south of the thirty-ninth degree of north latitude and east of the Rocky Mountains are hereby made available in addition to and for the same purposes as the sum of five hundred thousand dollars appropriated by the sundry civil appropriation Act approved March third, eighteen hundred and ninety-nine, for the erection, complete, of a United States penitentiary at Atlanta, Georgia, and for expenses incident thereto, the same to continue available until expended.

for prison site east
of Rocky Mountains,
etc.
Vol. 30, p. 641.

Atlanta peniten-
tiary.
Vol. 30, p. 1113.

TREASURY DEPARTMENT.

Treasury Department.

For stationery for the Treasury Department and its several bureaus, seven thousand dollars.

Stationery.

ENGRAVING AND PRINTING.

Engraving and printing.

For labor and expenses of engraving and printing: For salaries of all necessary clerks and employees, other than plate printers and plate printers' assistants, sixty thousand nine hundred and forty-two dollars and ninety cents, to be expended under the direction of the Secretary of the Treasury: *Provided*, That no portion of this sum shall be expended for printing United States notes or Treasury notes of larger denomination than those that may be canceled or retired, except in so far as such printing may be necessary in executing the requirements of the Act "To define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes," approved March fourteenth, nineteen hundred.

Salaries.

Proviso.
Notes of larger denomination.

Ante, p. 45.

For wages of plate printers, at piece rates to be fixed by the Secretary of the Treasury, not to exceed the rates usually paid for such work, including the wages of printers' assistants at one dollar and twenty-five cents a day each when employed, ninety-one thousand three hundred and sixty dollars and twenty-five cents, to be expended under the direction of the Secretary of the Treasury: *Provided*, That no portion of this sum shall be expended for printing United States notes or Treasury notes of larger denomination than those that may be canceled or retired, except in so far as such printing may be necessary in executing the requirements of the Act "To define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes," approved March fourteenth, nineteen hundred.

Wages.

Proviso.
Notes of larger denomination.

Ante, p. 45.

For engravers' and printers' materials and other materials, except distinctive paper, and for miscellaneous expenses, sixty-one thousand two hundred and thirty-three dollars.

Materials.

PUBLIC PRINTING AND BINDING.

Public printing and binding.

For printing and binding for the Treasury Department, sixty thousand dollars.

Treasury Department.

For printing and binding for the Department of the Interior, forty-three thousand dollars.

Interior Department.

Approved, April 23, 1900.

CHAP. 254.—An Act Providing that the State of Wyoming be permitted to relinquish to the United States certain lands heretofore selected and to select other lands from the public domain in lieu thereof.

April 23, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That upon the delivery to the Secretary of the Interior by the State of Wyoming of its properly executed and duly recorded deed or deeds reconveying to the United States of America, in fee simple, certain lands heretofore selected by and certified to said State under the provisions of an Act entitled "An Act to provide for the admission of the State of Wyoming into the Union, and for other purposes," approved July tenth, eighteen hundred and ninety, to wit:

Wyoming.
Selection by, of other lands for certain lands relinquished to the United States.

Vol. 26, p. 222.

Southwest quarter of section five; southeast quarter, south half of northeast quarter, southeast quarter of northwest quarter, and lots one, two, three, four, and five of section six; east half of southeast

Lands relinquished.

quarter, east half of northeast quarter, northeast quarter of northwest quarter, and lots one, two, three of section seven; all of section eight; southwest quarter of section nine; south half of northeast quarter and south half of northwest quarter of section seventeen; northwest quarter of section twenty, in township thirty-four north, range one hundred and eighteen west; all of sections one and two; east half of section three; north half of section eleven; northeast quarter, northeast quarter of northwest quarter, south half of northwest quarter, north half of southeast quarter, north half of southwest quarter, and southwest quarter of southwest quarter of section twelve; northeast quarter, north half of northwest quarter, and southwest quarter of northwest quarter of section fourteen; southwest quarter of section twenty-four; all of section twenty-five, in township thirty-four north, range one hundred and nineteen west; west half of section ten; west half of section fifteen; north half of southeast quarter, north half of southwest quarter, northwest quarter, and south half of northeast quarter of section twenty-two; southeast quarter, south half of northeast quarter, east half of southwest quarter, and south half of northwest quarter of section twenty-three; southwest quarter, west half of southeast quarter, east half of northwest quarter, and west half of northeast quarter of section twenty-six, in township thirty-six north, range one hundred and nineteen west, the land so described having been selected under the grant of thirty thousand acres for the benefit of the Miners' Hospital, said selection being approved by the honorable Secretary of the Interior on March sixth, eighteen hundred and ninety-four.

West half of section one; all of section two; east half of section three; south half, south half of northeast quarter, and south half of northwest quarter of section eleven; southwest quarter of section twelve; west half of section thirteen; all of sections fourteen and twenty-three; west half of section twenty-four; west half of section twenty-five; all of sections twenty-six and thirty-five, in township thirty-five north, range one hundred and nineteen west; south half of southwest quarter and south half of southeast quarter of section twenty-two; southeast quarter, north half of southwest quarter, and southeast quarter of southwest quarter of section twenty-seven; east half, east half of northwest quarter, east half of southwest quarter, and southwest quarter of southwest quarter of section thirty-four; west half of northeast quarter, northwest quarter, and south half of section thirty-five, in township thirty-six north, range one hundred and nineteen west, the lands so described having been selected under the grant of thirty thousand acres for the benefit of the insane asylum in Uinta County, said selection being approved by the honorable Secretary of the Interior on February sixteenth, eighteen hundred and ninety-four.

Selection of other lands.

The said State shall be authorized and permitted to select an equal number of acres from the unappropriated public lands of the United States in said State in the same manner, for the same purposes, and subject to the same conditions and limitations under which the lands so reconveyed were selected and held.

Reconveyed lands restored to public domain, etc.

SEC. 2. That the lands so reconveyed shall be restored to and become a part of the public domain and be subject to disposal by the Government in the same manner in which other public lands of a like character are disposed of.

Approved, April 23, 1900.

CHAP. 338.—An Act To provide an American register for the steamship Garonne.

April 27, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of Navigation is hereby authorized and directed to cause the foreign-built steamship Garonne, owned by Charles Richardson, of Tacoma, State of Washington, and Frank Waterhouse, of Seattle, State of Washington, citizens of the United States, to be registered as a vessel of the United States.

Steamship Garonne.
Granted American
register.

Approved, April 27, 1900.

CHAP. 339.—An Act To provide a government for the Territory of Hawaii.

April 30, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Hawaii.
Provisions for gov-
ernment of.

CHAPTER I.—GENERAL PROVISIONS.

General provisions.

DEFINITIONS.

Definitions.

SEC. 1. That the phrase "the laws of Hawaii," as used in this Act without qualifying words, shall mean the constitution and laws of the Republic of Hawaii, in force on the twelfth day of August, eighteen hundred and ninety-eight, at the time of the transfer of the sovereignty of the Hawaiian Islands to the United States of America.

—"laws of Hawaii."

The constitution and statute laws of the Republic of Hawaii then in force, set forth in a compilation made by Sidney M. Ballou under the authority of the legislature, and published in two volumes entitled "Civil Laws" and "Penal Laws," respectively, and in the Session Laws of the Legislature for the session of eighteen hundred and ninety-eight, are referred to in this Act as "Civil Laws," "Penal Laws," and "Session Laws."

"Civil laws," etc.

TERRITORY OF HAWAII.

SEC. 2. That the islands acquired by the United States of America under an Act of Congress entitled "Joint resolution to provide for annexing the Hawaiian Islands to the United States," approved July seventh, eighteen hundred and ninety-eight, shall be known as the Territory of Hawaii.

Name of annexed
territory.
Vol. 30, p. 750.

GOVERNMENT OF THE TERRITORY OF HAWAII.

SEC. 3. That a Territorial government is hereby established over the said Territory, with its capital at Honolulu, on the island of Oahu.

Government.

CITIZENSHIP.

SEC. 4. That all persons who were citizens of the Republic of Hawaii on August twelfth, eighteen hundred and ninety-eight, are hereby declared to be citizens of the United States and citizens of the Territory of Hawaii.

Citizenship.

And all citizens of the United States resident in the Hawaiian Islands who were resident there on or since August twelfth, eighteen hundred and ninety-eight, and all the citizens of the United States who shall hereafter reside in the Territory of Hawaii for one year shall be citizens of the Territory of Hawaii.

APPLICATION OF THE LAWS OF THE UNITED STATES.

SEC. 5. That the Constitution, and, except as herein otherwise provided, all the laws of the United States which are not locally inappli-

Application of Fed-
eral laws.

Provided.
Submission of territorial laws to Congress.

Limitation on right of religious corporations to hold real estate.

R. S., secs. 1850-1890, pp. 327-333.

Existing laws continued in force.

Existing laws repealed.

-civil laws.

-penal laws repealed.

cable, shall have the same force and effect within the said Territory as elsewhere in the United States: *Provided*, That sections eighteen hundred and fifty and eighteen hundred and ninety of the Revised Statutes of the United States shall not apply to the Territory of Hawaii.

LAWS OF HAWAII.

SEC. 6. That the laws of Hawaii not inconsistent with the Constitution or laws of the United States or the provisions of this Act shall continue in force, subject to repeal or amendment by the legislature of Hawaii or the Congress of the United States.

SEC. 7. That the constitution of the Republic of Hawaii and the laws of Hawaii, as set forth in the following acts, chapters, and sections of the civil laws, penal laws, and session laws, and relating to the following subjects, are hereby repealed:

CIVIL LAWS: Sections two and three, Promulgation of laws; chapter five, Flag and seal; sections thirty to thirty-three, inclusive, Tenders for supplies; chapter seven, Minister of foreign affairs; chapter eight, Diplomatic and consular agents; sections one hundred and thirty-four and one hundred and thirty-five, National museum; chapter twelve, Education of Hawaiian youths abroad; sections one hundred and fifty to one hundred and fifty-six, inclusive, Aid to board of education; chapter fourteen, Minister of the interior; sections one hundred and sixty-six to one hundred and sixty-eight, inclusive, one hundred and seventy-four and one hundred and seventy-five, Government lands; section one hundred and ninety, Board of commissioners of public lands; section four hundred and twenty-four, Bureau of agriculture and forestry; chapter thirty-one, Agriculture and manufactures; chapter thirty-two, Ramie; chapter thirty-three, Taro flour; chapter thirty-four, Development of resources; chapter thirty-five, Agriculture; section four hundred and seventy-seven, Brands; chapter thirty-seven, Patents; chapter thirty-eight, Copyrights; sections five hundred and fifty-six and five hundred and fifty-seven, Railroad subsidy; chapter forty-seven, Pacific cable; chapter forty-eight, Hospitals; chapter fifty-one, Coins and currency; chapter fifty-four, Consolidation of public debt; chapter fifty-six, Post-office; chapter fifty-seven, Exemptions from postage; chapter fifty-eight, Postal savings banks; chapter sixty-five, Import duties; chapter sixty-six, Imports; chapter sixty-seven, Ports of entry and collection districts; chapter sixty-eight, Collectors; chapter sixty-nine, Registry of vessels; section one thousand and eleven, Custom-house charges; section eleven hundred and two, Elections; section eleven hundred and thirty-two, Appointment of magistrate; last clause of first subdivision and fifth subdivision of section eleven hundred and forty-four, first subdivision of section eleven hundred and forty-five, Jurisdiction; sections eleven hundred and seventy-three to eleven hundred and seventy-eight, inclusive, Translation of decisions; section eleven hundred and eighty-eight, Clerks of court; sections thirteen hundred and twenty-nine, thirteen hundred and thirty-one, thirteen hundred and thirty-two, thirteen hundred and forty-seven to thirteen hundred and fifty-four, inclusive, Juries; sections fifteen hundred and nine to fifteen hundred and fourteen, inclusive, Maritime matters; chapter one hundred and two, Naturalization; section sixteen hundred and seventy-eight, Habeas corpus; chapter one hundred and eight, Arrest of debtors; subdivisions six, seven, ten, twelve to fourteen of section seventeen hundred and thirty-six, Garnishment; sections seventeen hundred and fifty-five to seventeen hundred and fifty-eight, inclusive, Liens on vessels; chapter one hundred and sixteen, Bankruptcy, and sections eighteen hundred and twenty-eight to eighteen hundred and thirty-two, inclusive, Water rights.

PENAL LAWS: Chapter six, Treason; section sixty-five to sixty-seven, inclusive, Foot binding; chapter seventeen, Violation of postal laws;

section three hundred and fourteen, Blasphemy; sections three hundred and seventy-one to three hundred and seventy-two, inclusive, Vagrants; sections four hundred and eleven to four hundred and thirteen, inclusive, Manufacture of liquors; chapter forty-three, Offenses on the high seas and other waters; sections five hundred and ninety-five and six hundred and two to six hundred and five, inclusive, Jurisdiction; section six hundred and twenty-three, Procedure; sections seven hundred and seven hundred and one, Imports; section seven hundred and fifteen, Auction license; section seven hundred and forty-five, Commercial travelers; sections seven hundred and forty-eight to seven hundred and fifty-five, inclusive, Firearms; sections seven hundred and ninety-six to eight hundred and nine, inclusive, Coasting trade; sections eight hundred and eleven and eight hundred and twelve, Peddling foreign goods; sections eight hundred and thirteen to eight hundred and fifteen, inclusive, Importation of live stock; section eight hundred and nineteen, Imports; sections eight hundred and eighty-six to nine hundred and six, inclusive, Quarantine; section eleven hundred and thirty-seven, Consuls and consular agents; chapter sixty-seven, Whale ships; sections eleven hundred and forty-five to eleven hundred and seventy-nine, inclusive, and twelve hundred and four to twelve hundred and nine, inclusive, Arrival, entry, and departure of vessels; chapters sixty-nine to seventy-six, inclusive, Navigation and other matters within the exclusive jurisdiction of the United States; sections thirteen hundred and forty-seven and thirteen hundred and forty-eight, Fraudulent exportation; chapter seventy-eight, Masters and servants; chapter ninety-three, Immigration; sections sixteen hundred and one, sixteen hundred and eight, and sixteen hundred and twelve, Agriculture and forestry; chapter ninety-six, Seditious offenses; and chapter ninety-nine, Sailing regulations.

SESSION LAWS: Act fifteen, Elections; Act twenty-six, Duties; Act twenty-seven, Exemptions from duties; Act thirty-two, Registry of vessels; section four of Act thirty-eight, Importation of live stock; Act forty-eight, Pacific cable; Act sixty-five, Consolidation of public debt; Act sixty-six, Ports of entry; and Act sixty-eight, Chinese immigration.

—session laws repealed.

CERTAIN OFFICES ABOLISHED.

SEC. 8. That the offices of President, minister of foreign affairs, minister of the interior, minister of finance, minister of public instruction, auditor-general, deputy auditor-general, surveyor-general, marshal, and deputy marshal of the Republic of Hawaii are hereby abolished.

Certain offices abolished.

AMENDMENT OF OFFICIAL TITLES.

SEC. 9. That wherever the words "President of the Republic of Hawaii," or "Republic of Hawaii," or "Government of the Republic of Hawaii," or their equivalents, occur in the laws of Hawaii not repealed by this Act, they are hereby amended to read "Governor of the Territory of Hawaii," or "Territory of Hawaii," or "Government of the Territory of Hawaii," or their equivalents, as the context requires.

Amendment of official titles.

CONSTRUCTION OF EXISTING STATUTES.

SEC. 10. That all rights of action, suits at law and in equity, prosecutions, and judgments existing prior to the taking effect of this Act shall continue to be as effectual as if this Act had not been passed; and those in favor of or against the Republic of Hawaii, and not assumed by or transferred to the United States, shall be equally valid in favor of or against the government of the Territory of Hawaii. All offenses which by statute then in force were punishable as offenses against the

Construction of existing statutes.

Existing obligations, etc., unaffected.

—existing offenses

—criminal, etc., proceedings.

Proviso.
Contracts for labor, etc.

Merchant seamen.

Contracts for a definite term of service void, etc.

Contract labor laws made applicable.
Vol. 23, p. 332.

Republic of Hawaii shall be punishable as offenses against the government of the Territory of Hawaii, unless such statute is inconsistent with this Act, or shall be repealed or changed by law. No person shall be subject to imprisonment for nonpayment of taxes nor for debt. All criminal and penal proceedings then pending in the courts of the Republic of Hawaii shall be prosecuted to final judgment and execution in the name of the Territory of Hawaii; all such proceedings, all actions at law, suits in equity, and other proceedings then pending in the courts of the Republic of Hawaii shall be carried on to final judgment and execution in the corresponding courts of the Territory of Hawaii; and all process issued and sentences imposed before this Act takes effect shall be as valid as if issued or imposed in the name of the Territory of Hawaii: *Provided*, That no suit or proceedings shall be maintained for the specific performance of any contract heretofore or hereafter entered into for personal labor or service, nor shall any remedy exist or be enforced for breach of any such contract, except in a civil suit or proceeding instituted solely to recover damages for such breach: *Provided further*, That the provisions of this section shall not modify or change the laws of the United States applicable to merchant seamen.

That all contracts made since August twelfth, eighteen hundred and ninety-eight, by which persons are held for service for a definite term, are hereby declared null and void and terminated, and no law shall be passed to enforce said contracts in any way; and it shall be the duty of the United States marshal to at once notify such persons so held of the termination of their contracts.

That the Act approved February twenty-sixth, eighteen hundred and eighty-five, "To prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia," and the Acts amendatory thereof and supplemental thereto, be, and the same are hereby, extended to and made applicable to the Territory of Hawaii.

STYLE OF PROCESS.

Style of process.

SEC. 11. That the style of all process in the Territorial courts shall hereafter run in the name of "The Territory of Hawaii," and all prosecutions shall be carried on in the name and by the authority of the Territory of Hawaii.

The legislature.

CHAPTER II.—THE LEGISLATURE.

THE LEGISLATIVE POWER.

—to consist of two houses.

—style.

—qualifications of members.

SEC. 12. That the legislature of the Territory of Hawaii shall consist of two houses, styled, respectively, the senate and house of representatives, which shall organize and sit separately, except as otherwise herein provided.

The two houses shall be styled "The legislature of the Territory of Hawaii."

SEC. 13. That no person shall sit as a senator or representative in the legislature unless elected under and in conformity with this Act.

GENERAL ELECTIONS.

General elections.

Proviso.
Special elections.

SEC. 14. That a general election shall be held on the Tuesday next after the first Monday in November, nineteen hundred, and every second year thereafter: *Provided, however*, That the governor may, in his discretion, on thirty days' notice, order a special election before the first general election, if, in his opinion, the public interests shall require a special session of the legislature.

EACH HOUSE JUDGE OF QUALIFICATIONS OF MEMBERS.

SEC. 15. That each house shall be the judge of the elections, returns, and qualifications of its own members. Each house judge of qualifications of members.

DISQUALIFICATIONS OF LEGISLATORS.

SEC. 16. That no member of the legislature shall, during the term for which he is elected, be appointed or elected to any office of the Territory of Hawaii. Disqualifications of legislators.

DISQUALIFICATIONS OF GOVERNMENT OFFICERS AND EMPLOYEES.

SEC. 17. That no person holding office in or under or by authority of the Government of the United States or of the Territory of Hawaii shall be eligible to election to the legislature, or to hold the position of a member of the same while holding said office. Government officers ineligible as legislators.

SEC. 18. No idiot or insane person, and no person who shall be expelled from the legislature for giving or receiving bribes or being accessory thereto, and no person who, in due course of law, shall have been convicted of any criminal offense punishable by imprisonment, whether with or without hard labor, for a term exceeding one year, whether with or without fine, shall register to vote or shall vote or hold any office in, or under, or by authority of, the government, unless the person so convicted shall have been pardoned and restored to his civil rights. Idiots, convicts, etc., disqualified as voters.

OATH OF OFFICE.

SEC. 19. That every member of the legislature, and all officers of the government of the Territory of Hawaii, shall take the following oath or affirmation. Oath of office.

I solemnly swear (or affirm), in the presence of Almighty God, that I will faithfully support the Constitution and laws of the United States, and conscientiously and impartially discharge my duties as a member of the legislature, or as an officer of the government of the Territory of Hawaii (as the case may be).

OFFICERS AND RULES.

SEC. 20. That the senate and house of representatives shall each choose its own officers, determine the rules of its own proceedings, not inconsistent with this Act, and keep a journal. Officers and rules.

AYES AND NOES.

SEC. 21. That the ayes and noes of the members on any question shall, at the desire of one-fifth of the members present, be entered on the journal. Ayes and noes.

QUORUM.

SEC. 22. That a majority of the number of members to which each house is entitled shall constitute a quorum of such house for the conduct of ordinary business, of which quorum a majority vote shall suffice; but the final passage of a law in each house shall require the vote of a majority of all the members to which such house is entitled. Quorum.

SEC. 23. That a smaller number than a quorum may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as each house may provide. —smaller number may adjourn from day to day.

SEC. 24. That, for the purpose of ascertaining whether there is a quorum present, the chairman shall count the number of members present. —ascertaining quorum.

PUNISHMENT OF PERSONS NOT MEMBERS.

Punishment of persons not members.

—offenses specified.

Accused to be heard in his own defense.

SEC. 25. That each house may punish by fine, or by imprisonment not exceeding thirty days, any person not a member of either house who shall be guilty of disrespect of such house by any disorderly or contemptuous behavior in its presence or that of any committee thereof; or who shall, on account of the exercise of any legislative function, threaten harm to the body or estate of any of the members of such house; or who shall assault, arrest, or detain any witness or other person ordered to attend such house, on his way going to or returning therefrom; or who shall rescue any person arrested by order of such house.

But the person charged with the offense shall be informed, in writing, of the charge made against him, and have an opportunity to present evidence and be heard in his own defense.

COMPENSATION OF MEMBERS.

Compensation of members.

SEC. 26. That the members of the legislature shall receive for their services, in addition to mileage at the rate of ten cents a mile each way, the sum of four hundred dollars for each regular session of the legislature, payable in three equal installments on and after the first, thirtieth, and fiftieth days of the session, and the sum of two hundred dollars for each extra session of the legislature.

PUNISHMENT OF MEMBERS.

Punishment of members.

SEC. 27. That each house may punish its own members for disorderly behavior or neglect of duty, by censure, or by a two-thirds vote suspend or expel a member.

EXEMPTION FROM LIABILITY.

Exemption from liability.

SEC. 28. That no member of the legislature shall be held to answer before any other tribunal for any words uttered in the exercise of his legislative functions in either house.

EXEMPTION FROM ARREST.

Exemption from arrest.

Proviso.
—limitation.

SEC. 29. That the members of the legislature shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during their attendance at the sessions of the respective houses, and in going to and returning from the same; *Provided*, That such privilege as to going and returning shall not cover a period of over ten days each way.

Senate.

THE SENATE.

Number of members.

Term of service.

Proviso.
Division into classes.

NUMBER OF MEMBERS.

SEC. 30. That the Senate shall be composed of fifteen members, who shall hold office for four years: *Provided, however*, That of the senators elected at the first general election, two from the first district, one from the second, three from the third, and one from the fourth district shall hold office for two years only, the details of such apportionment to be provided for by the legislature.

VACANCIES.

Vacancies.

SEC. 31. That vacancies caused by death, resignation, or otherwise shall be filled for the unexpired term at general or special elections.

SENATORIAL DISTRICTS.

SEC. 32. That for the purpose of representation in the senate, until otherwise provided by law, the Territory is divided into the following senatorial districts, namely:

Senatorial districts.

First district: The island of Hawaii.

Second district: The islands of Maui, Molokai, Lanai, and Kahoolawe.

Third district: The island of Oahu.

Fourth district: The islands of Kauai and Niihau.

SEC. 33. That the electors in the said districts shall be entitled to elect senators as follows:

Apportionment.

In the first district, four;

In the second district, three;

In the third district, six;

In the fourth district, two.

QUALIFICATIONS OF SENATORS.

SEC. 34. That in order to be eligible to election as a senator a person shall—

Qualifications of senators.

Be a male citizen of the United States;

Have attained the age of thirty years;

Have resided in the Hawaiian Islands not less than three years and be qualified to vote for senators in the district from which he is elected.

THE HOUSE OF REPRESENTATIVES.

House of Representatives.

NUMBER OF REPRESENTATIVES.

SEC. 35. That the house of representatives shall be composed of thirty members, elected, except as herein provided, every second year.

Number of representatives, etc.

TERM OF OFFICE.

SEC. 36. That the term of office of the representatives elected at any general or special election shall be until the next general election held thereafter.

Term of office.

VACANCIES.

SEC. 37. That vacancies in the office of representative caused by death, resignation, or otherwise shall be filled for the unexpired term at special elections.

Vacancies.

REPRESENTATIVE DISTRICTS.

SEC. 38. That for the purpose of representation in the house of representatives, until otherwise provided by law, the Territory is divided into the following representative districts, namely:

Representative districts.

First district: That portion of the island of Hawaii known as Puna, Hilo, and Hamakua.

Second district: That portion of the island of Hawaii known as Kau, Kona, and Kohala.

Third district: The islands of Maui, Molokai, Lanai, and Kahoolawe.

Fourth district: That portion of the island of Oahu lying east and south of Nuuanu street and a line drawn in extension thereof from the Nuuanu Pali to Mokapu Point.

Fifth district: That portion of the island of Oahu lying west and north of the fourth district.

Sixth district: The islands of Kauai and Niihau.

APPORTIONMENT.

Apportionment.

SEC. 39. That the electors in the said districts shall be entitled to elect representatives as follows:

In the first district, four;
In the second district, four;
In the third district, six;
In the fourth district, six;
In the fifth district, six;
In the sixth district, four.

QUALIFICATIONS OF REPRESENTATIVES.

Qualifications of representatives.

SEC. 40. That in order to be eligible to be a member of the house of representatives a person shall, at the time of election—

Have attained the age of twenty-five years;
Be a male citizen of the United States;
Have resided in the Hawaiian Islands not less than three years;
And shall be qualified to vote for representatives in the district from which he is elected.

Legislation.

LEGISLATION.

SESSIONS OF THE LEGISLATURE.

Sessions of the legislature.

SEC. 41. That the first regular session of the legislature shall be held on the third Wednesday in February, nineteen hundred and one, and biennially thereafter, in Honolulu.

SEC. 42. That neither house shall adjourn during any session for more than three days, or sine die, without the consent of the other.

—duration of.
—*Proviso.*
—extension.

SEC. 43. That each session of the legislature shall continue not longer than sixty days, excluding Sundays and holidays: *Provided, however,* That the governor may extend such session for not more than thirty days.

Special session.

Session at other than Capital.

The governor may convene the legislature, or the senate alone, in special session, and, in case the seat of government shall be unsafe from an enemy, riot, or insurrection, or any dangerous disease, direct that any regular or special session shall be held at some other than the regular meeting place.

ENACTING CLAUSE—ENGLISH LANGUAGE.

Enacting clause.

SEC. 44. That the enacting clause of all laws shall be, "Be it enacted by the legislature of the Territory of Hawaii."

English language.

All legislative proceedings shall be conducted in the English language.

TITLE OF LAWS.

Title of laws.

SEC. 45. That each law shall embrace but one subject, which shall be expressed in its title.

READING OF BILLS.

Reading of bills.

—final passage.

SEC. 46. That a bill in order to become a law shall, except as herein provided, pass three readings in each house, on separate days, the final passage of which in each house shall be by a majority vote of all the members to which such house is entitled, taken by ayes and noes and entered upon its journal.

CERTIFICATION OF BILLS FROM ONE HOUSE TO THE OTHER.

SEC. 47. That every bill when passed by the house in which it originated, or in which amendments thereto shall have originated, shall immediately be certified by the presiding officer and clerk and sent to the other house for consideration.

Certification of bills from one house to another.

SIGNING BILLS.

SEC. 48. That, except as herein provided, all bills passed by the legislature shall, in order to be valid, be signed by the governor.

Signing bills.

VETO OF GOVERNOR.

SEC. 49. That every bill which shall have passed the legislature shall be certified by the presiding officers and clerks of both houses, and shall thereupon be presented to the governor. If he approves it, he shall sign it, and it shall become a law. If the governor does not approve such bill, he may return it, with his objections, to the legislature.

Veto of governor.

He may veto any specific item or items in any bill which appropriates money for specific purposes; but shall veto other bills, if at all, only as a whole.

PROCEDURE UPON RECEIPT OF VETO.

SEC. 50. That upon the receipt of a veto message from the governor each house of the legislature shall enter the same at large upon its journal and proceed to reconsider such bill, or part of a bill, and again vote upon it by ayes and noes, which shall be entered upon its journal.

Procedure upon receipt of veto.

If after such reconsideration such bill, or part of a bill, shall be approved by a two-thirds vote of all the members to which each house is entitled, it shall thereby become law.

FAILURE TO SIGN OR VETO.

SEC. 51. That if the governor neither signs nor vetoes a bill within ten days after it is delivered to him it shall become a law without his signature, unless the legislature adjourns sine die prior to the expiration of such ten days.

Failure to sign or veto.

If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislature by their adjournment prevents its return, in which case it shall not be a law.

APPROPRIATIONS.

SEC. 52. That appropriations, except as otherwise herein provided, shall be made biennially by the legislature: *Provided, however,* That pending the time when this Act shall take effect and until a session of the legislature of the Territory of Hawaii shall be held, the President may, in his discretion, authorize and direct the use of such money in the treasury of the Republic of Hawaii as well as of the Territory of Hawaii, as he shall think requisite and proper for carrying on the government of the Territory of Hawaii, the preservation of the public health, the completion of the sewerage system of the city of Honolulu, and such other expenditures as in the President's judgment shall seem to be appropriate.

Appropriations made biennially. Post p. 162. Proviso. Use of funds in Hawaiian treasury authorized

SEC. 53. That the governor shall submit to the legislature, at each regular session, estimates for appropriations for the succeeding biennial period.

Estimates for appropriations.

Failure to appropriate for current expenses.

extra session.

SEC. 54. That in case of failure of the legislature to pass appropriation bills providing for payments of the necessary current expenses of carrying on the government and meeting its legal obligations as the same are provided for by the then existing laws, the governor shall, upon the adjournment of the legislature, call it in extra session for the consideration of appropriation bills, and until the legislature shall have acted the treasurer may, with the advice of the governor, make such payments, for which purpose the sums appropriated in the last appropriation bills shall be deemed to have been reappropriated. And all legislative and other appropriations made prior to the date when this Act shall take effect, shall be available to the government of the Territory of Hawaii.

LEGISLATIVE POWER.

Legislative power.—scope of.

—exclusive privileges, etc., to corporations.

—private charters.

—incorporations.

Proviso.
Real estate holdings of corporations limited, etc.

Divorce.

Lotteries.

Liquors.

Sectarian, etc., schools.

Government subscription to stock of corporations, etc.

Contracting territorial debts restricted, etc.

SEC. 55. That the legislative power of the Territory shall extend to all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States locally applicable. The legislature, at its first regular session after the census enumeration shall be ascertained, and from time to time thereafter, shall reapportion the membership in the senate and house of representatives among the senatorial and representative districts on the basis of the population in each of said districts who are citizens of the Territory; but the legislature shall not grant to any corporation, association, or individual any special or exclusive privilege, immunity, or franchise without the approval of Congress; nor shall it grant private charters, but it may by general act permit persons to associate themselves together as bodies corporate for manufacturing, agricultural, and other industrial pursuits, and for conducting the business of insurance, savings banks, banks of discount and deposit (but not of issue), loan, trust, and guaranty associations, for the establishment and conduct of cemeteries, and for the construction and operation of railroads, wagon roads, vessels, and irrigating ditches, and the colonization and improvement of lands in connection therewith, or for colleges, seminaries, churches, libraries, or any other benevolent, charitable, or scientific association: *Provided*, That no corporation, domestic or foreign, shall acquire and hold real estate in Hawaii in excess of one thousand acres; and all real estate acquired or held by such corporation or association contrary hereto shall be forfeited and escheat to the United States, but existing vested rights in real estate shall not be impaired. No divorce shall be granted by the legislature, nor shall any divorce be granted by the courts of the Territory unless the applicant therefor shall have resided in the Territory for two years next preceding the application, but this provision shall not affect any action pending when this Act takes effect; nor shall any lottery or sale of lottery tickets be allowed; nor shall spirituous or intoxicating liquors be sold except under such regulations and restrictions as the Territorial legislature shall provide; nor shall any public money be appropriated for the support or benefit of any sectarian, denominational, or private school, or any school not under the exclusive control of the government; nor shall the government of the Territory of Hawaii, or any political or municipal corporation or subdivision of the Territory, make any subscription to the capital stock of any incorporated company, or in any manner lend its credit for the use thereof; nor shall any debt be authorized to be contracted by or on behalf of the Territory, or any political or municipal corporation or subdivision thereof, except to pay the interest upon the existing indebtedness, to suppress insurrection, or to provide for the common defense, except that in addition to any indebtedness created for such purposes the legislature may authorize loans by the Territory, or any such subdivision thereof, for the erection of penal, charitable, and educational institutions, and for public buildings, wharves, roads, and harbor and

other public improvements, but the total of such indebtedness incurred in any one year by the Territory or any subdivision shall not exceed one per centum upon the assessed value of taxable property of the Territory or subdivision thereof, as the case may be, as shown by the last general assessment for taxation, and the total indebtedness for the Territory shall not at any time be extended beyond seven per centum of such assessed value, and the total indebtedness of any subdivision shall not at any time be extended beyond three per centum of such assessed value, but nothing in this provision shall prevent the refunding of any existing indebtedness at any time; nor shall any such loan be made upon the credit of the public domain or any part thereof, nor shall any bond or other instrument of any such indebtedness be issued unless made redeemable in not more than five years and payable in not more than fifteen years from the date of the issue thereof; nor shall any such bond or indebtedness be incurred until approved by the President of the United States.

TOWN, CITY, AND COUNTY GOVERNMENT.

SEC. 56. That the legislature may create counties and town and city municipalities within the Territory of Hawaii and provide for the government thereof. Town, etc., government.

ELECTIONS.

EXEMPTION OF ELECTORS ON ELECTION DAY.

SEC. 57. That every elector shall be privileged from arrest on election day during his attendance at election and in going to and returning therefrom, except in case of breach of the peace then committed, or in case of treason or felony. Elections.

SEC. 58. That no elector shall be so obliged to perform military duty on the day of election as to prevent his voting, except in time of war or public danger, or in case of absence from his place of residence in actual military service, in which case provision may be made by law for taking his vote. Exemption of electors on election day.

METHOD OF VOTING FOR REPRESENTATIVES.

SEC. 59. That each voter for representative may cast a vote for as many representatives as are to be elected from the representative district in which he is entitled to vote. Method of voting for representatives.

The required number of candidates receiving the highest number of votes in the respective representative districts shall be the representatives for such districts.

QUALIFICATIONS OF VOTERS FOR REPRESENTATIVES.

SEC. 60. That in order to be qualified to vote for representatives a person shall— Qualifications of voters for representatives.

First. Be a male citizen of the United States.

Second. Have resided in the Territory not less than one year preceding and in the representative district in which he offers to register not less than three months immediately preceding the time at which he offers to register.

Third. Have attained the age of twenty-one years.

Fourth. Prior to each regular election, during the time prescribed by law for registration, have caused his name to be entered on the register of voters for representatives for his district.

Fifth. Be able to speak, read, and write the English or Hawaiian language.

METHOD OF VOTING FOR SENATORS.

Method of voting for
senators.

SEC. 61. That each voter for senator may cast one vote for each senator to be elected from the senatorial district in which he is entitled to vote.

The required number of candidates receiving the highest number of votes in the respective senatorial districts shall be the senators for such district.

QUALIFICATIONS OF VOTERS FOR SENATORS AND IN ALL OTHER ELECTIONS.

Qualifications of vot-
ers for senators and in
all other elections.

SEC. 62. That in order to be qualified to vote for senators and for voting in all other elections in the Territory of Hawaii a person must possess all the qualifications and be subject to all the conditions required by this Act of voters for representatives.

Military service in
Territory, disquali-
fication.

SEC. 63. That no person shall be allowed to vote who is in the Territory by reason of being in the Army or Navy or by reason of being attached to troops in the service of the United States.

Ballou's Compila-
tion.
Provision as to oaths
etc., continued in
force.

SEC. 64. That the rules and regulations for administering oaths and holding elections set forth in Ballou's Compilation, Civil Laws, Appendix, and the list of registering districts and precincts appended, are continued in force with the following changes, to wit:

—except

Strike out the preliminary proclamation and sections one to twenty-six, inclusive, sections thirty and thirty-nine, the second and third paragraphs of section forty-eight, the second paragraph of section fifty, and sections sixty-two, sixty-three and sixty-six, second paragraph of section one hundred.

In section twenty-nine strike out all after the word "Niihau" and in lieu thereof insert: "The boards of registration existing at the date of the approval of this Act shall go out of office, and new boards, which shall consist of three members each, shall be appointed by the governor, by and with the advice and consent of the senate, whose terms of office shall be four years. Appointments made by the governor when the senate is not in session shall be valid until the succeeding meeting of that body."

In section thirty-one strike out "the first day of April and the thirtieth day of June, in the year eighteen hundred and ninety-seven," and insert in lieu thereof "the last day of August and the tenth day of October, in the year nineteen hundred."

Strike out the words "and the detailed record" in sections fifty-two and one hundred and twelve.

Strike out "marshal" wherever it occurs and insert in lieu thereof "high sheriff."

Strike out of section fifty-three the words "except as provided in section one hundred and fourteen hereof."

In sections fifty-three, fifty-four, fifty-six, fifty-seven, fifty-nine, sixty, seventy-one, seventy-five, eighty-six, ninety-two, ninety-three, ninety-four, ninety-five, one hundred and eleven, one hundred and twelve, and one hundred and thirteen strike out the words "minister" and "minister of the interior" wherever they occur and insert in lieu thereof the words "secretary of the Territory."

In section fifty-six, paragraph three, strike out "interior office" and insert "office of the secretary of the Territory."

In section fifty-six, first paragraph, after the words "candidate for election" insert "to the legislature;" and in the last paragraph strike out the word "only."

Strike out the word "elective" in section sixty-four.

In sections twenty-seven, sixty-four, sixty-five, sixty-eight, seventy, and seventy-two strike out the words "minister of the interior" or

"minister" wherever they occur and insert in lieu thereof the word "governor."

Amend section sixty-seven so that it will read: "At least forty days before any election the governor shall issue an election proclamation and transmit copies of the same to the several boards of inspectors throughout the Territory, or where such election is to be held."

In section seventy-five strike out the word "perfectly," and in section seventy-six strike out "in" and insert "on."

In section one hundred and twelve strike out "interior department" and insert in lieu thereof "office of the secretary of the Territory."

In section one hundred and fourteen strike out the word "Republic" wherever it occurs and insert in lieu thereof "Territory."

In section one hundred and fifteen strike out the words "minister" and "minister of the interior" and insert in lieu thereof "treasurer," and strike out all after the word "refreshments:" *Provided, however,* That for the holding of a special election before the first general election the governor may prescribe the time during which the boards of registration shall meet and the registration be made.

SEC. 65. That the legislature of the Territory may from time to time establish and alter the boundaries of election districts and voting precincts and apportion the senators and representatives to be elected from such districts.

Altering boundaries
of election districts.

CHAPTER 3.—THE EXECUTIVE.

The Executive.

THE EXECUTIVE POWER.

SEC. 66. That the executive power of the government of the Territory of Hawaii shall be vested in a governor, who shall be appointed by the President, by and with the advice and consent of the Senate of the United States, and shall hold office for four years and until his successor shall be appointed and qualified, unless sooner removed by the President. He shall be not less than thirty-five years of age; shall be a citizen of the Territory of Hawaii; shall be commander in chief of the militia thereof; may grant pardons or reprieves for offenses against the laws of the said Territory and reprieves for offenses against the laws of the United States until the decision of the President is made known thereon.

Governor.

ENFORCEMENT OF LAW.

SEC. 67. That the governor shall be responsible for the faithful execution of the laws of the United States and of the Territory of Hawaii within the said Territory, and whenever it becomes necessary he may call upon the commanders of the military and naval forces of the United States in the Territory of Hawaii, or summon the posse comitatus, or call out the militia of the Territory to prevent or suppress lawless violence, invasion, insurrection, or rebellion in said Territory, and he may, in case of rebellion or invasion, or imminent danger thereof, when the public safety requires it, suspend the privilege of the writ of habeas corpus, or place the Territory, or any part thereof, under martial law until communication can be had with the President and his decision thereon made known.

Powers of governor.

GENERAL POWERS OF THE GOVERNOR.

SEC. 68. That all the powers and duties which, by the laws of Hawaii, are conferred upon or required of the President or any minister of the Republic of Hawaii (acting alone or in connection with any other officer or person or body) or the cabinet or executive council, and not inconsistent with the Constitution or laws of the United States,

—general powers.

are conferred upon and required of the governor of the Territory of Hawaii, unless otherwise provided.

SECRETARY OF THE TERRITORY.

Secretary of the Territory, duties, etc.

SEC. 69. That there shall be a secretary of the said Territory, who shall be appointed by the President, by and with the advice and consent of the Senate of the United States, and who shall be a citizen of the Territory of Hawaii and hold his office for four years and until his successor shall be appointed and qualified, unless sooner removed by the President. He shall record and preserve all the laws and proceedings of the legislature and all acts and proceedings of the governor, and promulgate proclamations of the governor. He shall, within thirty days after the end of each session of the legislature, transmit to the President, the President of the Senate, and the Speaker of the House of Representatives of the United States one copy each of the laws and journals of such session. He shall transmit to the President, semiannually, on the first days of January and July, a copy of the executive proceedings, and shall perform such other duties as are prescribed in this Act or as may be required of him by the legislature of Hawaii.

ACTING GOVERNOR IN CERTAIN CONTINGENCIES.

—when to act as governor.

SEC. 70. That in case of the death, removal, resignation, or disability of the governor, or his absence from the Territory, the secretary shall exercise all the powers and perform all the duties of governor during such vacancy, disability, or absence, or until another governor is appointed and qualified.

ATTORNEY-GENERAL.

Attorney-general, duties, etc.

SEC. 71. That there shall be an attorney-general, who shall have the powers and duties of the attorney-general and those of the powers and duties of the minister of the interior which relate to prisons, prisoners, and prison inspectors, notaries public, and escheat of lands under the laws of Hawaii, except as changed by this Act and subject to modification by the legislature.

TREASURER.

Treasurer, duties, etc.

SEC. 72. That there shall be a treasurer, who shall have the powers and duties of the minister of finance and those of the powers and duties of the minister of the interior which relate to licenses, corporations, companies, and partnerships, business conducted by married women, newspapers, registry of conveyances, and registration of prints, labels, and trade-marks under the laws of Hawaii, except as changed in this Act and subject to modification by the legislature.

Commissioner of public lands.

COMMISSIONER OF PUBLIC LANDS.

Public-land laws, sales, etc., continued in force.

SEC. 73. That the laws of Hawaii relating to public lands, the settlement of boundaries, and the issuance of patents on land-commission awards, except as changed by this Act, shall continue in force until Congress shall otherwise provide. That, subject to the approval of the President, all sales, grants, leases, and other dispositions of the public domain, and agreements concerning the same, and all franchises granted by the Hawaiian government in conformity with the laws of Hawaii between the seventh day of July, eighteen hundred and ninety-eight, and the twenty-eighth day of September, eighteen hundred and

ninety-nine, are hereby ratified and confirmed. In said laws "land patent" shall be substituted for "royal patent;" "commissioner of public lands" for "minister of the interior," "agent of public lands," and "commissioners of public lands," or their equivalents; and the words "that I am a citizen of the United States," or "that I have declared my intention to become a citizen of the United States, as required by law," for the words "that I am a citizen by birth (or naturalization) of the Republic of Hawaii," or "that I have received letters of denization under the Republic of Hawaii," or "that I have received a certificate of special right of citizenship from the Republic of Hawaii." And no lease of agricultural land shall be granted, sold, or renewed by the government of the Territory of Hawaii for a longer period than five years until Congress shall otherwise direct. All funds arising from the sale or lease or other disposal of such lands shall be appropriated by the laws of the government of the Territory of Hawaii and applied to such uses and purposes for the benefit of the inhabitants of the Territory of Hawaii as are consistent with the joint resolution of annexation, approved July seventh, eighteen hundred and ninety-eight: *Provided*, There shall be excepted from the provisions of this section all lands heretofore set apart, or reserved, by Executive order, or orders, by the President of the United States.

Change of terms.

Lease of agricultural land.

Vol. 30, p. 750.

Proviso.
—exception.

COMMISSIONER OF AGRICULTURE AND FORESTRY.

SEC. 74. That the laws of Hawaii relating to agriculture and forestry, except as changed by this Act, shall continue in force, subject to modification by Congress or the legislature. In said laws "commissioner of agriculture and forestry" shall be substituted, respectively, for "bureau," "bureau of agriculture and forestry," "commissioner," "commissioners of agriculture," and "commissioners for the island of Oahu."

Commissioner of Agriculture and Forestry.

Laws continued in force.

Change of terms.

SUPERINTENDENT OF PUBLIC WORKS.

SEC. 75. That there shall be a superintendent of public works, who shall have the powers and duties of the superintendent of public works and those of the powers and duties of the minister of the Interior which relate to streets and highways, harbor improvements, wharves, landings, waterworks, railways, electric light and power, telephone lines, fences, pounds, brands, weights and measures, fires and fireproof buildings, explosives, eminent domain, public works, markets, buildings, parks and cemeteries, and other grounds and lands now under the control and management of the minister of the interior, and those of the powers and duties of the minister of finance and collector-general which relate to pilots and harbor masters under the laws of Hawaii, except as changed by this Act and subject to modification by the legislature. In said laws the word "legislature" shall be substituted for "councils" and the words "the circuit court" for "the Hawaiian Postal Savings Bank."

Superintendent of public works, duties, etc.

Change of terms.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

SEC. 76. That there shall be a superintendent of public instruction, who shall have the powers and perform the duties conferred upon and required of the minister of public instruction by the laws of Hawaii as amended by this Act, and subject to modification by the legislature.

Superintendent of public instruction, duties, etc.

It shall be the duty of the United States Commissioner of Labor to collect, assort, arrange, and present in annual reports statistical details relating to all departments of labor in the Territory of Hawaii, especially in relation to the commercial, industrial, social, educational, and sanitary condition of the laboring classes, and to all such other subjects

Labor statistics.

as Congress may, by law, direct. The said commissioner is especially charged to ascertain, at as early a date as possible, and as often thereafter as such information may be required, the highest, lowest, and average number of employees engaged in the various industries in the Territory, to be classified as to nativity, sex, hours of labor, and conditions of employment, and to report the same to Congress.

AUDITOR AND DEPUTY AUDITOR.

Auditor and deputy,
duties, etc.

SEC. 77. That there shall be an auditor and deputy auditor, who shall have the powers and duties conferred upon and required of the auditor-general and deputy auditor-general, respectively, by act thirty-nine of the Session Laws, as amended by this Act, subject to modification by the legislature. In said act "officer" shall be substituted for "minister" where used without other designation.

SURVEYOR.

Surveyor.

SEC. 78. That there shall be a surveyor, who shall have the powers and duties heretofore attached to the surveyor-general, except such as relate to the geodetic survey of the Hawaiian Islands.

HIGH SHERIFF.

High sheriff.

SEC. 79. That there shall be a high sheriff and deputies, who shall have the powers and duties of the marshal and deputies of the Republic of Hawaii under the laws of Hawaii, except as changed by this Act, and subject to modification by the legislature.

APPOINTMENT, REMOVAL, TENURE, AND SALARIES OF OFFICERS.

Appointment of of-
ficers.

SEC. 80. That the President shall nominate and, by and with the advice and consent of the Senate, appoint the chief justice and justices of the supreme court, the judges of the circuit courts, who shall hold their respective offices for the term of four years, unless sooner removed by the President; and the governor shall nominate and, by and with the advice and consent of the senate of the Territory of Hawaii, appoint the attorney-general, treasurer, commissioner of public lands, commissioner of agriculture and forestry, superintendent of public works, superintendent of public instruction, auditor, deputy auditor, surveyor, high sheriff, members of the board of health, commissioners of public instruction, board of prison inspectors, board of registration and inspectors of election, and any other boards of a public character that may be created by law; and he may make such appointments when the senate is not in session by granting commissions, which shall, unless such appointments are confirmed, expire at the end of the next session of the senate. He may, by and with the advice and consent of the senate of the Territory of Hawaii, remove from office any of such officers. All such officers shall hold office for four years and until their successors are appointed and qualified, unless sooner removed, except the commissioners of public instruction and the members of said boards, whose terms of office shall be as provided by the laws of the Territory of Hawaii.

—removal.

Term of office.

Appointment, etc,
of unspecified officers.

The manner of appointment and removal and the tenure of all other officers shall be as provided by law; and the governor may appoint or remove any officer whose appointment or removal is not otherwise provided for.

Salaries.

The salaries of all officers other than those appointed by the President shall be as provided by the legislature, but those of the chief justice and the justices of the supreme court and judges of the circuit courts shall not be diminished during their term of office.

All officers appointed under the provisions of this section shall be citizens of the Territory of Hawaii.

Officers to be citizens.

All persons holding office in the Hawaiian Islands at the time this Act takes effect shall continue to hold their respective offices until their successors are appointed and qualified, but not beyond the end of the first session of the senate of the Territory of Hawaii unless reappointed as herein provided.

Present incumbents to hold until successor appointed.

CHAPTER IV.

THE JUDICIARY.

SEC. 81. That the judicial power of the Territory shall be vested in one supreme court, circuit courts, and in such inferior courts as the legislature may from time to time establish. And until the legislature shall otherwise provide, the laws of Hawaii heretofore in force concerning the several courts and their jurisdiction and procedure shall continue in force except as herein otherwise provided.

The judiciary.

SUPREME COURT.

Supreme Court.

SEC. 82. That the supreme court shall consist of a chief justice and two associate justices, who shall be citizens of the Territory of Hawaii and shall be appointed by the President of the United States, by and with the advice and consent of the Senate of the United States, and may be removed by the President: *Provided, however,* That in case of the disqualification or absence of any justice thereof, in any cause pending before the court, on the trial and determination of said cause his place shall be filled as provided by law.

—of what to consist.

Proviso.
Absence of justices.

LAWS CONTINUED IN FORCE.

SEC. 83. That the laws of Hawaii relative to the judicial department, including civil and criminal procedure, except as amended by this Act, are continued in force, subject to modification by Congress, or the legislature. The provisions of said laws or any laws of the Republic of Hawaii which require juries to be composed of aliens or foreigners only, or to be constituted by impaneling natives of Hawaii only, in civil and criminal cases specified in said laws, are repealed, and all juries shall hereafter be constituted without reference to the race or place of nativity of the jurors; but no person who is not a male citizen of the United States and twenty-one years of age and who can not understandingly speak, read, and write the English language shall be a qualified juror or grand juror in the Territory of Hawaii. No person shall be convicted in any criminal case except by unanimous verdict of the jury. No plaintiff or defendant in any suit or proceeding in a court of the Territory of Hawaii shall be entitled to a trial by a jury impaneled exclusively from persons of any race. Until otherwise provided by the legislature of the Territory, grand juries may be drawn in the manner provided by the Hawaiian statutes for drawing petty juries, and shall sit at such times as the circuit judges of the respective circuits shall direct; the number of grand jurors in each circuit shall be not less than thirteen, and the method of the presentation of cases to said grand jurors shall be prescribed by the supreme court of the Territory of Hawaii. The several circuit courts may subpoena witnesses to appear before the grand jury in like manner as they subpoena witnesses to appear before their respective courts.

Laws continued in force.

Juries.
—repeal of certain provisions.

—qualifications.

—of one race only, etc.

—grand juries.

DISQUALIFICATION BY RELATIONSHIP, PECUNIARY INTEREST, OR PREVIOUS JUDGMENT.

SEC. 84. That no person shall sit as a judge or juror in any case in which his relative by affinity or by consanguinity within the third

Disqualification of judge or jury.

degree is interested, either as a plaintiff or defendant, or in the issue of which the said judge or juror may have, either directly or through such relative, any pecuniary interest. No judge shall sit on an appeal, or new trial, in any case, in which he may have given a previous judgment.

United States officers.

CHAPTER 5.—UNITED STATES OFFICERS.

DELEGATE TO CONGRESS.

Delegate to Congress.

SEC. 85. That a Delegate to the House of Representatives of the United States, to serve during each Congress, shall be elected by the voters qualified to vote for members of the house of representatives of the legislature; such Delegate shall possess the qualifications necessary for membership of the senate of the legislature of Hawaii. The times, places, and manner of holding elections shall be as fixed by law. The person having the greatest number of votes shall be declared by the governor duly elected, and a certificate shall be given accordingly. Every such Delegate shall have a seat in the House of Representatives, with the right of debate, but not of voting.

FEDERAL COURT.

Federal Court.

Appointment of judge, etc.

Jurisdiction.

Procedure, etc.

Terms of court.

Clerk.

Reporter.

SEC. 86. That there shall be established in said Territory a district court to consist of one judge, who shall reside therein and be called the district judge. The President of the United States, by and with the advice and consent of the Senate of the United States, shall appoint a district judge, a district attorney, and a marshal of the United States for the said district, and said judge, attorney, and marshal shall hold office for six years unless sooner removed by the President. Said court shall have, in addition to the ordinary jurisdiction of district courts of the United States, jurisdiction of all cases cognizable in a circuit court of the United States, and shall proceed therein in the same manner as a circuit court; and said judge, district attorney, and marshal shall have and exercise in the Territory of Hawaii all the powers conferred by the laws of the United States upon the judges, district attorneys, and marshals of district and circuit courts of the United States. Writs of error and appeals from said district court shall be had and allowed to the circuit court of appeals in the ninth judicial circuit in the same manner as writs of error and appeals are allowed from circuit courts to circuit courts of appeals as provided by law, and the laws of the United States relating to juries and jury trials shall be applicable to said district court. The laws of the United States relating to appeals, writs of error, removal of causes, and other matters and proceedings, as between the courts of the United States and the courts of the several States shall govern in such matters and proceedings as between the courts of the United States and the courts of the Territory of Hawaii. Regular terms of said court shall be held at Honolulu on the second Monday in April and October and at Hilo on the last Wednesday in January of each year; and special terms may be held at such times and places in said district as the said judge may deem expedient. The said district judge shall appoint a clerk for said court at a salary of three thousand dollars per annum, and shall appoint a reporter of said court at a salary of twelve hundred dollars per annum.

INTERNAL-REVENUE DISTRICT.

Internal-revenue district.

SEC. 87. That the Territory of Hawaii shall constitute a district for the collection of the internal revenue of the United States, with a collector, whose office shall be at Honolulu, and deputy collectors at such

other places in the several islands as the Secretary of the Treasury shall direct.

CUSTOMS DISTRICT.

SEC. 88. That the Territory of Hawaii shall comprise a customs district of the United States, with ports of entry and delivery at Honolulu, Hilo, Mahukona, and Kahului.

Customs district.

CHAPTER 6.—MISCELLANEOUS.

REVENUES FROM WHARVES.

SEC. 89. That until further provision is made by Congress the wharves and landings constructed or controlled by the Republic of Hawaii on any seacoast, bay, roadstead, or harbor shall remain under the control of the government of the Territory of Hawaii, which shall receive and enjoy all revenues derived therefrom, on condition that said property shall be kept in good condition for the use and convenience of commerce, but no tolls or charges shall be made by the government of the Territory of Hawaii for the use of any such property by the United States, or by any vessel of war, tug, revenue cutter, or other boat or transport in the service of the United States.

Revenues from wharves.

SEC. 90. That Hawaiian postage stamps, postal cards, and stamped envelopes at the post-offices of the Hawaiian Islands when this Act takes effect shall not be sold, but, together with those that shall thereafter be received at such offices as herein provided, shall be canceled under the direction of the Postmaster-General of the United States; those previously sold and uncanceled shall, if presented at such offices within six months after this Act takes effect, be received at their face value in exchange for postage stamps, postal cards, and stamped envelopes of the United States of the same aggregate face value and, so far as may be, of such denominations as desired.

Disposition of Hawaiian postage stamps.

SEC. 91. That the public property ceded and transferred to the United States by the Republic of Hawaii under the joint resolution of annexation, approved July seventh, eighteen hundred and ninety-eight, shall be and remain in the possession, use, and control of the government of the Territory of Hawaii, and shall be maintained, managed, and cared for by it, at its own expense, until otherwise provided for by Congress, or taken for the uses and purposes of the United States by direction of the President or of the governor of Hawaii. And all moneys in the Hawaiian treasury, and all the revenues and other property acquired by the Republic of Hawaii since said cession shall be and remain the property of the Territory of Hawaii.

Disposition of public property ceded to the United States.
Vol. 30, p. 750.

SEC. 92. That the following officers shall receive the following annual salaries, to be paid by the United States: The governor, five thousand dollars; the secretary of the Territory, three thousand dollars; the chief justice of the supreme court of the Territory, five thousand five hundred dollars, and the associate justices of the supreme court, five thousand dollars each, and the judges of the circuit courts, three thousand dollars each. The salaries of the said chief justice and the associate justices of the supreme court, and the judges of the circuit courts as above provided shall be paid by the United States; the United States district judge, five thousand dollars; the United States marshal, two thousand five hundred dollars; the United States district attorney, three thousand dollars. And the governor shall receive annually, in addition to his salary, the sum of five hundred dollars for stationery, postage, and incidentals; also his traveling expenses while absent from the capital on official business, and the sum of two thousand dollars annually for his private secretary.

Salaries of governor, etc.

IMPORTS FROM HAWAII INTO THE UNITED STATES.

Imports from Hawaii into the United States.

SEC. 93. That imports from any of the Hawaiian Islands, into any State or any other Territory of the United States, of any dutiable articles not the growth, production, or manufacture of said islands, and imported into them from any foreign country after July seventh, eighteen hundred and ninety-eight, and before this Act takes effect, shall pay the same duties that are imposed on the same articles when imported into the United States from any foreign country.

INVESTIGATION OF FISHERIES.

Investigation of fisheries.

SEC. 94. That the Commissioner of Fish and Fisheries of the United States is empowered and required to examine into the entire subject of fisheries and the laws relating to the fishing rights in the Territory of Hawaii, and report to the President touching the same, and to recommend such changes in said laws as he shall see fit.

REPEAL OF LAWS CONFERRING EXCLUSIVE FISHING RIGHTS.

Repeal of laws conferring exclusive fishing rights.

SEC. 95. That all laws of the Republic of Hawaii which confer exclusive fishing rights upon any person or persons are hereby repealed, and all fisheries in the sea waters of the Territory of Hawaii not included in any fish pond or artificial inclosure shall be free to all citizens of the United States, subject, however, to vested rights; but no such vested right shall be valid after three years from the taking effect of this Act unless established as hereinafter provided.

PROCEEDINGS FOR OPENING FISHERIES TO CITIZENS.

Proceedings for opening fisheries to citizens.

SEC. 96. That any person who claims a private right to any such fishery shall, within two years after the taking effect of this Act, file his petition in a circuit court of the Territory of Hawaii, setting forth his claim to such fishing right, service of which petition shall be made upon the attorney-general, who shall conduct the case for the Territory, and such case shall be conducted as an ordinary action at law.

That if such fishing right be established, the attorney-general of the Territory of Hawaii may proceed, in such manner as may be provided by law for the condemnation of property for public use, to condemn such private right of fishing to the use of the citizens of the United States upon making just compensation, which compensation, when lawfully ascertained, shall be paid out of any money in the treasury of the Territory of Hawaii not otherwise appropriated.

Quarantine.

QUARANTINE.

Stations, regulations, etc.

SEC. 97. That quarantine stations shall be established at such places in the Territory of Hawaii as the Supervising Surgeon-General of the Marine-Hospital Service of the United States shall direct, and the quarantine regulations for said islands relating to the importation of diseases from other countries shall be under the control of the Government of the United States. The quarantine station and grounds at the harbor of Honolulu, together with all the public property belonging to that service, shall be transferred to the Marine-Hospital Service of the United States, and said quarantine grounds shall continue to be so used and employed until the station is changed to other grounds which may be selected by order of the Secretary of the Treasury.

Honolulu station.

The health laws of the government of Hawaii relating to the harbor of Honolulu and other harbors and inlets from the sea and to the internal control of the health of the islands shall remain in the jurisdiction of the government of the Territory of Hawaii, subject to the quarantine laws and regulations of the United States.

SEC. 98. That all vessels carrying Hawaiian registers on the twelfth day of August, eighteen hundred and ninety-eight, and which were owned bona fide by citizens of the United States, or the citizens of Hawaii, together with the following-named vessels claiming Hawaiian register, *Star of France*, *Euterpe*, *Star of Russia*, *Falls of Clyde*, and *Wilscott*, shall be entitled to be registered as American vessels, with the benefits and privileges appertaining thereto, and the coasting trade between the islands aforesaid and any other portion of the United States, shall be regulated in accordance with the provisions of law applicable to such trade between any two great coasting districts.

American register for certain vessels.

SEC. 99. That the portion of the public domain heretofore known as Crown land is hereby declared to have been, on the twelfth day of August, eighteen hundred and ninety-eight, and prior thereto, the property of the Hawaiian government, and to be free and clear from any trust of or concerning the same, and from all claim of any nature whatsoever, upon the rents, issues, and profits thereof. It shall be subject to alienation and other uses as may be provided by law.

Crown land free from trusts, etc.

SEC. 100. That for the purposes of naturalization under the laws of the United States residence in the Hawaiian Islands prior to the taking effect of this Act shall be deemed equivalent to residence in the United States and in the Territory of Hawaii, and the requirement of a previous declaration of intention to become a citizen of the United States and to renounce former allegiance shall not apply to persons who have resided in said islands at least five years prior to the taking effect of this Act; but all other provisions of the laws of the United States relating to naturalization shall, so far as applicable, apply to persons in the said islands.

Naturalization.

SEC. 101. That Chinese in the Hawaiian Islands when this Act takes effect may within one year thereafter obtain certificates of residence as required by "An Act to prohibit the coming of Chinese persons into the United States," approved May fifth, eighteen hundred and ninety-two, as amended by an Act approved November third, eighteen hundred and ninety-three, entitled "An Act to amend an Act entitled 'An Act to prohibit the coming of Chinese persons into the United States,' approved May fifth, eighteen hundred and ninety-two," and until the expiration of said year shall not be deemed to be unlawfully in the United States if found therein without such certificates: *Provided, however*, That no Chinese laborer, whether he shall hold such certificate or not, shall be allowed to enter any State, Territory, or District of the United States from the Hawaiian Islands.

Certificates of residence for Chinese.

Vol. 27, p. 25.

Vol. 28, p. 7.

Proviso. Chinese laborers denied entrance into United States.

SEC. 102. That the laws of Hawaii relating to the establishment and conduct of any postal savings bank or institution are hereby abolished. And the Secretary of the Treasury, in the execution of the agreement of the United States as expressed in an Act entitled "Joint Resolution to provide for annexing the Hawaiian Islands to the United States," approved July seventh, eighteen hundred and ninety-eight, shall pay the amounts on deposit in the Hawaiian Postal Savings Bank to the persons entitled thereto, according to their respective rights, and he shall make all needful orders, rules, and regulations for paying such persons and for notifying such persons to present their demands for payment. So much money as is necessary to pay said demands is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be available on and after the first day of July, nineteen hundred, when such payments shall begin, and none of said demands shall bear interest after said date, and no deposit shall be made in said bank after said date. Said demands of such persons shall be certified to by the chief executive of Hawaii as being genuine and due to the persons presenting the same, and his certificate shall be sealed with the official seal of the Territory, and countersigned by its secretary, and shall be approved by the Secretary of the Interior, who shall draw his

Hawaiian laws as to postal savings banks abolished.

Hawaiian Postal Savings Bank. Payments to depositors authorized, etc. Vol. 30, p. 750.

warrant for the amount due upon the Treasurer of the United States, and when the same are so paid no further liabilities shall exist in respect of the same against the governments of the United States or of Hawaii.

—surplus, etc., to be paid into United States Treasury.

SEC. 103. That any money of the Hawaiian Postal Savings Bank that shall remain unpaid to the persons entitled thereto on the first day of July, nineteen hundred and one, and any assets of said bank shall be turned over by the government of Hawaii to the Treasurer of the United States, and the Secretary of the Treasury shall cause an account to be stated, as of said date, between such government of Hawaii and the United States in respect to said Hawaiian Postal Savings Bank.

Effect.

SEC. 104. This Act shall take effect forty-five days from and after the date of the approval thereof, excepting only as to section fifty-two, relating to appropriations, which shall take effect upon such approval.

Ante, p. 149.

Approved, April 30, 1900.

April 30, 1900.

CHAP. 340.—An Act To authorize the construction of a bridge across Tallahatchie River, in Tallahatchie County, Mississippi.

Tallahatchie county, Miss., may bridge Tallahatchie River, etc.

Transit, toll, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the board of supervisors of Tallahatchie County, in the State of Mississippi, be, and is hereby, authorized to construct and maintain a bridge and approaches thereto across the Tallahatchie River at or within one mile above or below Swan Lake, in the State of Mississippi. Said bridge shall be constructed to provide for the passage of wagons and vehicles of all kinds, animals, foot passengers, and for all road travel, for such reasonable rates of toll and under such reasonable rules and regulations as may be prescribed by said board of supervisors and approved by the Secretary of War.

To be lawful structure and post route.

Telegraph, etc., companies.

SEC. 2. That any bridge built under this Act and subject to its limitations shall be a lawful structure, and shall be recognized and known as a post route, upon which no charge shall be made for the transmission over the same of the mails, the troops, and munitions of war of the United States; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies; and the United States shall have the right of way across said bridge and its approaches for postal-telegraph purposes.

Draw, etc.

SEC. 3. That the said bridge shall be constructed as a wagon bridge, and shall contain a drawspan giving a clear opening of a width to be determined by the Secretary of War, which drawspan shall be maintained over the main channel of the river at an accessible and navigable point; and said bridge other than the drawspan shall be at right angles to the current of the river at high water: *Provided*, That the said draw shall be opened promptly, upon reasonable signal, for the passage of boats and rafts; and said board of supervisors shall maintain, at its own expense, from sunset to sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe. No bridge shall be erected or maintained under the authority of this Act which shall at any time unreasonably obstruct the free navigation of said river; and if any bridge erected under such authority shall, in the opinion of the Secretary of War, unreasonably obstruct navigation, he is hereby authorized to cause the entire removal thereof or such changes or alterations of said bridge to be made as will obviate such obstruction; and all such alterations shall be made and all such obstructions shall be removed at the expense of the owner or owners of said bridge; and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river, caused or alleged to be caused by said bridge, the case may be brought in the district court of the United States of the State of Mississippi, in whose

Proviso,
—opening of.

Lights.

Obstructions to navigation.

—changes.

—litigation.

jurisdiction any portion of said obstruction or bridge may be located: *Provided further*, That nothing in this Act shall be so construed as to repeal or modify any of the provisions of the law now existing in reference to the protection of the navigation of rivers, or to exempt this bridge from the operation of same.

Existing law protecting navigation of rivers unchanged.

SEC. 4. That any bridge authorized to be constructed under this Act shall be built and located under and subject to such regulations for the security of navigation of the said river as the Secretary of War shall prescribe; and to secure that object the said board of supervisors shall submit to the Secretary of War, for his examination and approval, a design and drawing of the bridge, and a map of the location, giving, for the space of one-half mile above and one-half mile below the proposed location, the high and low water lines upon the banks of the river, the direction and strength of the currents at low and at high water, with the soundings accurately showing the bed of the stream, and the location of any other bridge or bridges, such maps to be sufficiently in detail to enable the Secretary of War to judge of the proper location of said bridge, and shall furnish such other information as shall be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be commenced or built; and should any change be made in the plans of said bridge during the progress of its construction, or after completion, such changes shall be subject to the approval of the Secretary of War.

Secretary of War to approve plans, etc.

SEC. 5. That this Act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date thereof: *Provided*, That Congress reserves the right to alter, amend, or repeal this Act whenever the public interests so require.

Commencement and completion.

Proviso.
Amendment.

Approved, April 30, 1900.

CHAP. 341.—An Act To authorize the Ohio Valley Electric Railway Company to construct a bridge over the Big Sandy River from Kenova, West Virginia, to Catlettsburg, Kentucky.

April 30, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be lawful for the Ohio Valley Electric Railway Company, a corporation organized under the laws of the State of West Virginia, to construct and maintain a bridge, and approaches thereto, over the Big Sandy River from a point in the town of Kenova, West Virginia, to a point in the town of Catlettsburg, Kentucky.

Ohio Valley Electric Railway may bridge Big Sandy River.

SEC. 2. That said bridge may be constructed to provide for the passage of railroad cars, wagons, and vehicles of all kinds, for the transit of animals, foot passengers, and all kinds of commerce, travel, or communication; and said corporation may charge and receive reasonable tolls therefor, subject to the approval of the Secretary of War, and to such changes as he may think proper from time to time.

Transit, toll, etc.

SEC. 3. That said bridge shall have its piers parallel to the current at high water due to a rise in the Big Sandy River; that all of its spans shall be through spans; that it shall have a clear channel way of at least one hundred and eighty-three feet, measured at the low-water level and perpendicular to the current at that stage; that said clear channel way shall be located over the main channel of the river; that none of the spans lying between the shore lines of the river at a bank-full stage shall have less than one hundred and eighty-three feet clear opening between piers; and that all such spans shall give a clear headroom of not less than sixty-nine and five-tenths feet, measured from low water to the lowest point of the superstructure, or of anything thereto attached.

Piers, spans, etc.

Secretary of War to
approve plans, etc.

SEC. 4. That said Ohio Valley Electric Railway Company shall submit in triplicate to the Secretary of War, for his examination and approval, a design and drawings of the bridge, piers, approaches, and accessory works, and a map of the location, giving, for the space of at least one mile above and one mile below the proposed site, the topography of the banks of the river and the shore lines at high and low water, the direction and strength of the currents at low water and at high water, the location of all bridges, locks and dams, coal tipples, cribs, and all other structures projecting into the river at bank-full stage, in the vicinity, and such other information as the Secretary of War may require for a full and satisfactory understanding of the subject; and until such plan and location of the bridge and accessory works are approved by the Secretary of War the bridge shall not be commenced or built; and should any change be made in the plan of said bridge during the progress of construction, or after completion, such change shall be subject to the approval of the Secretary of War.

Aids to navigation.

Lights.

Changes.

To be lawful structure and post route.

SEC. 5. That said bridge herein authorized to be constructed shall be so kept and managed at all times as to afford proper means and ways for the passage of vessels, barges, or rafts, both by day and by night; and there shall be displayed on said bridge by the owners thereof, from sunset to sunrise, such lights or other signals as the Light-House Board may prescribe; and such indications of the stage of water and the headroom under the bridge as the Secretary of War may direct shall be displayed by the owners thereof; and such changes shall be made from time to time in the structure of said bridge as the Secretary of War may direct, at the expense of the said company, in order the more effectually to preserve the free navigation of said river.

SEC. 6. That said bridge shall be a lawful structure and shall be recognized and known as a post route, upon which also no higher charge shall be made for the transportation over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for the transportation of said mails, troops, and munitions over the railroads and public highways leading to said bridge; and the United States shall have the right of way for postal-telegraph and telephone purposes over said bridge.

Right of railways
to use.

SEC. 7. That all railway companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same and over the approaches thereto, upon payment of a reasonable compensation for such use; and in case the parties interested shall fail to agree upon the sum or sums to be paid, and upon the rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall, upon the application of either party, be determined by the Secretary of War upon a hearing of the allegations and proofs of the parties.

Navigable channel
during construction,
etc.

SEC. 8. That during the original construction of said bridge, or in carrying out any authorized changes or repairs of said bridge, a navigable channel sufficient to accommodate the commerce of the river shall be preserved at all times at the site of said bridge, and the waterway of the river shall not be obstructed to a greater extent than is absolutely necessary, and such lights and buoys shall be kept on all cofferdams, piles, and other structures as may be necessary for the security of navigation; and that any temporary obstruction or closing of any channel in customary use shall not be commenced until after due notice to navigation; and all cofferdams, piles, and other structures used in the construction or repair of said bridge shall be removed within a reasonable time after the completion or repair of said bridge.

Commencement
and completion.

SEC. 9. That this Act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date hereof.

SEC. 10. That the right to alter, amend, or repeal this Act is hereby expressly reserved. Amendment.

Approved, April 30, 1900.

CHAP. 342.—An Act To amend the charter of the East Washington Heights Traction Railroad Company.

April 30, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the charter of the East Washington Heights Traction Railroad Company, of the District of Columbia, be, and the same is hereby, amended so as to authorize and permit the said company to lay down its tracks and operate its cars from its present authorized terminus at the western approach to the Pennsylvania Avenue Bridge, as provided in section one of the Act of incorporation; thence north on Seventeenth street east to East Capitol street; thence west on East Capitol street to Fifteenth street east, connecting with the Metropolitan Railway; also from the intersection of Minnesota avenue and Harrison street thence westerly on Harrison street to Pierce street; thence southerly on Pierce street to Jackson street; thence westerly along Jackson street to Monroe street; also northward on Minnesota avenue as laid down on the highway-extension plans, to connect with the Columbia Railway at Benning, over a route and at a point acceptable to and approved by the Commissioners of the District of Columbia.

District of Columbia.
East Washington
Heights traction rail-
road.
Charter amended.
Route extended, etc.

Vol. 30, p. 478.

SEC. 2. That the time within which the East Washington Heights Traction Railroad Company is required to complete and put in operation its railway be, and the same is hereby, extended for the term of two years from the eighteenth day of June, nineteen hundred: *Provided*, That if within two years from the date of the passage of this Act the Washington and Marlboro Railroad Company shall build its lines into and within the District of Columbia, then said company shall have the right to use such of the routes in this Act provided for as may coincide with the route provided for in the charter of the said Washington and Marlboro Railroad Company.

Time for comple-
tion extended.

Proviso.
Use of coinciding
routes by Washington
and Marlboro Rail-
road.

SEC. 3. That Congress reserves the right to alter, amend, or repeal this Act. Amendment.

Approved, April 30, 1900.

CHAP. 343.—An Act Authorizing the establishment of a light and fog signal on the new breakwater, harbor of refuge, Delaware Bay.

April 30, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized to establish a light and fog signal on the new breakwater, harbor of refuge, Delaware Bay, at a cost not exceeding thirty thousand dollars.

Delaware Bay.
Light, etc., station
established on new
breakwater, harbor of
refuge.

Approved, April 30, 1900.

CHAP. 344.—An Act To amend an Act authorizing the terms of the district court of the United States for the southern district of Mississippi to be held hereafter at Biloxi.

May 3, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of chapter three hundred and fifty-one of the United States Statutes at Large, entitled "An Act authorizing the terms of the district court of the United States for the southern district of Mississippi to be held here-

Mississippi southern
judicial district.
Terms of district
and circuit courts at
Biloxi,
Vol. 30, p. 977.

after at Biloxi," approved March second, eighteen hundred and ninety-nine, be amended as follows, to wit: After the words "district court" insert the words "and circuit court."

Effect.

SEC. 2. That this Act take effect from and after its passage.

Approved, May 3, 1900.

May 4, 1900.

CHAP. 345.—An Act Authorizing the Cape Nome Transportation, Bridge, and Development Company, a corporation organized and existing under the laws of the State of Washington and authorized to do business in the Territory of Alaska, to construct a traffic bridge across the Snake River, at Nome City, in the Territory of Alaska.

Cape Nome Transportation, Bridge, etc., Company may bridge Snake River, Alaska.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Cape Nome Transportation, Bridge, and Development Company, a corporation organized and existing under the laws of the State of Washington and authorized to do business in the Territory of Alaska, is hereby authorized and empowered to construct, operate, and maintain a general traffic bridge across the Snake River, to be located at such point within or near the corporate limits of the city of Nome, in said Territory of Alaska, as shall be approved by the Secretary of War: *Provided,* That said bridge shall be constructed as a drawbridge, and the draw shall be opened promptly, upon reasonable signal, for the passage of boats; and, whatever kind of bridge is constructed, the owners thereof shall maintain thereon, at their own expense, from sunset to sunrise, such lights or other signals as the Light-House Board shall prescribe; that such bridge shall be constructed so as to provide for the passage of vehicles and pedestrians, upon the payment of a reasonable compensation for such use.

Proviso.
Draw.

Lights.

Transit.

To be lawful structure and post route.

SEC. 2. That any bridge built under the provisions of this Act shall be a lawful structure, and shall be recognized and known as a post route, upon which no higher charge shall be made for the transmission over the same of the mails, troops, and munitions of war of the United States passing over said bridge than the rate per mile paid for the transportation over the public highways leading to said bridge; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies, and the United States shall have the right of way across said bridge and approaches for postal-telegraph purposes; and said bridge shall be so constructed and operated as not to interfere with the navigation of said river.

Telegraph, etc., companies.

Toll.

SEC. 3. That the said corporation shall have the right to charge and collect a reasonable rate of toll, to be approved by the Secretary of War, not exceeding ten cents for pedestrians, twenty-five cents for animals, and fifty cents for vehicles.

Secretary of War to approve plans.

SEC. 4. That the bridge authorized to be constructed under this Act shall be located and built under and subject to regulations for the security of the navigation of said river as the Secretary of War shall prescribe; and to secure that object the said corporation shall submit to the Secretary of War, for his examination and approval, a design and drawings of the proposed bridge and a map of the location, giving, for the space of one-half mile above and one-half mile below the proposed location, the topography of the banks of the river, the shore lines at high and low water, the direction and strength of the currents, and the soundings, accurately showing the bed of the stream, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War no work upon the bridge shall be commenced; and should any change be made in the plan of said bridge during the progress of construction such change shall be subject to the approval of the Secretary of War; and

any changes in said bridge which the Secretary of War may at any time deem necessary and order in the interests of navigation shall be made by the owners thereof at their own expense.

SEC. 5. That this Act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date of approval hereof.

Commencement
and completion.

SEC. 6. That Congress hereby expressly reserves the right to alter, amend, or repeal this Act.

Amendment.

Approved, May 4, 1900.

CHAP. 346.—An Act To amend an Act entitled "An Act permitting the building of a dam across Rainy Lake River."

May 4, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section three of an Act entitled "An Act permitting the building of a dam across Rainy Lake River," approved May fourth, eighteen hundred and ninety-eight, and granting to the Koochiching Company, its successors and assigns, the consent of Congress to construct a dam across the Rainy Lake River, be, and the same is hereby, amended so as to read as follows:

Time extended to
the Koochiching
Company to dam
Rainy Lake River,
Minn.
Vol. 30, p. 398.

"That this Act shall be null and void unless the dam herein authorized shall be commenced within three years and completed within five years after the fourth day of May, eighteen hundred and ninety-eight."

Approved, May 4, 1900.

CHAP. 347.—An Act To authorize the New Orleans and Northwestern Railway Company, its successors and assigns, to build and maintain a bridge across Bayou Bartholomew in the State of Louisiana.

May 4, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the New Orleans and Northwestern Railway Company, a corporation created, organized, and existing under the laws of the States of Louisiana and Mississippi be, and is hereby, authorized to construct and maintain a railway bridge, and approaches thereto, over Bayou Bartholomew, in the State of Louisiana, at a point suitable, in the judgment of the Secretary of War, to the interests of navigation, near the north line of section twenty-five, township twenty-two north, range five east; said bridge shall be constructed for the passage of railway trains, and, at the option of the corporation by which it is built, may be used for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot passengers, for reasonable rates of toll, to be fixed by the said company and approved by the Secretary of War.

New Orleans and
Northwestern Rail-
way may bridge
Bayou Bartholomew,
La.

Transit.

Toll.

SEC. 2. That the said bridge, to be constructed under this Act, and subject to its limitations, shall be a lawful structure, and shall be recognized and known as a post road, and shall enjoy the rights and privileges of other post roads in the United States; that no higher charges shall be made for the transmission over the same of the mail, troops, and munitions of war of the United States or for through railway passengers or freight passing over said bridge than the rate per mile for their transmission over the roads leading to said bridge; and equal privileges in the use of said bridge shall be granted to all telegraph companies, and the United States shall have the right of way across said bridge for postal telegraph services; that the said bridge shall be constructed either as a drawbridge, or otherwise, so that a free and unobstructed passage may be secured to all water crafts navigating said river at the point aforesaid: *Provided*, That if the said bridge authorized to be constructed under this Act shall be con-

To be lawful struc-
ture and post route.

Telegraph compa-
nies.

Draw.

Proviso.
—opening of.

Lights.

structed as a drawbridge, the draws shall be opened promptly upon reasonable signals for the passage of boats or vessels, and whatever kind of bridge is constructed the said corporation shall maintain thereon at its own expense, from sunset to sunrise, such lights or other signals as the Light-House Board shall prescribe.

Secretary of War to
approve plans.

SEC. 3. That the bridge authorized to be constructed under this Act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe, and to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, designs and drawings of the said bridge, and a map of the location of same, giving the topography of the banks of the river or bayou, the shore line at high and low water, and the direction and strength of the current at different stages, the location of any other bridge or bridges within one mile thereof, and such further information as may be required for a satisfactory understanding of the subject; and said bridge shall not be constructed until the plan and location is approved by the Secretary of War. All litigation which shall be had in regard to the said bridge shall be in the circuit court of the United States in whose jurisdiction the said bridge is located.

Litigation.

Amendment.

Changes.

Commencement
and completion.

SEC. 4. That the right to alter, amend, or repeal this Act is hereby reserved; and any alterations or changes that may be required by the Secretary of War in the bridge constructed under this Act shall be made by the corporation owning or controlling the same at its own expense. Furthermore, if the construction of the said bridge shall not be commenced within one year and completed within three years after the passage of this Act all the privileges conferred hereby, and this Act, shall become null and void.

Approved, May 4, 1900.

May 4, 1900.

CHAP. 348.—An Act To authorize the Atlantic and Gulf Short Line Railroad Company to build, construct, and maintain railway bridges across the Ocmulgee and Oconee rivers within the boundary lines of Irwin, Wilcox, Telfair, and Montgomery counties, in the State of Georgia.

Atlantic and Gulf
Short Line Railroad
may bridge Ocmulgee
and Oconee rivers, Ga.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Atlantic and Gulf Short Line Railroad Company, a corporation duly incorporated and existing under and by virtue of the laws of the State of Georgia, be, and it is hereby, authorized to construct, build, and maintain across the Ocmulgee River a railroad bridge for the passage of railroad engines and cars, at such point as may be selected by said company and approved by the Secretary of War, within Irwin, Wilcox, and Telfair counties, in the State of Georgia, the said Ocmulgee river being the dividing line between said counties of Irwin and Wilcox on the west and Telfair on the east side of said river.

Oconee River.

SEC. 2. That the said Atlantic and Gulf Short Line Railroad Company is hereby authorized to build, construct, and maintain a railroad bridge for the passage of railroad engines and cars across the Oconee River, in the county of Montgomery, State of Georgia, at such point as may be selected by said company and approved by the Secretary of War.

No obstruction to
navigation.
Draws.
Provided,
To be lawful struc-
tures and post routes.

SEC. 3. That said bridges are to be so constructed as not to obstruct the navigation of said rivers, and to be provided each with a suitable draw: *Provided,* That the bridges constructed under this Act and according to its limitations shall be lawful structures and shall be known and recognized as post routes, and the same are hereby declared to be post routes, and the United States shall have the right of way for a postal telegraph across said bridges: *Provided further,* That all rail-

Rights of railways
to use.

road companies desiring the use of said bridges and approaches shall have and be entitled to equal rights and privileges relative to the passage of trains over the same upon payment of a reasonable compensation for such use; and in case the owner or owners of said bridges and the several railroad companies, or any of them, desiring such use shall fail to agree upon the sum or sums to be paid, or upon rules and conditions to which each shall conform in using said bridges and approaches, all matters at issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties.

SEC. 4. That the bridges authorized to be constructed under this Act shall be located and built under and subject to such regulations for the security of the navigation of said rivers as the Secretary of War shall prescribe; and the said company or corporation shall submit to the Secretary of War, for his examination and approval, designs and drawings of the proposed bridges and maps of the locations, giving, for the space of one-fourth of a mile above and one-fourth of a mile below the proposed locations, the topography of the banks of the rivers, the shore lines at high and low water, the direction and strength of the currents, and the soundings, accurately showing the bed of the streams, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plans and locations of the bridges are approved by the Secretary of War no work upon the said bridges shall be commenced; and should any change be made in the plans of said bridges during the progress of construction or after completion such change shall be subject to the approval of the Secretary of War.

Secretary of War to approve plans.

SEC. 5. That Congress reserves the right to alter, amend, or repeal this Act at any time; and that if at any time the navigation of said rivers shall in any manner be obstructed or impaired by the said bridges the Secretary of War shall have authority, and it shall be his duty, to require the said railroad company to alter and change the said bridges, at its own expense, in such manner as may be proper to secure free and complete navigation without impediment.

Amendment.
Alterations.

SEC. 6. That the draws provided for the bridges herein authorized to be constructed shall be opened promptly, upon reasonable signal, for the passing of boats or other craft; and the said company or corporation shall maintain at its own expense from sunset to sunrise, such lights or other signals on said bridges as the Light-House Board may prescribe; and if actual construction of the bridges herein authorized shall not be commenced within one year from the passage of this Act, and be completed within three years from same date, the rights and privileges hereby granted shall cease and be determined.

Draws.

Lights.

Commencement and completion.

Approved, May 4, 1900.

CHAP. 349.—An Act To amend an Act entitled "An Act to prevent forest fires on the public domain," approved February twenty-fourth, eighteen hundred and ninety-seven.

May 5, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an Act entitled "An Act to prevent forest fires on the public domain," approved February twenty-fourth, eighteen hundred and ninety-seven, be, and the same is hereby, amended so as to read as follows:

Public lands.
Vol. 29, p. 594,
amended.

"That any person who shall willfully or maliciously set on fire, or cause to be set on fire, any timber, underbrush, or grass upon the public domain, or shall leave or suffer fire to burn unattended near any timber or other inflammable material, shall be deemed guilty of a misdemeanor, and upon conviction thereof in any district court of the United States having jurisdiction of the same shall be fined in a sum

Penalty for setting fire to timber, etc.

not more than five thousand dollars or be imprisoned for a term of not more than two years, or both.

—for failure to extinguish before leaving fire.

"SEC. 2. That any person who shall build a fire in or near any forest, timber, or other inflammable material upon the public domain shall, before leaving said fire, totally extinguish the same. Any person failing to do so shall be deemed guilty of a misdemeanor, and upon conviction thereof in any district court of the United States having jurisdiction of the same shall be fined in a sum not more than one thousand dollars or be imprisoned for a term of not more than one year, or both.

Disposition of fines collected.

"SEC. 3. That in all cases arising under this Act the fines collected shall be paid into the public-school fund of the county in which the lands where the offense was committed are situated."

Approved, May 5, 1900.

May 7, 1900.

CHAP. 384.—An Act For the appointment of an additional United States commissioner in the northern judicial district of the Indian Territory.

Indian Territory.
Appointment of additional United States commissioner at Wewoka, authorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the judge of the United States court in the Indian Territory presiding in the northern judicial district thereof is hereby authorized and empowered to appoint an additional United States commissioner within said district, who shall be permanently located at Wewoka, in the Seminole Nation, and to prescribe by metes and bounds the portion of the district for which such commissioner is appointed.

Approved, May 7, 1900.

May 9, 1900.

CHAP. 385.—An Act In amendment of sections two and three of an Act entitled "An Act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents," approved June twenty-seventh, eighteen hundred and ninety.

Pensions.
Vol. 26, p. 182,
amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections two and three of an Act entitled "An Act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents," be, and the same are hereby, amended so as to read as follows:

Invalid pensions to disabled soldiers and sailors.

"SEC. 2. That all persons who served ninety days or more in the military or naval service of the United States during the late war of the rebellion and who have been honorably discharged therefrom, and who are now or who may hereafter be suffering from any mental or physical disability or disabilities of a permanent character, not the result of their own vicious habits, which so incapacitates them from the performance of manual labor as to render them unable to earn a support, shall, upon making due proof of the fact, according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the list of invalid pensioners of the United States, and be entitled to receive a pension not exceeding twelve dollars per month and not less than six dollars per month, proportioned to the degree of inability to earn a support; and in determining such inability each and every infirmity shall be duly considered, and the aggregate of the disabilities shown be rated, and such pension shall commence from the date of the filing of the application in the Bureau of Pensions, after the passage of this Act, upon proof that the disability or disabilities then existed, and shall continue during the existence of the same: *Provided,* That persons who are now receiving pensions under exist-

—maximum, etc., pension.

Determination of inability to earn support.
Commencement and continuance of pension.

Proviso.

ing laws, or whose claims are pending in the Bureau of Pensions, may, by application to the Commissioner of Pensions, in such form as he may prescribe, showing themselves entitled thereto, receive the benefits of this Act; and nothing herein contained shall be so construed as to prevent any pensioner thereunder from prosecuting his claim and receiving his pension under any other general or special Act: *Provided, however,* That no person shall receive more than one pension for the same period: *And provided further,* That rank in the service shall not be considered in applications filed under this Act.

Pensioners under existing acts, etc., not barred.

One pension for same period.
Service rank not considered.

Dependent widows and minor children.

"SEC. 3. That if any officer or enlisted man who served ninety days or more in the Army or Navy of the United States during the late war of the rebellion, and who was honorably discharged has died, or shall hereafter die, leaving a widow without means of support other than her daily labor, and an actual net income not exceeding two hundred and fifty dollars per year, or minor children under the age of sixteen years, such widow shall, upon due proof of her husband's death, without proving his death to be the result of his army service, be placed on the pension roll from the date of the application therefor under this Act, at the rate of eight dollars per month during her widowhood, and shall also be paid two dollars per month for each child of such officer or enlisted man under sixteen years of age; and in case of the death or remarriage of the widow, leaving a child or children of such officer or enlisted man under the age of sixteen years, such pension shall be paid such child or children until the age of sixteen: *Provided,* That in case a minor child is insane, idiotic, or otherwise physically or mentally helpless, the pension shall continue during the life of said child, or during the period of such disability; and this proviso shall apply to all pensions heretofore granted or hereafter to be granted under this or any former statute; and such pensions shall commence from the date of application therefor after the passage of this Act: *And provided further,* That said widow shall have married said soldier prior to the passage of the said Act of June twenty-seventh, eighteen hundred and ninety."

Widow's pension.

—children.

Provisos.

—continuing pension to minor child during permanent disability; application to all pensions, etc.

Limit as to time of marriage.

Approved, May 9, 1900.

CHAP. 386.—An Act To amend the Act approved March third, eighteen hundred and ninety-nine, for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the Act approved March third, eighteen hundred and eighty-three, and commonly known as the Bowman Act, and for other purposes.

May 9, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the Act for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the Act approved March third, eighteen hundred and eighty-three, and commonly known as the Bowman Act, and for other purposes, approved March third, eighteen hundred and ninety-nine, as authorizes and directs the Secretary of the Treasury to pay to the legal representatives of Jacob S. Engleman, deceased, late of Augusta County, Virginia, five hundred and ten dollars be repealed. And in lieu thereof there is appropriated to Jacob S. Engleman, administrator of John Engleman, deceased, late of Augusta County, Virginia, the sum of five hundred and ten dollars, and the same is directed to be paid him by the Secretary of the Treasury.

Jacob S. Engleman, administrator of John Engleman, deceased.
Payment to.
Vol. 30, p. 1182, amended.

Approved, May 9, 1900.

May 9, 1900.

CHAP. 387.—An Act Authorizing the Secretary of War to make regulations governing the running of loose logs, steamboats, and rafts on certain rivers and streams.

Navigation.
Exemption from
prohibition against
floating sack rafts
in streams navigated
by steamboats.
Vol. 30, p. 1152.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the prohibition contained in section fifteen of the river and harbor Act, approved March third, eighteen hundred and ninety-nine, against floating loose timber and logs, or sack rafts, so called, of timber and logs in streams or channels actually navigated by steamboats, shall not apply to any navigable river or waterway of the United States or any part thereof whereon the floating of loose timber and logs and sack rafts of timber and logs is the principal method of navigation. But such method of navigation on such river or waterway or part thereof shall be subject to the rules and regulations prescribed by the Secretary of War as hereinafter provided.

Secretary of War to
make regulations for
floating logs, rafts, etc.

SEC. 2. That the Secretary of War shall have power, and he is hereby authorized and directed, within the shortest practicable time after the passage hereof, to prescribe rules and regulations, which he may at any time modify, to govern and regulate the floating of loose timber and logs, and sack rafts, (so called) of timber and logs and other methods of navigation on the streams and waterways, or any thereof, of the character, as to navigation, in section one hereof described. The said rules and regulations shall be so framed as to equitably adjust conflicting interests between the different methods or forms of navigation; and the said rules and regulations shall be published at least once in such newspaper or newspapers of general circulation as in the opinion of the Secretary of War shall be best adapted to give notice of said rules and regulations to persons affected thereby and locally interested therein. And all modifications of said rules and regulations shall be similarly published. And such rules and regulations when so prescribed and published as to any such stream or waterway shall have the force of law, and any violation thereof shall be a misdemeanor, and every person convicted of such violation shall be punished by a fine of not exceeding two thousand five hundred dollars nor less than five hundred dollars, or by imprisonment (in case of a natural person) for not less than thirty days nor more than one year, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That the proper action to enforce the provisions of this section may be commenced before any commissioner, judge, or court of the United States, and such commissioner, judge or court shall proceed in respect thereto as authorized by law in the case of crimes or misdemeanors committed against the United States.

—publication.

—force.

—penalty.

Proviso.
Procedure.

Amendment.

Pending actions un-
affected.

SEC. 3. That the right to alter, amend, or repeal this Act at any time is hereby reserved.

SEC. 4. That this Act shall not, nor shall any rules or regulations prescribed thereunder, in any manner affect any civil action or actions heretofore commenced and now pending to recover damages claimed to have been sustained by reason of the violation of any of the terms of said section fifteen, as originally enacted, or in violation of any other law.

Approved, May 9, 1900.

May 10, 1900.

CHAP. 388.—An Act To authorize the construction of a bridge across the Back Bay, at Biloxi, Mississippi.

Biloxi, Miss., may
bridge Back Bay, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the mayor and board of aldermen of the town of Biloxi, in the State of Mississippi, be, and hereby are, authorized to construct and maintain a bridge and

approaches thereto across the bay, commonly known as the Back Bay, at or near the town of Biloxi, Mississippi, between the said town of Biloxi, situated on the south side of said bay, to a point on the north side of said bay, said bridge to start at or near what is known as the old ferry point, on the south shore of said bay, running thence north twenty-two degrees east to the south side of the channel or to the marsh; thence north nineteen degrees east to mainland, or said location to be selected consistent with the interests of navigation. Said bridge shall be built to provide for the passage of wagons and vehicles of all kinds, and animals, and for all road travel, for such reasonable rates of toll and under such reasonable rules and regulations as may be prescribed by the said parties, or their successors and assigns, and to be approved from time to time by the Secretary of War:

Transit; toll.

SEC. 2. That said bridge shall not be commenced or built until the plans and specifications for its construction have been submitted to the Secretary of War for his approval, nor until he shall approve the plan and location of said bridge; and if any change be made in the plan or construction of said bridge at any time, such change shall be subject to the approval of the Secretary of War; and any change in the construction or any alteration of said bridge that may be directed at any time by Congress or the Secretary of War shall be made at the cost and expense of the owners thereof; that said bridge shall be constructed without interference with the security and convenience of navigation of said bay beyond what is necessary to carry out effectually the rights and privileges hereby granted, and in order to secure that object the said parties shall submit to the Secretary of War, for his examination and approval, a design of and drawings of said bridge and accessory works and a map of the proposed location, giving, for the space of three hundred yards above and below such proposed location, the topography of the banks of the bay, with shore lines and soundings and directions of currents at medium high-tide water, and such other information as may be required for a full understanding of the subject.

Secretary of War to approve plans, etc.

Changes.

No obstruction to navigation.

SEC. 3. That said bridge shall be built as a low bridge, and shall have one drawspan of such width of openings as may be prescribed by the Secretary of War, which drawspan shall be maintained over the main channel of said bay at an accessible and navigable point, and the piers of said bridge at said channel shall be parallel with, and the bridge itself at right angles to, the current of said channel. Said drawspan shall be opened promptly by said parties or their successors and assigns, upon reasonable signal, for the passage of boats and rafts: *Provided*, That the said parties, or their successors and assigns, shall, at their own expense, under the direction and supervision of the Secretary of War, when so required, do and perform such necessary work to maintain the channel within the drawspan of said bridge, and shall, at their own expense, maintain a depth of water through said span not less than now existing, as shown by the records of the War Department: *And provided further*, That said parties, or their successors and assigns, shall maintain, at their own expense, from sunset to sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe.

Draw.

Proviso.
Maintenance of channel.

Lights.

SEC. 4. That any bridge built under this Act and subject to its limitations shall be a lawful structure, and shall be recognized and known as a post route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops and munitions of war of the United States than the rate per mile for the transportation over the public highways leading to the said bridge, and it shall enjoy the rights and privileges of other post roads in the United States.

To be lawful structure and post route.

SEC. 5. That Congress reserves the right to alter, amend, or repeal this Act, and the Secretary of War, whenever he shall deem it necessary,

Amendment.
Removal of obstructions, etc.

may cause the owners of said bridge to remove all material and substantial obstructions to the navigation of said bay by the construction of said bridge and its accessory works, or to prevent such obstructions; and the expense of altering said bridge and removing such obstructions shall be at the expense of the owners of the bridge.

Commencement and completions.

SEC. 6. That this Act shall be null and void if construction of said bridge shall not be commenced within one year and completed within three years from its approval.

Approved, May 10, 1900.

May 10, 1900.

CHAP. 389.—An Act Relating to the Twelfth and subsequent censuses, and giving the Director thereof additional power and authority in certain cases, and for other purposes.

Census.
Appointment of superintendent of printing, etc., authorized.
Vol. 30, p. 1014.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to the power and authority conferred upon the Director of the Census by an Act entitled "An Act to provide for taking the Twelfth and subsequent censuses," approved March third, eighteen hundred and ninety-nine, said Director of the Census shall have power, and is hereby authorized, to appoint and employ, as the necessity therefor may arise, one superintendent of printing, at an annual salary of two thousand five hundred dollars, and to appoint and employ such number of skilled mechanics and other persons in the Census printing office as may be necessary to carry into effect the preliminary printing and binding provided for in said Act, at the same compensation as is paid for similar work in the Government Printing Office.

Chief clerk Census Office to act as superintendent of buildings, etc.

SEC. 2. That the chief clerk of the Census Office shall act as superintendent, and have general charge of all buildings occupied for the purpose of carrying on the work of the Census, and shall receive therefor the sum of three hundred dollars, in addition to his regular salary.

Salary of the Director.

SEC. 3. That the salary of the Director of the Census shall be seven thousand five hundred dollars per annum.

Additional compensation of supervisors.

SEC. 4. That in addition to the sum provided to be paid to supervisors of census in section eleven of an Act entitled "An Act to provide for taking the Twelfth and subsequent censuses," approved March third, eighteen hundred and ninety-nine, the Director of the Census is hereby authorized and directed to pay to each supervisor, as further compensation, a sum equal to two per centum of the amount paid to the enumerators for taking the census in said supervisor's district: *Provided*, That the amount of such additional or further compensation to be paid to each supervisor shall in no case be less than two hundred and fifty dollars.

Proviso.
—minimum payment.

Approved, May 10, 1900.

May 10, 1900.

CHAP. 390.—An Act To provide for sittings of the circuit and district courts of South Carolina in the city of Florence, South Carolina.

South Carolina judicial district.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to the times and places now fixed by law for the sitting of the circuit court of the United States for the district of South Carolina there shall be a session of the said circuit court in the city of Florence on the first Tuesday in March in each year hereafter.

Terms of court at Florence.

SEC. 2. That there shall be a regular term of the district court of the United States for the eastern district of the district of South Car-

olina in the city of Florence on the first Tuesday in March in each year hereafter: *Provided, however,* That suitable rooms and accommodations are furnished for the holding of said courts at Florence free of expense to the Government of the United States.

Proviso.
Court rooms.

Approved, May 10, 1900.

CHAP. 391.—An Act To amend the Revised Statutes of the United States relating to the northern district of New York, to divide the same into two districts, and provide for the terms of court to be held therein and the officers thereof and the disposition of pending causes.

May 12, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section five hundred and forty-one of the Revised Statutes be amended so as to read as follows:

New York northern judicial district. Division into two districts.

"The State of New York is divided into four districts, which shall be called the western, northern, eastern, and southern districts of New York. The western district includes the counties of Allegany, Cattaraugus, Chautauqua, Chemung, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Schuyler, Seneca, Steuben, Wayne, Wyoming, and Yates, with the waters thereof. The northern district includes the counties of Albany, Broome, Cayuga, Chenango, Clinton, Cortland, Delaware, Essex, Franklin, Fulton, Hamilton, Herkimer, Jefferson, Lewis, Madison, Montgomery, Oneida, Onondaga, Oswego, Otsego, Rensselaer, Saint Lawrence, Saratoga, Schenectady, Schoharie, Tioga, Tompkins, Warren, and Washington, with the waters thereof. The eastern district includes the counties of Richmond, Kings, Queens, Nassau, and Suffolk, with the waters thereof. The southern district includes the residue of said State, with the waters thereof."

R. S., sec. 541, p. 91, amended. Western district, of what composed.

SEC. 2. That the President of the United States, by and with the advice and consent of the Senate, shall appoint a district judge for the western district of New York, who shall possess and exercise all the powers conferred by existing law upon the judges of the district courts of the United States, and who shall, as to all business and proceedings arising in said western district as hereby constituted or transferred thereto, succeed to and possess the same powers and perform the same duties within the said western district as are now possessed and performed by the district judge for the northern district of New York.

—district judge for.

SEC. 3. That that part of section five hundred and seventy-two of the Revised Statutes declaring the times, places, and provisions for holding terms of the district court in the northern district of New York be, and is hereby, repealed, and that said section be, and is hereby, amended by inserting in place of the part so repealed the following two paragraphs:

Terms of district court. R. S., sec. 572, p. 100, amended.

"In the northern district of New York, at Albany, on the second Tuesday of February; at Utica, on the first Tuesday of December; at Binghamton, on the second Tuesday of June; at Auburn, on the first Tuesday of October; at Syracuse, on the first Tuesday of April, and, in the discretion of the judge of the court, one term annually at such time and place within the counties of Saratoga, Onondaga, Saint Lawrence, Clinton, Jefferson, Oswego, and Franklin as he may from time to time appoint. Such appointment shall be made by notice of at least twenty days published in a newspaper published at the place where said court is to be held.

—in northern district.

"In the western district of New York, at the city of Elmira, on the second Tuesday of January; at the city of Buffalo, on the second Tuesdays of March and November; at the city of Rochester, on the second Tuesday of May; at the city of Jamestown, on the second Tuesday of July; at the city of Lockport, on the second Tuesday of October."

—in western district.

Terms of circuit court.
R. S., sec. 658, p. 121, amended.

SEC. 4. That that part of section six hundred and fifty-eight of the Revised Statutes declaring the times, places, and provisions for holding terms of the circuit court in the northern district of New York be, and is hereby repealed, and that said section be, and is hereby, amended by inserting in place of the part so repealed the following two paragraphs:

—in northern district.

“In the northern district of New York, at Utica, on the first Tuesday of December; at Syracuse, on the first Tuesday of April; at Albany, on the second Tuesday of February.

—in western district.

“In the western district of New York, at Rochester, on the second Tuesday of May; at Canandaigua, on the second Tuesday in September; at Buffalo, on the second Tuesday of November.”

Sessions at Buffalo, etc.

SEC. 5. That regular sessions of the district court for the western district of New York, for the hearing of motions and for proceedings in bankruptcy and the trial of causes in admiralty, shall be held at the city of Buffalo at least two weeks in each month of the year except August unless the business is sooner disposed of. The times for holding the same, and such other special sessions as the court shall deem necessary, shall be fixed by rules of the court. All process in admiralty causes and proceedings in the western district of New York shall be made returnable at Buffalo.

Existing judicial officers to continue in office, etc.

SEC. 6. That the district judge of the northern district of New York in office at the time this Act takes effect shall continue to be the district judge for the northern district of New York as constituted by this Act. That the clerk of the circuit court for the northern district of New York in office at the time this Act takes effect shall continue to be clerk of the circuit court of the northern district as constituted by this Act until his successor shall be appointed and qualified, and said clerk of said circuit court or his successor shall likewise be clerk of the district court of that district until a clerk of said district court shall be appointed and qualified.

Clerk district, etc., court, western district.

SEC. 7. That the present clerk of the district court for the northern district of New York as heretofore constituted shall be the clerk of the district court of the western district of New York as hereby constituted until his successor is appointed and qualified. He shall also be the clerk of the circuit court in the said western district hereby constituted until a clerk of said circuit court is duly appointed and qualified.

Future crimes cognizable where committed.

SEC. 8. That all prosecutions for crimes or offenses hereafter committed in either of said districts shall be cognizable within the district in which committed.

Term of office of judicial officers, northern district.

SEC. 9. That all other officers who have been heretofore appointed for the northern district of New York as heretofore constituted who shall be in office at the time of the taking effect of this Act and who reside therein as hereby constituted shall continue in office as officers of the district of their residence until the expiration of their respective terms, or until their successors are appointed and qualified, and shall perform the same duties and receive the same salary and compensation as heretofore.

Nonresident officers, northern district.

All officers not residing in said northern district as hereby constituted shall cease to be officers of said northern district when their successors, respectively, for the northern district as hereby constituted are duly appointed and qualified. The office of marshal and district attorney in each of said districts, deputy marshals and assistant district attorneys, and all other officers authorized by law and made necessary by the creation of said western district and the provisions of this Act, and all vacancies created thereby in either of said districts, shall be filled in the manner provided by existing law. The salaries, pay, fees, and allowances of the judges, district attorneys, marshals, and other officers in said districts, until changed under the provisions of existing law, shall

Vacancies, etc., how filled.

Salaries, etc.

be the same, respectively, as now fixed for such officers in the northern district of New York.

SEC. 10. That all causes and proceedings of every name and nature, civil and criminal, now pending in the courts of the northern district of New York as now constituted, whereof the courts of the western district of New York as hereby constituted would have had jurisdiction if said district and the courts thereof had been constituted when said causes or proceedings were instituted, shall be, and are hereby, transferred to, and same shall be proceeded with in, the western district of New York, and jurisdiction thereof is hereby transferred to and vested in the courts of said western district, and the records and proceedings therein and relating to said proceedings and causes shall be certified and transferred thereto: *Provided*, That nothing herein contained shall be construed to impair or affect the jurisdiction of the district court of the northern district of New York as hereby constituted in any case, civil or criminal, pending therein as heretofore constituted at the time of the passage of this Act or returnable thereto and not transferred to said western district, but the same shall be proceeded in to final disposition as if this Act had not been passed: *And provided further*, That all motions and causes submitted, and all causes and proceedings, both civil and criminal, including proceedings in bankruptcy, now pending in said northern district of New York as heretofore constituted, in which the evidence has been taken in whole or in part before the district judge of the northern district of New York as heretofore constituted or taken in whole or in part and submitted to and passed upon by the said district judge, shall be retained, proceeded with, and disposed of in said northern district of New York as constituted by this Act: *And provided further*, That nothing in the preceding proviso contained shall be held to retain or keep in said northern district as constituted by this Act any criminal proceeding or prosecution for the reason that questions as to the validity of the indictment have been raised and disposed of by the judge of said district.

Pending cases transferred.

Provisos.
Pending cases in district court, northern district, untransferred, not affected.

—causes submitted etc., to be retained.

—exception.

Approved, May 12, 1900.

CHAP. 392.—An Act To authorize the establishment, at some point in North Carolina, of a station for the investigation of problems connected with marine fishery interests of the middle and south Atlantic coast.

May 12, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of Fish and Fisheries be, and he is hereby, authorized, empowered, and directed to establish a station for the investigation of problems connected with the marine fishery interests of the middle and south Atlantic States at some point in North Carolina.

North Carolina.
Marine fishery station established in.

SEC. 2. That for necessary surveys, erection of buildings and other structures, and for the proper equipment of said station, the sum of twelve thousand five hundred dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated.

Appropriation.

Approved, May 12, 1900.

CHAP. 393.—An Act Authorizing the Commissioner of Internal Revenue to redeem or make allowance for internal-revenue stamps.

May 12, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of Internal Revenue, subject to regulations prescribed by the Secretary of the Treasury, may, upon receipt of satisfactory evidence of the facts,

Internal revenue.
Redemption of spoiled, etc., stamps authorized.

—how made.

—return of spoiled stamps required, etc.

Provisos.
Documentary, etc., stamps.
Vol. 30, p. 451.

Limit of time for redemption.

Decision of Commissioner final.

Repeal.

make allowance for or redeem such of the stamps, issued under authority of law, to denote the payment of any internal-revenue tax, as may have been spoiled, destroyed, or rendered useless or unfit for the purpose intended, or for which the owner may have no use, or which through mistake may have been improperly or unnecessarily used, or where the rates or duties represented thereby have been excessive in amount, paid in error, or in any manner wrongfully collected. Such allowance or redemption may be made, either by giving other stamps in lieu of the stamps so allowed for or redeemed, or by refunding the amount or value to the owner thereof, deducting therefrom, in case of repayment, the percentage, if any, allowed to the purchaser thereof; but no allowance or redemption shall be made in any case until the stamps so spoiled or rendered useless shall have been returned to the Commissioner of Internal Revenue, or until satisfactory proof has been made showing the reason why the same can not be returned; or, if so required by the said Commissioner, when the person presenting the same can not satisfactorily trace the history of said stamps from their issuance to the presentation of his claim as aforesaid: *Provided*, That documentary and proprietary stamps issued under the provisions of "An Act to provide ways and means for war expenditures, and for other purposes," approved June thirteenth, eighteen hundred and ninety-eight, may be redeemed only when presented in quantities of two dollars or more, face value: *Provided further*, That no claim for the redemption of or allowance for stamps shall be allowed unless presented within two years after the purchase of said stamps from the Government.

SEC. 2. That the finding of facts in and the decision of the Commissioner of Internal Revenue upon the merits of any claim presented under or authorized by this Act shall, in the absence of fraud or mistake in mathematical calculation, be final and not subject to revision by any accounting officer.

SEC. 3. That all laws and parts of laws in conflict with any of the provisions of this Act are hereby repealed.

Approved, May 12, 1900.

May 12, 1900.

CHAP. 394.—An Act To grant authority to change the name of the steamship Paris.

Steamship Paris.
Change of name authorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of Navigation is hereby authorized and directed, upon application by the owners, to change the name of the steamship Paris, official number one hundred and fifty thousand six hundred and seventeen.

Approved, May 12, 1900.

May 14, 1900.

CHAP. 469.—An Act To authorize needed repairs of the graveled or macadamized road from the city of Newbern, North Carolina, to the national cemetery near said city.

Newbern, N. C.
Preamble.
Vol. 25, p. 215.

Whereas by an Act of Congress, chapter five hundred and one, United States Statutes at Large, Fiftieth Congress, the sum of twenty thousand dollars was appropriated for the construction of a graveled or macadamized road from the city of Newbern, North Carolina, to the national cemetery near said city; and

Whereas the said sum of money was expended by the United States in the construction of said road; and

Whereas the said road is in great need of repairs in order to keep up and preserve the same, and such repairs are absolutely necessary for the said purpose: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of six thousand dollars be, and the same is hereby, appropriated, out of any moneys

Repair of road to national cemetery authorized.

in the Treasury not otherwise appropriated, for much-needed repairs and improvements of the graveled or macadamized road leading from the city of Newbern, North Carolina, to the national cemetery near said city, the said sum of money to be expended under the direction of the Secretary of War of the United States: *Provided*, That no more of the said appropriation shall be expended than is necessary to put said road in as good condition as when originally constructed for the United States.

Approved, May 14, 1900.

Proviso.
Limit of expenditure.

CHAP. 479.—An Act Providing for free homesteads on the public lands for actual and bona fide settlers, and reserving the public lands for that purpose.

May 17, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all settlers under the homestead laws of the United States upon the agricultural public lands, which have already been opened to settlement, acquired prior to the passage of this Act by treaty or agreement from the various Indian tribes, who have resided or shall hereafter reside upon the tract entered in good faith for the period required by existing law, shall be entitled to a patent for the land so entered upon the payment to the local land officers of the usual and customary fees, and no other or further charge of any kind whatsoever shall be required from such settler to entitle him to a patent for the land covered by his entry: *Provided*, That the right to commute any such entry and pay for said lands in the option of any such settler and in the time and at the prices now fixed by existing laws shall remain in full force and effect: *Provided, however*, That all sums of money so released which if not released would belong to any Indian tribe shall be paid to such Indian tribe by the United States, and that in the event that the proceeds of the annual sales of the public lands shall not be sufficient to meet the payments heretofore provided for agricultural colleges and experimental stations by an Act of Congress, approved August thirtieth, eighteen hundred and ninety, for the more complete endowment and support of the colleges for the benefit of agriculture and mechanic arts, established under the provisions of an Act of Congress, approved July second, eighteen hundred and sixty-two, such deficiency shall be paid by the United States: *And provided further*, That no lands shall be herein included on which the United States Government had made valuable improvements, or lands that have been sold at public auction by said Government.

Public lands.
Free homesteads for actual settlers, etc.

Provisos.
Right to commute continued.

Payments to Indian tribes.

Agricultural colleges, etc.

Vol. 26, p. 417.

Vol. 12, p. 503.

Certain lands not included.

Repeal.

SEC. 2. That all Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Approved, May 17, 1900.

CHAP. 481.—An Act To fix the terms of the district and circuit courts of the western judicial district in the State of Louisiana.

May 18, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be held semi-annually in the western judicial district in the State of Louisiana two stated sessions of the district and circuit courts at each of the following places, to wit: At Opelousas on the first Mondays of January and June; at Alexandria on the fourth Mondays of January and June; at Shreveport on the third Mondays of February and October; at Monroe on the first Mondays of April and October.

Approved, May 18, 1900.

Louisiana western judicial district.
Terms of court fixed.

May 18, 1900.

CHAP. 482.—An Act To provide for sittings of the circuit and district courts of the southern district of Florida in the city of Ocala, in said district.

Florida southern
judicial district.
Terms of court.

Proviso.
Court rooms.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to the times and places now fixed by law for the sitting of the circuit and district courts of the United States for the southern district of Florida there shall be a session of the said courts in the city of Ocala on the third Monday in January in each year hereafter: *Provided,* That the county in which said courts are to be held shall furnish suitable rooms and accommodations for the holding thereof, free of expense to the Government of the United States.

Approved, May 18, 1900.

May 19, 1900.

CHAP. 484.—An Act To provide for the disposal of the Fort Buford abandoned military reservation, in the States of North Dakota and Montana.

Fort Buford abandoned military reservation, North Dakota and Montana.

Undisposed of public lands open to entry.

Provisos.
Preference right to actual occupants.

Town site, coal, and mineral lands.

Land containing Government buildings, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all public lands now remaining undisposed of within the abandoned military reservation in the States of North Dakota and Montana, formerly known as Fort Buford Military Reservation, and which are not otherwise occupied or used for any public purpose, are hereby made subject to disposal under the homestead, town-site, and desert-land laws: *Provided,* That actual occupants thereon upon the first day of January, nineteen hundred, if otherwise qualified, shall have the preference right to make one entry not exceeding one quarter section: *Provided further,* That any of such lands as are occupied for town-site purposes, and any of the lands that may be shown to be valuable for coal or minerals, such lands so occupied for town-site purposes or valuable for coal or minerals shall be disposed of as now provided for lands subject to entry and sale under the town-site, coal, or mineral-land laws, respectively: *Provided further,* That this Act shall not apply to any subdivision of land, which subdivision may include adjoining lands to the amount of one hundred and sixty acres, on which any buildings or improvements of the United States are situated, but such lands shall be appraised and sold as now provided by law.

Approved, May 19, 1900.

May 19, 1900.

CHAP. 485.—An Act To establish light-house and fog signal in State of Washington.

Slip Point, Clallam Bay, Washington.
Light-house established at.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a light-house and fog signal be established and constructed at Slip Point, Clallam Bay, State of Washington; said light-house not to exceed the cost of twelve thousand five hundred dollars.

Approved, May 19, 1900.

May 21, 1900.

CHAP. 486.—An Act To authorize the purchase of certain lands in the district of Alaska.

Karluk Packing Company may purchase certain land in Alaska.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Karluk Packing Company, claiming under amended survey numbered twenty-four, in the district of Alaska, or its successor in interest, may purchase the

land embraced in said survey: *Provided*, That there shall be reserved to the United States for the use of the public as a highway a strip of land sixty feet in width, parallel with and as near as may be practicable to the shore line of Shellikoff Straits; and for the purpose of allowing access by the public to the waters of Shellikoff Straits, a strip of land fifty feet in width across said survey shall also be reserved, to be located, as near as practicable, between corners seventeen and thirty of said survey, extending from Shellikoff Straits to the Karluk River, and not to interfere with any existing improvements; and upon payment of the price of two dollars and fifty cents per acre for said land, and submission of proof that said land embraces improvements of the claimant and is needed in the prosecution of its business, patent shall issue as in other cases under section ten of the Act of Congress approved May fourteenth, eighteen hundred and ninety-eight, entitled "An Act extending the homestead laws and providing for right of way for railroads in the district of Alaska, and for other purposes;" but the limitation in said Act, that no entry shall extend along the water front for more than one hundred and sixty rods, shall not be held to apply to such entry of the Karluk Packing Company.

Proviso.
Reservation of highway.

Patent.

Vol. 30, p. 418.

Exemption, etc.

Approved, May 21, 1900.

CHAP. 487.—An Act To amend section three thousand and five of the Revised Statutes of the United States.

May 21, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section three thousand and five of the Revised Statutes of the United States be amended to read as follows:

Transportation in bond through the United States of merchandise for foreign countries.
R. S., sec. 3005, p. 579, amended.

"SEC. 3005. All merchandise arriving at any port of the United States destined for any foreign country may be entered at the customhouse, and conveyed, in transit, through the territory of the United States, without the payment of duties, under such regulations as to examination and transportation as the Secretary of the Treasury may prescribe."

SEC. 2. That the joint resolution entitled "Joint resolution in reference to the Free Zone along the northern frontier of Mexico and adjacent to the United States," approved March first, eighteen hundred and ninety-five, be, and the same is hereby, repealed, and the full operation of section three thousand and five of the Revised Statutes as existing prior to the adoption of such joint resolution is hereby revived.

Mexican Free Zone.
Repeal.

Vol. 28, p. 973.

Approved, May 21, 1900.

CHAP. 489.—An Act To constitute Durham, North Carolina, a port of delivery in the customs collection district of Pamlico, and to extend the privileges of the seventh section of the Act of Congress approved June tenth, eighteen hundred and eighty, to said port.

May 22, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Durham, North Carolina, be, and is hereby, constituted a port of delivery in the customs collection district of Pamlico, and the privileges of the seventh section of the Act of Congress approved June tenth, eighteen hundred and eighty, governing the immediate transportation of dutiable merchandise without appraisement, are hereby extended to said port of Durham.

Durham, N. C.,
made port of delivery.

Immediate transportation privileges.
Vol. 21, p. 174.

Approved, May 22, 1900.

May 23, 1900.

CHAP. 541.—An Act To amend section eight hundred and sixty-four of the Revised Statutes of the United States, in relation to taking depositions de bene esse.

Depositions de bene esse.
R.S., sec. 864, p. 164, amended.

Mode of taking.

—typewriting.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section eight hundred and sixty-four of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"SEC. 864. Every person deposing as provided in the preceding section shall be cautioned and sworn to testify the whole truth, and carefully examined.

"His testimony shall be reduced to writing or typewriting by the officer taking the deposition, or by some person under his personal supervision, or by the deponent himself in the officer's presence, and by no other person, and shall, after it has been reduced to writing or typewriting, be subscribed by the deponent."

Approved, May 23, 1900.

May 23, 1900.

CHAP. 542.—An Act To provide an American register for the steamer Esther, of New Orleans.

Steamer Esther granted American register.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of Navigation is hereby authorized and directed to cause the foreign-built steamer Phoenix, of Norway, purchased and wholly owned by an American citizen, and repaired by him, to be registered as a vessel of the United States.

Approved, May 23, 1900.

May 24, 1900.

CHAP. 546.—An Act To amend section eight of the Act of Congress entitled "An Act to authorize the Fort Smith and Western Railroad Company to construct and operate a railway through the Choctaw and Creek nations, in the Indian Territory, and for other purposes."

Right of way of Fort Smith and Western Railroad through Choctaw and Creek nations, Indian Territory.
Vol. 30, p. 1371, amended.
Maps of route to be filed.

Provisos.
—of first 80-mile section.

—remaining sections.

Bridges authorized.

Changes, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section eight of the Act to authorize the Fort Smith and Western Railroad Company to construct and operate a railway through the Choctaw and Creek nations, in the Indian Territory, and for other purposes, be, and the same is hereby, amended to read as follows:

"SEC. 8. That said company shall cause maps, showing the route of its located lines through said nations, to be filed in the office of the Secretary of the Interior and also to be filed in the office of the principal chiefs of said nations; and after the filing of said maps no claim for a subsequent settlement and improvement upon the right of way shown by said maps shall be valid as against said company: *Provided*, That when a map or maps of the first eighty miles of said line from Fort Smith to a crossing of the Missouri, Kansas and Texas Railroad at or near South Canadian shall be filed in the office of the Secretary of the Interior, the same may be approved by the Secretary of the Interior to authorize the commencement of construction of said eighty-mile section: *Provided further*, That a map or maps showing (sections of at least twenty-five miles in length) of the remaining portion of said line in the Indian Territory shall be filed with and approved by the Secretary of the Interior before the construction of any such said remaining section shall be commenced; and said company shall have the right to build in the line of said railroad a bridge across the Poteau River and bridges across the two forks of the Canadian River crossed by said line, but the plan of construction of said bridges shall be first approved by the Secretary of War: *Provided further*, That said railway com-

pany can change its located line after the approval of its map by the Secretary of the Interior in such cases where the topography of the country, in the opinion of the president of the railway company, justifies such change; but such change of line shall not vary more than five miles in either direction from the location shown on the map so approved, and an additional map showing such change shall be filed with and approved by the Secretary of the Interior before the construction of that portion of the road shall be commenced, and thereupon shall have the same force and effect as if originally filed with and approved by him.

Approved, May 24, 1900.

CHAP. 549.—An Act To detach the county of Dyer from the eastern division of the western district of Tennessee and to attach the same to the western division of the western district of said State of Tennessee.

May 24, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the county of Dyer, in the State of Tennessee, be, and the same is hereby, detached from the eastern division of the western judicial district of the State of Tennessee and attached to the western division of the western judicial district of said State of Tennessee.

Tennessee western
judicial district.
Dyer county trans-
ferred from eastern to
western division.

SEC. 2. That all process, civil and criminal, hereafter issued against persons residing in said county of Dyer shall be made returnable to the courts held at Memphis, in the State of Tennessee, and all suits and prosecutions now pending in the circuit or district courts of the United States against persons residing in the said county of Dyer at Jackson, in the State of Tennessee, shall be determined in said courts.

Process.

Pending suits.

SEC. 3. That this Act shall take effect thirty days after its passage.

Effect.

Approved, May 24, 1900.

CHAP. 550.—An Act To amend section five of an Act to relieve certain appointed or enlisted men of the Navy and Marine Corps from the charge of desertion, approved August fourteenth, eighteen hundred and eighty-eight.

May 24, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter eight hundred and ninety, volume twenty-five, of the United States Statutes at Large, entitled "An Act to relieve certain appointed or enlisted men of the Navy and Marine Corps from the charge of desertion," approved August fourteenth, eighteen hundred and eighty-eight, be, and the same is hereby, revived and reenacted.

Navy and Marine
Corps.
Removal of charge
of desertion from en-
listed men.
Chap. 890, vol. 25, p.
442, reenacted.

SEC. 2. That section five of the said Act be, and is hereby, so amended as to remove the limitation of time within which applications for relief may be received and acted upon under the provisions of said Act.

Limit of time for
filing claims removed.

Approved, May 24, 1900.

CHAP. 552.—An Act Making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

May 25, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sums of money herein provided for be, and the same are hereby, appropriated, out of

Fortifications appro-
priations.

any moneys in the Treasury not otherwise appropriated, to be available until expended, namely:

Fortifications.

FORTIFICATIONS AND OTHER WORKS OF DEFENSE.

Gun and mortar batteries.	For construction of gun and mortar batteries, two million dollars.
Pneumatic dynamite batteries.	For pneumatic dynamite batteries, one hundred and eighty thousand dollars.
Range, etc., finders.	For installation of range and position finders, one hundred and fifty thousand dollars.
Sites.	For the procurement of land, or right pertaining thereto, needed for the site, location, construction, or prosecution of works, for fortifications and coast defenses, two hundred thousand dollars.
Sullivan's Island, S. C.	For the purchase of suitable building sites, and improvements and leases thereon, necessary to properly provide for the garrison at Sullivan's Island, Charleston, South Carolina, one hundred and thirty-five thousand dollars, or so much thereof as may be necessary: <i>Provided</i> , That no part of this sum shall be expended until valid title to all the land, and improvements and leases thereon, necessary for this purpose shall have been acquired by the United States.
<i>Proviso.</i> —legal title.	
Repairs.	For the protection, preservation, and repair of fortifications for which there may be no special appropriation available, one hundred thousand dollars.
Plans.	For preparation of plans for fortifications, five thousand dollars.
Electric light, etc., plants.	For tools, electrical and engine supplies, for use of the troops for maintaining and operating electric light and power plants in gun and mortar batteries, twenty-five thousand dollars.
Sea walls, etc.	For construction of sea walls and embankments, fifty thousand dollars.
Fort Caswell, N. C.	For construction of a sea wall and for necessary filling in at the reservation at Fort Caswell, North Carolina, one hundred and fifty thousand dollars.
Mines, etc.	For the purchase of submarine mines and necessary appliances to operate them for closing the channels leading to our principal seaports, needful casemates, cable galleries, and so forth, to render it possible to operate submarine mines, and continuing torpedo experiments, fifty thousand dollars.

Armament.

ARMAMENT OF FORTIFICATIONS.

Army Gun Factory. Twelve-inch, etc., guns.	For finishing and assembling eight-inch, ten-inch, and twelve-inch guns at the Army Gun Factory, one hundred and fifty thousand dollars.
Steel.	For oil-tempered and annealed steel for eight-inch, ten-inch, and twelve-inch seacoast guns, five hundred and thirty thousand dollars: <i>Provided</i> , That no contract for oil-tempered and annealed steel for high-power coast-defense guns and mortars shall be made at a price exceeding twenty-two cents per pound: <i>Provided</i> , That in the discretion of the Secretary of War a portion of this money may be used for the purchase of material for steel-wire seacoast guns.
<i>Provisos.</i> Maximum price per pound.	
Steel-wire seacoast guns.	
Carriages.	For carriages for eight, ten, and twelve-inch seacoast guns, including one carriage for sixteen-inch type gun, four hundred and ninety-two thousand dollars.
Mortars.	For twelve-inch steel breech-loading mortars, three hundred thousand dollars.
—carriages.	For carriages for twelve-inch steel breech-loading mortars, one hundred and eighty-three thousand dollars.
Reserve supply powder, etc.	For powders, projectiles, and explosives for reserve supply for cannon, six hundred and twenty-four thousand dollars.
Rapid-fire guns.	For rapid-fire guns, including their mounts and ammunition, three hundred and fifty thousand dollars.

For eight, ten, and twelve-inch guns manufactured by contract under the provisions of the fortification Acts approved August eighteenth, eighteen hundred and ninety, and February twenty-fourth, eighteen hundred and ninety-one, three hundred and sixty-one thousand four hundred and eighty-eight dollars.

For test of one sixteen-inch type of breech-loading gun, sixty thousand dollars.

For proof of eight-inch, ten-inch, and twelve-inch guns, thirty-three thousand dollars.

For powder and projectiles for the proof of twelve-inch breech-loading seacoast mortars, four thousand dollars.

For armor plates and deck plates for testing armor and deck piercing projectiles, twenty-three thousand five hundred dollars.

For powders and projectiles for artillery instruction and practice, eighty-eight thousand dollars.

For armament chests for siege and seacoast guns and mortars, nine thousand eight hundred dollars.

For machine guns of caliber thirty, army model, including metallic carriages, with limbers and protective shields complete for same, fifty thousand dollars.

For range finders for coast defense, thirty-five thousand dollars.

For implements and equipments for service, and also for mounting, repairs, care and preservation of armament, including range finders, twenty-five thousand dollars.

To enable the Secretary of War, in his discretion, to purchase for the United States the patent of Gregory Gerdorn for a gas check for breech-loading guns, fifty thousand dollars, or so much thereof as may be necessary: *Provided*, That before payment is made to said Gerdorn for said patent he shall file with the Secretary of War a release of all claims against the United States for accrued royalties for the use of said patent or for any other claim in connection therewith.

For steel field guns, one hundred and five thousand dollars.

For carriages for steel field guns, three hundred and ninety-eight thousand dollars.

For mountain guns, with their carriages and ammunition, seventy thousand dollars.

For steel field mortars of three and six-tenths inch caliber, eight thousand dollars.

For carriages and platforms for steel field mortars of three and six-tenths inch caliber, including implements and equipments, three thousand eight hundred dollars.

For sights for cannon, twenty-five thousand dollars.

For fuses and primers for cannon, nineteen thousand dollars.

For inspecting instruments, gauges, and templets for the manufacture of cannon and projectiles, five thousand dollars.

For completing the equipment of field and siege batteries now in service, and for fully equipping four additional siege batteries according to the requirements of general orders of the War Department under date of February twenty-fourth, nineteen hundred, one hundred and fifteen thousand one hundred and forty dollars.

PROVING GROUND, SANDY HOOK, NEW JERSEY.

For current expenses and maintenance of the ordnance proving ground, Sandy Hook, New Jersey, including expenses incident to the transportation of men and material therefor, general repairs and alterations, and accessories incidental to testing and proving ordnance, including hire of assistants for the Ordnance Board, skilled mechanical labor, purchase of instruments and other supplies, building and repairing butts and targets, clearing and grading ranges, thirty-seven thousand dollars.

Contract guns.
Vol. 26, pp. 319, 770.

Sixteen-inch gun test.

Proof of eight-inch, etc., guns.

Ammunition for proof, twelve-inch mortars.

Armor plates, etc.

Ammunition for practice, etc.

Armament chests.

Machine guns.

Coast defense range finders.
Equipments, etc.

Purchase of patent of Gregory Gerdorn, etc.

Proviso.
—release of claims to be filed.

Steel field guns.
—carriages.

Mountain guns, etc.

Steel field mortars.

—carriages, etc.

Sights for cannon.

Fuses and primers.

Inspecting instruments.

Equipping field and siege batteries.

Sandy Hook proving ground.

Maintenance.

Expenses of officers. For the necessary expenses of officers while temporarily employed on ordnance duties at the proving ground and absent from their proper stations, at the rate of two dollars and fifty cents per diem while so employed, and the compensation of draftsmen while employed in the Army Ordnance Bureau on ordnance construction, eighteen thousand seven hundred dollars.

Railroad sidings. For sidings on the Government reservation adjoining the Highland Beach Station of the Central Railroad of New Jersey, three thousand four hundred dollars.

Repairs of tracks. For repairs of railroad tracks connecting the proving ground with the Central Railroad of New Jersey, three thousand dollars.

WATERVLIET ARSENAL, WEST TROY, NEW YORK.

Watervliet Arsenal. For replacing portion of metal roof of main storehouse and shops, for general repairs on roof and cornice of gun shop, including interior gutters, and so forth, repairing metal roof of blacksmith shop, and inclosing wall and bridges, eighteen thousand eight hundred dollars.

Board of Ordnance and Fortification.

BOARD OF ORDNANCE AND FORTIFICATION.

Purchases.

To enable the board to make all needful and proper purchases, experiments, and tests to ascertain, with a view to their utilization by the Government, the most effective guns, small arms, cartridges, projectiles, fuses, explosives, torpedoes, armor plates, and other implements and engines of war, and to purchase or cause to be manufactured, under authority of the Secretary of War, such guns, carriages, armor plates, and other war material as may, in the judgment of the board, be necessary in the proper discharge of the duty devolved upon it by the Act approved September twenty-second, eighteen hundred and eighty-eight; to pay the salary of the civilian member of the Board of Ordnance and Fortification provided by the Act of February twenty-fourth, eighteen hundred and ninety-one, and for the necessary traveling expenses of said member when traveling on duty as contemplated in said Act; for the payment of the necessary expenses of the board, including a per diem allowance to each officer detailed to serve thereon, when employed on duty away from his permanent station, of two dollars and fifty cents a day; and for the test of experimental guns, carriages, and other devices procured in accordance with the recommendation of the Board of Ordnance and Fortification, one hundred thousand dollars: *Provided*, That before any money shall be expended in the construction or test of any gun, gun carriage, ammunition, or implements under the supervision of the said board, the board shall be satisfied, after due inquiry, that the Government of the United States has a lawful right to use the inventions involved in the construction of such gun, gun carriage, ammunition, or implements, or that the construction or test is made at the request of a person either having such lawful right or authorized to convey the same to the Government.

Vol. 25, p. 489.
Civilian member.
Vol. 26, p. 769.

Expenses.

Proviso.
Right to use inventions.

Purchases to be of American manufacture.—exception.

That all material purchased under the foregoing provisions of this Act shall be of American manufacture, except in cases when, in the judgment of the Secretary of War, it is to the manifest interest of the United States to make purchases in limited quantities abroad, which material shall be admitted free of duty.

Emery carriage.

EMERY CARRIAGE.

Increase of contract price authorized.

To enable A. H. Emery to complete and erect the twelve-inch elevating carriage he is building for the Government, the Secretary of War is hereby authorized and directed to increase the contract price of said carriage and its foundations from one hundred and ten thousand dollars to one hundred and fifty thousand dollars; and

to enable the Secretary of War to make this increase in the price of this work and to make payment therefor, the sum of forty thousand dollars is hereby appropriated: *Provided*, That of the one hundred and fifty thousand dollars to be paid for the carriage and its foundations, ten thousand dollars shall be paid towards the construction of the foundations, of which sum one-half shall be paid to the said Emery as soon as needed by him to pay bills for materials used and labor performed in its construction and erection and the other half of this ten thousand dollars shall be paid to him when the foundations are erected ready for the carriage and all bills for the whole cost thereof entirely satisfied. Of the one hundred and forty thousand dollars balance of this money to be paid for the carriage and its foundations, advances shall be made as heretofore for material and finishing the same as provided in the contract, until such advances shall reach, for materials and finishing and erecting the same, not exceeding ninety per centum of this sum. Of the balance of the said one hundred and fifty thousand dollars, fourteen thousand shall be advanced to the said Emery, after the passage of this Act, as fast as it is needed to pay bills made and to be made in connection with the work of this contract. The ten thousand dollars authorized to be paid A. H. Emery on the supplemental contract provided for in the Fortification appropriation Act approved June sixth, eighteen hundred and ninety-six, shall be due and paid as soon as the carriage and loading apparatus provided for in said supplemental contract are completed according to contract and ready for erection. After the carriage herein provided for is completed and tested and all moneys due the said A. H. Emery thereon have been paid, the Government shall have the right to build any and all such other disappearing carriages as it may choose under any or all United States patents obtained at any time by the said Emery on his inventions embodied in this carriage. The royalty to be due and paid him or his legal representatives on all carriages built by or for the Government or carriages which they build, excepting the type carriage now under construction, embodying any of the said specified inventions, shall not exceed six per centum of the cost of the erected carriage in which such inventions are used; payment of the royalty on any such carriage to be due when such carriage is completed.

Proviso.
Amount available
for foundations.

Advances for material, etc.

Payment on supplemental contract.

Vol. 29, p. 260.

Right of Government to build carriages

Royalty.

SEC. 2. The Secretary of War is hereby authorized and directed to make partial payments under the contracts now existing with the War Department for the purchase and erection of pneumatic dynamite guns, carriages, and so forth, and ammunition for same, the said payments to be proportioned to the amount of work done and material furnished to date under said contracts: *Provided*; That the contractors furnish a satisfactory bond, equal to the amount of all payments to be made, indemnifying the Government against loss in case the said dynamite guns, fittings, and so forth, shall not fulfill the contract requirements: *Provided further*, That the aggregate amount of partial payments made under the contract shall not exceed eighty per centum of the work done and material furnished to date of payment.

Pneumatic dynamite guns.
Partial payments for purchase, etc., authorized.

Proviso.
Contractors' bond.

Limit of payments.

Approved, May 25, 1900.

CHAP. 553.—An Act To enlarge the powers of the Department of Agriculture, prohibit the transportation by interstate commerce of game killed in violation of local laws, and for other purposes.

May 25, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the duties and powers of the Department of Agriculture are hereby enlarged so as to include the preservation, distribution, introduction, and restoration of game birds and other wild birds. The Secretary of Agriculture is hereby

Department of Agriculture.
Powers enlarged to include preservation, etc., of game birds, etc.

Purpose of act.	authorized to adopt such measures as may be necessary to carry out the purposes of this Act and to purchase such game birds and other wild birds as may be required therefor, subject, however, to the laws of the various States and Territories. The object and purpose of this Act is to aid in the restoration of such birds in those parts of the United States adapted thereto where the same have become scarce or extinct, and also to regulate the introduction of American or foreign birds or animals in localities where they have not heretofore existed.
Publication of information.	The Secretary of Agriculture shall from time to time collect and publish useful information as to the propagation, uses, and preservation of such birds.
Regulations.	And the Secretary of Agriculture shall make and publish all needful rules and regulations for carrying out the purposes of this Act, and shall expend for said purposes such sums as Congress may appropriate therefor.
Permits required to import wild animals and birds.	SEC. 2. That it shall be unlawful for any person or persons to import into the United States any foreign wild animal or bird except under special permit from the United States Department of Agriculture: <i>Provided</i> , That nothing in this section shall restrict the importation of natural history specimens for museums or scientific collections, or the importation of certain cage birds, such as domesticated canaries, parrots, or such other species as the Secretary of Agriculture may designate.
<i>Proviso.</i> —exceptions.	The importation of the mongoose, the so-called “flying foxes” or fruit bats, the English sparrow, the starling, or such other birds or animals as the Secretary of Agriculture may from time to time declare injurious to the interest of agriculture or horticulture is hereby prohibited, and such species upon arrival at any of the ports of the United States shall be destroyed or returned at the expense of the owner. The Secretary of the Treasury is hereby authorized to make regulations for carrying into effect the provisions of this section.
Importation of mongoose, English sparrow, etc., prohibited.	
Transportation of prohibited animals forbidden.	SEC. 3. That it shall be unlawful for any person or persons to deliver to any common carrier, or for any common carrier to transport from one State or Territory to another State or Territory, or from the District of Columbia or Alaska to any State or Territory, or from any State or Territory to the District of Columbia or Alaska, any foreign animals or birds the importation of which is prohibited, or the dead bodies or parts thereof of any wild animals or birds, where such animals or birds have been killed in violation of the laws of the State, Territory, or District in which the same were killed: <i>Provided</i> , That nothing herein shall prevent the transportation of any dead birds or animals killed during the season when the same may be lawfully captured, and the export of which is not prohibited by law in the State, Territory, or District in which the same are killed.
<i>Proviso.</i> —when lawfully killed during season, etc.	
Marking of packages.	SEC. 4. That all packages containing such dead animals, birds, or parts thereof, when shipped by interstate commerce, as provided in section one of this Act, shall be plainly and clearly marked, so that the name and address of the shipper and the nature of the contents may be readily ascertained on inspection of the outside of such packages. For each evasion or violation of this Act the shipper shall, upon conviction, pay a fine of not exceeding two hundred dollars; and the consignee knowingly receiving such articles so shipped and transported in violation of this Act shall, upon conviction, pay a fine of not exceeding two hundred dollars; and the carrier knowingly carrying or transporting the same shall, upon conviction, pay a fine of not exceeding two hundred dollars.
Penalty.	
Bodies of animals subject to laws of State into which transported.	SEC. 5. That all dead bodies, or parts thereof, of any foreign game animals, or game or song birds, the importation of which is prohibited, or the dead bodies, or parts thereof, of any wild game animals, or game or song birds transported into any State or Territory, or remaining therein for use, consumption, sale, or storage therein, shall upon

arrival in such State or Territory be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers, to the same extent and in the same manner as though such animals or birds had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise. This Act shall not prevent the importation, transportation, or sale of birds or bird plumage manufactured from the feathers of barnyard fowl.

Bird plumage manufactured from feathers of barnyard fowl.

Approved, May 25, 1900.

CHAP. 554.—An Act To provide for the construction of a bridge by the Duluth, Pierre and Black Hills Railroad Company across the Missouri River at Pierre, South Dakota.

May 25, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Duluth, Pierre and Black Hills Railroad Company, a corporation duly organized under the general incorporation laws of the State of South Dakota, its successors and assigns, is hereby authorized to construct and maintain a bridge across the Missouri River at or near the city of Pierre, Hughes County, South Dakota, and also to lay on and over said bridge a railway track or tracks for the passage of railway trains; and said corporation may construct and maintain ways for wagons, carriages, and foot passengers, charging and receiving such reasonable tolls therefor as may be approved from time to time by the Secretary of War.

Duluth, Pierre and Black Hills Railroad may bridge Missouri River at Pierre, S. Dak

Transit; tolls.

SEC. 2. That said bridge should be constructed and built without interference with the security and convenience of navigation of said river beyond what is necessary to carry into effect the rights and privileges hereby granted; and in order to secure that object the said corporation shall submit to the Secretary of War, for his examination and approval, a design and drawings of the bridge, and a map of the location, giving, for the space of one mile above and one mile below the proposed location, the topography of the banks of the river, the shore lines at high and low water, the direction and strength of the currents at all stages, and the soundings accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War, the bridge shall not be built: *Provided*, That if the said bridge shall be made with unbroken and continuous spans it shall not be of less elevation in any case than fifty feet above extreme high-water mark as understood at the point of location to the lowest part of the superstructure of the bridge, nor shall the spans of said bridge be less than three hundred feet in length in the clear; and the piers of said bridge shall be parallel with the current of said river, and the bridge itself at right angles thereto, and the main span shall be over the main channel of the river and not less than three hundred feet in length in the clear: *And provided also*, That if any bridge built under this Act shall be constructed as a drawbridge the same shall be constructed as a pivot drawbridge, with a draw over the main channel of the river at an accessible and navigable point and with spans of not less than two hundred feet in length in the clear on each side of central or pivot pier of the draw, and the next adjoining span or spans to the draw shall not be less than three hundred feet, and the headroom under all river spans shall not be less than ten feet above local high-water mark, and the piers of said bridge shall be built with the current of said river and the bridge itself at right angles thereto: *Provided also*, That said draw shall be opened promptly upon the reasonable signal for the passing of boats; and said company or corporation shall maintain, at its own expense, from sunset

Not to obstruct navigation.

Secretary of War to approve plans.

Provides.
Elevation, etc.

Draw.

—opening of.
Lights.

Maintenance of channel, etc.	till sunrise such lights or other signals on said bridge as the Light-House Board shall prescribe: <i>Provided also</i> , That said company shall, at its own expense, build and maintain, under direction and supervision of the Secretary of War, such wing dams and booms or other works necessary to maintain the channel within the draw spans of said bridge, and shall, at their own expenses, maintain a depth of water through said draw spans not less than that now existing, as shown by the report of the War Department, at the point where said bridge may be located:
Rights of railroads to use.	<i>Provided also</i> , That all railway companies desiring to use said bridge shall have and be entitled to equal rights and privileges in the passage of the same, and in the use of the machinery and fixtures thereof, and of all the approaches thereto, under and upon such terms and conditions as shall be prescribed by the Secretary of War, upon hearing the allegations and proofs of the parties, in case they shall not agree.
Notification of approval.	SEC. 3. That the Secretary of War is hereby authorized and directed, upon receiving such plan and map and other information, and upon being satisfied that the bridge built upon such plan, with such accessory works, and at such locality, will conform to the prescribed conditions of this Act, to notify the company that he approves the same; and upon receiving such notification the said company may proceed to an erection of said bridge, conforming strictly to the approved plan and location; and should any change be made in the plan of the bridge or accessory works during the progress of the work thereon, such change shall be subject likewise to the approval of the Secretary of War; and if any bridge erected under said authority shall, in the opinion of the Secretary of War, obstruct such navigation, he is hereby authorized to cause such change or alteration of said bridge to be made as will effectually obviate such obstruction, and all such alterations shall be made and all such obstructions be removed at the expense of the said corporation; and in case of any litigation arising from any obstruction, or alleged obstruction, to the free navigation of said river, caused, or alleged to be caused, by said bridge, the case may be brought in any court of the United States of the State of South Dakota in which any portion of said bridge may be located: <i>Provided</i> , That nothing in this Act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers, or to exempt this bridge from the operation of the same: <i>Provided further</i> , That this bridge shall not be opened to traffic until all piling and other false work used in constructing the bridge shall have been wholly removed to the satisfaction of the Secretary of War.
Changes.	
Litigation.	
Provisos. Existing law unaffected.	
Removal of piling, etc.	
To be lawful structure and post route.	SEC. 4. That the said bridge and accessory works, when built and constructed under this Act, and according to the terms and limitations thereof, shall be lawful structures, and said bridge shall be recognized and known as a post route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for the transportation over the railroads or public highways leading to such bridge; and said bridge shall enjoy the rights and privileges of other post routes of the United States, and Congress reserves the right at any time to regulate by appropriate legislation the charges for freight and passengers over said bridge.
Freight, etc., charges.	SEC. 5. That the United States shall have the right of way for such postal telegraph lines across said bridge as the Government may construct or control.
Government postal telegraph lines.	SEC. 6. That this Act shall be null and void if actual construction of the bridge herein authorized be not commenced within two years and completed within four years from the date of approval thereof.
Commencement and completion.	SEC. 7. That Congress reserves the right to alter, amend, or repeal this Act at any time.
Amendment.	

Approved, May 25, 1900.

CHAP. 555.—An Act Making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and one.

May 25, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, in full compensation for the fiscal year ending June thirtieth, nineteen hundred and one, for the purposes and objects hereinafter expressed, namely:

Agricultural Department appropriations.

DEPARTMENT OF AGRICULTURE.

OFFICE OF THE SECRETARY: For compensation of Secretary of Agriculture, eight thousand dollars; Assistant Secretary of Agriculture, four thousand five hundred dollars, chief clerk, who shall be superintendent of the Department buildings, two thousand five hundred dollars; private secretary to the Secretary of Agriculture, two thousand two hundred and fifty dollars; stenographer to the Secretary of Agriculture, one thousand four hundred dollars; private secretary to the Assistant Secretary of Agriculture, one thousand six hundred dollars; one appointment clerk, two thousand dollars; one chief of supply division, two thousand dollars; one telegraph and telephone operator, one thousand two hundred dollars; one clerk class four, one thousand eight hundred dollars; two clerks class three, three thousand two hundred dollars; two clerks class two, two thousand eight hundred dollars; seven clerks class one, eight thousand four hundred dollars; four clerks at one thousand dollars each, four thousand dollars; one clerk, at eight hundred and forty dollars; one engineer, who shall be captain of the watch, one thousand six hundred dollars; one fireman, who shall be steam fitter, nine hundred dollars; one assistant fireman, seven hundred and twenty dollars; one assistant fireman, six hundred dollars; nine night watchmen, at seven hundred and twenty dollars each, six thousand four hundred and eighty dollars; two day watchmen, at seven hundred and twenty dollars each, one thousand four hundred and forty dollars; one mechanic, at one thousand one hundred dollars; six messengers, at eight hundred and forty dollars each, five thousand and forty dollars; two assistant messengers, at seven hundred and twenty dollars each, one thousand four hundred and forty dollars; in all, sixty-five thousand eight hundred and ten dollars.

Pay of Secretary, Assistant, clerks, etc.

OFFICE OF THE SECRETARY: LABORERS AND CHARWOMEN.—One laborer, at seven hundred and twenty dollars; one laborer, at six hundred dollars; three charwomen, at four hundred and eighty dollars each, one thousand four hundred and forty dollars; five charwomen, at two hundred and forty dollars each, one thousand two hundred dollars; for extra laborers and emergency employment, one thousand dollars; in all, four thousand nine hundred and sixty dollars.

Laborers, etc.

DIVISION OF ACCOUNTS AND DISBURSEMENTS: Chief of division and disbursing clerk, two thousand five hundred dollars; one assistant chief of division, two thousand dollars; one cashier, one thousand eight hundred dollars; three clerks class three, four thousand eight hundred dollars; three clerks class two, four thousand two hundred dollars; three clerks class one (one of whom shall be a stenographer and typewriter), three thousand six hundred dollars; in all, eighteen thousand nine hundred dollars.

Salaries. Division of Accounts and Disbursements.

DIVISION OF PUBLICATIONS: One editor, who shall be chief of division, two thousand five hundred dollars; assistant chief of division, one thousand eight hundred dollars; one editorial clerk, one thousand six hundred dollars; two editorial clerks, at one thousand four hundred dollars each, two thousand eight hundred dollars; one clerk, at one thousand two hundred dollars; five clerks, at one thousand dollars each (one of whom shall be a stenographer), five thousand dollars.

Division of Publications.

Document section.

Document section: One assistant in charge, one thousand eight hundred dollars; one foreman, one thousand four hundred dollars; one clerk, one thousand dollars; one chief folder, one thousand dollars; one folder, eight hundred and forty dollars; four folders, at six hundred dollars each, two thousand four hundred dollars; two copyists, at eight hundred and forty dollars each, one thousand six hundred and eighty dollars; in all, twenty-five thousand and twenty dollars.

Division of Statistics.

DIVISION OF STATISTICS: One statistician, who shall be chief of division, three thousand dollars; one assistant statistician, who shall be assistant chief of division, two thousand two hundred dollars; one clerk class four, one thousand eight hundred dollars; three clerks class three, four thousand eight hundred dollars; five clerks class two, seven thousand dollars; five clerks class one, six thousand dollars; eight clerks, at one thousand dollars each, eight thousand dollars; four clerks, at eight hundred and forty dollars each, three thousand three hundred and sixty dollars; in all, thirty-six thousand one hundred and sixty dollars.

Division of Botany.

DIVISION OF BOTANY: One botanist, who shall be chief of division, two thousand five hundred dollars; assistant botanist, who shall be assistant chief of division, one thousand eight hundred dollars; assistant botanist, one thousand six hundred dollars; assistant botanist, one thousand four hundred dollars; one assistant botanist, one thousand two hundred dollars; two clerks, at one thousand dollars each, two thousand dollars; one clerk, nine hundred dollars; two clerks, at eight hundred and forty dollars each, one thousand six hundred and eighty dollars; in all, thirteen thousand and eighty dollars.

Division of Entomology.

DIVISION OF ENTOMOLOGY: One entomologist, who shall be chief of division, two thousand five hundred dollars; one assistant entomologist, who shall be assistant chief of division, one thousand eight hundred dollars; one assistant entomologist or clerk, one thousand six hundred dollars; one assistant entomologist or clerk, one thousand four hundred dollars; two assistant entomologists or clerks, at one thousand two hundred dollars each, two thousand four hundred dollars; one clerk, one thousand dollars; in all, ten thousand seven hundred dollars.

Division of Biological Survey.

DIVISION OF BIOLOGICAL SURVEY: One biologist, who shall be chief of division, two thousand five hundred dollars; one assistant biologist, who shall be assistant chief of division, one thousand eight hundred dollars; two assistant biologists, one thousand five hundred dollars each, three thousand dollars; one assistant biologist, one thousand four hundred dollars; one clerk class one, one thousand two hundred dollars; two clerks, at one thousand dollars each, two thousand dollars; one clerk, nine hundred dollars; in all, twelve thousand eight hundred dollars.

Division of Pomology.

DIVISION OF POMOLOGY: One pomologist, who shall be chief of division, two thousand five hundred dollars; one assistant pomologist, who shall be assistant chief of division, one thousand eight hundred dollars; one clerk class three, one thousand six hundred dollars; one clerk class one, one thousand two hundred dollars; one clerk, one thousand dollars; one clerk, eight hundred and forty dollars; in all, eight thousand nine hundred and forty dollars.

Division of Vegetable Physiology and Pathology.

DIVISION OF VEGETABLE PHYSIOLOGY AND PATHOLOGY: One pathologist, who shall be chief of division, two thousand five hundred dollars; assistant pathologist, who shall be assistant chief of division, one thousand eight hundred dollars; assistant pathologist, one thousand two hundred dollars; one clerk, one thousand dollars; in all, six thousand five hundred dollars.

Division of Chemistry.

DIVISION OF CHEMISTRY: One chemist, who shall be chief of division, two thousand five hundred dollars; one assistant chemist, who shall be assistant chief of division, one thousand eight hundred dollars; one assistant chemist, one thousand six hundred dollars; one

clerk class one, one thousand two hundred dollars; in all, seven thousand one hundred dollars.

DIVISION OF SOILS: One chief, two thousand five hundred dollars; one assistant chief, one thousand eight hundred dollars; one assistant, one thousand dollars; one clerk, one thousand dollars; in all, six thousand three hundred dollars.

Division of Soils.

DIVISION OF AGROSTOLOGY: One agrostologist, who shall be chief of division, two thousand five hundred dollars; one assistant chief, one thousand eight hundred dollars; one assistant, one thousand five hundred dollars; one assistant, one thousand four hundred dollars; one histologist, nine hundred dollars; in all, eight thousand one hundred dollars.

Division of Agrostology.

DIVISION OF FORESTRY: One forester, who shall be chief of division, two thousand five hundred dollars; one superintendent of working plans, who shall be assistant chief of division, one thousand eight hundred dollars; one clerk class two, one thousand four hundred dollars; one clerk class one, one thousand two hundred dollars; one clerk, nine hundred dollars; one clerk, seven hundred and twenty dollars; in all, eight thousand five hundred and twenty dollars.

Division of Forestry.

EXPERIMENTAL GARDENS AND GROUNDS: One superintendent, two thousand five hundred dollars; one clerk class one, one thousand two hundred dollars; in all, three thousand seven hundred dollars.

Experimental Gardens and Grounds.

MUSEUM: One caretaker, one thousand dollars; for labor in cleaning and caring for building, one charwoman, at five hundred and forty dollars; three charwomen, at two hundred and forty dollars each, seven hundred and twenty dollars; in all, two thousand two hundred and sixty dollars.

Museum.

LIBRARY: One librarian, one thousand eight hundred dollars; one assistant librarian, one thousand four hundred dollars; one clerk (who shall be a translator), one thousand two hundred dollars; one cataloguer, one thousand two hundred dollars; one cataloguer, one thousand dollars; two clerks, eight hundred and forty dollars each, one thousand six hundred and eighty dollars; one messenger, seven hundred and twenty dollars; in all, nine thousand dollars.

Library.

SALARIES, BUREAU OF ANIMAL INDUSTRY: One Chief of Bureau, four thousand dollars; one assistant chief, two thousand five hundred dollars; one chief clerk of Bureau, two thousand dollars; one chief of inspection division, two thousand five hundred dollars; one assistant chief of inspection division, one thousand eight hundred dollars; one chief of dairy division, two thousand five hundred dollars; one assistant chief of dairy division, one thousand eight hundred dollars; one chief of pathological division, two thousand five hundred dollars; two assistants in pathological division, at one thousand two hundred dollars each, two thousand four hundred dollars; one assistant in pathological division, eight hundred and forty dollars; one chief of biochemic division, two thousand five hundred dollars; one assistant in biochemic division, one thousand six hundred dollars; one assistant in biochemic division, one thousand four hundred dollars; one assistant in biochemic division, one thousand two hundred dollars; one assistant in biochemic laboratory, seven hundred and twenty dollars; one chief of miscellaneous division, two thousand dollars; one zoologist, two thousand two hundred and fifty dollars; one veterinary inspector, one thousand eight hundred dollars; one veterinary inspector, one thousand six hundred dollars; two veterinary inspectors, at one thousand four hundred dollars each, two thousand eight hundred dollars; one superintendent of experiment station, one thousand eight hundred dollars; one assistant superintendent, one thousand dollars; one clerk class four, one thousand eight hundred dollars; one editorial clerk, one thousand eight hundred dollars; one clerk class three, one thousand six hundred dollars; three clerks class two, four thousand two hundred

Bureau of Animal Industry.

dollars; five clerks class one, six thousand dollars; seven clerks, at one thousand dollars each, seven thousand dollars; seven clerks, at eight hundred and forty dollars each, five thousand eight hundred and eighty dollars; two firemen, at seven hundred and twenty dollars each, one thousand four hundred and forty dollars; four messengers, at seven hundred and twenty dollars each, two thousand eight hundred and eighty dollars; two skilled laborers, at six hundred and sixty dollars each, one thousand three hundred and twenty dollars; one illustrator, one thousand four hundred dollars; in all, seventy-eight thousand eight hundred and thirty dollars.

Total amount for salaries in Department of Agriculture, three hundred and twenty-five thousand six hundred and eighty dollars.

MISCELLANEOUS.

Library, expenses.	LIBRARY, DEPARTMENT OF AGRICULTURE: Purchase of technical books of reference, technical papers, and technical periodicals necessary for the work of the Department, and for expenses incurred in completing imperfect series, and for library fixtures, shelving, library cards, and other material, five thousand dollars.
Contingent expenses.	CONTINGENT EXPENSES, DEPARTMENT OF AGRICULTURE: For the purchase of stationery, blank books, necessary scientific and other publications, twine, paper, gum, dry goods, soap, brushes, brooms, mats, oils, paints, glass, lumber, hardware, ice, fuel, water and gas pipes, heating apparatus, furniture, carpets, matting; for lights, freight, express charges, advertising, telegraphing, washing towels, and necessary repairs and improvements to buildings and heating apparatus; for the employment of one carpenter, at one thousand dollars, and for the employment of one painter, at nine hundred dollars; the purchase, subsistence, and care of horses, for official purposes only; the purchase and repair of harness; the purchase and repair of vehicles, for official purposes only; payment of duties on imported articles, and the Department of Agriculture's proportionate share of the dispatch agent in New York, not to exceed four hundred dollars; actual traveling expenses while on business of the Department, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department, including not to exceed two thousand five hundred dollars for postage, thirty-seven thousand dollars.
Dispatch agent.	
Animal quarantine stations.	ANIMAL QUARANTINE STATIONS: To purchase, establish, and maintain quarantine stations, and to provide proper shelter and equipment for the care of neat cattle and domestic animals imported, at such ports as may be deemed necessary, fifty thousand dollars (to be immediately available).
Investigations and expenses. Agricultural.	COLLECTING AGRICULTURAL STATISTICS: Collecting domestic and foreign agricultural statistics, compiling, writing, and illustrating statistical matter for monthly, annual, and special reports; special investigations and compilations; subscription to, and purchase of, statistical and newspaper publications containing data for permanent comparative records; maps and charts; stationery supplies, blanks, blank books, circulars, paper, envelopes, postal cards, postage stamps, freight and express charges, and necessary traveling expenses: <i>Provided</i> , That the monthly crop report issued on the tenth day of each month shall embrace a statement of the condition of the crops, by States, in the United States, with such explanations, comparisons, and information as may be useful for illustrating the above matter, and that it shall be submitted to, and officially approved by, the Secretary of Agriculture before being issued or published: <i>Provided, also</i> , That fifteen thousand dollars of the amount hereby appropriated, or so much thereof as the Secretary of Agriculture may deem necessary, may be
Provisos. Monthly crop reports.	
Extending demands of foreign markets.	

expended in continuing the investigations concerning the feasibility of extending the demands of foreign markets for the agricultural products of the United States, and to secure, as far as may be, a change in the methods of supplying farm products to foreign countries, one hundred and ten thousand dollars, of which sum not more than sixty thousand dollars shall be expended for salaries in the city of Washington, District of Columbia.

BOTANICAL INVESTIGATION AND EXPERIMENTS: Investigations relating to medicinal, fiber, and other economic or poisonous plants and seeds, the collection of plants, traveling expenses and express charges; the purchase of paper and all other necessary supplies, materials, and apparatus; for gas and electric current; for the employment of local and special agents, clerks, assistants, and other labor in conducting experiments in the city of Washington and elsewhere, and in collating, digesting, reporting, and illustrating the results of such experiments; subscriptions to, and purchase of, botanical publications for use in the division; and the preparation, illustration, and publication of reports; and the Secretary of Agriculture is hereby authorized to purchase samples of seeds in open market, test same, and when found not up to standard, he may, at his discretion, publish the results of these tests, together with the names of the seedsmen by whom the seeds were sold, thirty thousand dollars, of which sum two thousand dollars shall be immediately available, and of which amount a sum not exceeding one thousand dollars may be used for the rent and ordinary repairs of a building for office and laboratory purposes.

Botanical experiments, etc.

Purchasing sample seeds.

ENTOMOLOGICAL INVESTIGATIONS: Promotion of economic entomology; investigating the history and habits of insects injurious and beneficial to agriculture, horticulture, and arboriculture; ascertaining the best means of destroying those found to be injurious, including an investigation into the ravages of the codling moth with a view of ascertaining the best method of its extermination; investigations in apiculture; purchase of chemicals, insecticide apparatus, and other materials, supplies, and instruments required in conducting such experiments and investigations; for the employment of local and special agents, clerks, assistants, and other labor required in conducting experiments in the city of Washington and elsewhere, and in collating, digesting, reporting, and illustrating the results of such experiments; freight and express charges, and necessary traveling expenses; preparing, illustrating, and publishing the results of the work of the division, twenty-two thousand five hundred dollars.

Entomological investigations.

VEGETABLE PATHOLOGICAL INVESTIGATIONS: Investigating the nature of diseases injurious to fruits, fruit trees, grain, cotton, vegetables, and other useful plants; experiments in the treatment of the same; the employment of local and special agents, clerks, assistants, and other labor in conducting experiments in the city of Washington and elsewhere, and in collating, digesting, reporting, and illustrating the results of such experiments; for gas and electric current, purchase of chemicals and apparatus required in the field and laboratory; necessary traveling expenses; the preparation of reports and illustrations; the rent of a building, not to exceed six hundred and sixty dollars per annum; and for other expenses connected with the practical work of the investigation, twenty-eight thousand dollars, of which sum two thousand dollars, or so much thereof as may be necessary, may be used for the erection, heating, and equipment of a plant house upon the Department grounds, for conducting investigations and experiments on the diseases of plants and methods of preventing them: *Provided*, That two thousand dollars of this sum, or so much thereof as may be necessary, may be used by the Secretary of Agriculture for the employment of student scientific aids, at an annual salary of four hundred and eighty dollars each.

Vegetable pathological investigations.

Proviso. Student scientific aids.

Biological investigations.

BIOLOGICAL INVESTIGATIONS: For biological investigations, including the geographic distribution and migrations of animals, birds, and plants; for the promotion of economic ornithology and mammalogy; for an investigation of the food habits of North American birds and mammals in relation to agriculture, horticulture, and forestry; for the employment of local and special agents, clerks, assistants, and other labor required in conducting experiments, in the city of Washington and elsewhere, and in collating, digesting, reporting, and illustrating the results of such experiments; for freight and express charges; for preparation and publication of reports, and for illustrations, field work, and traveling and other expenses in the practical work of the division, seventeen thousand five hundred dollars.

Pomological investigations.

POMOLOGICAL INVESTIGATIONS: Investigating, collecting, and disseminating information relating to the fruit industry; the collection and distribution of seeds, shrubs, trees, and specimens; and for collecting and modeling fruits, vegetables, and other plants; the employment of local and special agents, clerks, assistants, and other labor required in conducting experiments in the city of Washington and elsewhere, and in collating, digesting, reporting, and illustrating the results of such experiments; for traveling and other necessary expenses, nine thousand five hundred dollars.

Laboratory.

LABORATORY, DEPARTMENT OF AGRICULTURE: Chemical apparatus, chemicals, laboratory fixtures, and supplies, repairs to engine and apparatus; gas and electric current, purchase of supplies and necessary expenses in conducting special investigations, including necessary traveling and other expenses, labor and expert work in such investigations, in the city of Washington and elsewhere, and in collating, digesting, reporting, and illustrating the results of such experiments, four thousand dollars; for rent of laboratory building, two thousand five hundred dollars; for the employment of additional assistant chemists, when necessary, and for employment of not to exceed four laborers in division of chemistry when necessary, seven thousand dollars;

Soil characteristics.

To enable the Secretary of Agriculture to continue the investigation relative to the various typical soils of the United States to determine their chemical characteristics and especially the nature of the nitrifying organisms contained therein;

Foods, drugs, and liquors adulterations.

To investigate the adulteration of foods, drugs, and liquors, when deemed by the Secretary of Agriculture advisable; and the Secretary of Agriculture, whenever he has reason to believe that articles are being imported from foreign countries which are dangerous to the health of the people of the United States, shall make a request upon the Secretary of the Treasury for samples from original packages of such articles for inspection and analysis; and the Secretary of the Treasury is hereby authorized to open such original packages and deliver specimens to the Secretary of Agriculture for the purpose mentioned, giving notice to the owner or consignee of such articles, who may be present and have the right to introduce testimony; and the Secretary of the Treasury shall refuse delivery to the consignee of any such goods which the Secretary of Agriculture reports to him have been inspected and analyzed and found to be dangerous to health;

Opening packages of suspected imports.

—notice to owner.
—delivery refused of deleterious goods, etc.

Investigation food constituents of cereals.

To enable the Secretary of Agriculture to investigate the cause of the deterioration in the gluten content of wheat on the Pacific coast and in other parts of the country, and to study the methods for increasing the content of valuable food constituents in wheat and other cereals;

—of proposed food preservatives.

To enable the Secretary of Agriculture to investigate the character of proposed food preservatives and coloring matters; to determine their relation to digestion and to health, and to establish the principles which should guide their use;

—of foreign tests of American food products, etc.

To enable the Secretary of Agriculture to investigate the character of the chemical and physical tests which are applied to American food prod-

ucts in foreign countries, and to inspect before shipment, when desired by the shippers or owners of these food products, American food products intended for countries where chemical and physical tests are required before said food products are allowed to be sold in the countries mentioned; and for all necessary expenses connected with such inspection and studies of methods of analysis in said foreign countries; for the preparation of reports, the purchase of apparatus, chemicals, samples, and supplies required in conducting such investigations; the employment of local and special agents, clerks, assistants, and other labor required in conducting such experiments in the city of Washington and elsewhere, and in collating, digesting, reporting, and illustrating the results of such experiments; for freight and express charges, and for traveling and other necessary expenses, fifteen thousand dollars; in all, for the division of chemistry, twenty-eight thousand five hundred dollars, two thousand dollars of which shall be immediately available.

FORESTRY INVESTIGATIONS: To enable the Secretary of Agriculture to experiment and to make and continue investigations and report on the subjects of forestry, forest fires, and lumbering; to advise the owners of woodlands as to the proper care of the same; to seek, through investigations and the planting of native and foreign species, suitable trees for the treeless regions; to collect and distribute valuable economic forest tree seeds and plants; the employment of local and special agents, clerks, assistants, and other labor required in conducting experiments, in the city of Washington and elsewhere, and in collating, digesting, reporting, and illustrating the results of such experiments; for the purchase of all necessary supplies and apparatus, for freight and express charges, and traveling expenses, eighty thousand dollars, of which sum not to exceed five thousand dollars may, in the discretion of the Secretary of Agriculture, be used to investigate the forest conditions in the southern Appalachian mountain region of western North Carolina and adjacent States.

Forestry investigations.

EXPERIMENTAL GARDENS AND GROUNDS, DEPARTMENT OF AGRICULTURE: Cultivation and care of experimental gardens and grounds, including the keep of the lawns, trees, roadways, and walks; management and maintenance of the conservatories, greenhouses, and plant and fruit propagating houses; employment of foremen, gardeners, laborers, carpenters, painters, plumbers, and other mechanics; machinery, tools, wagons, carts, horses, harness, plows, lawn mowers, sprinklers, hose, watering cans, tubs, pots, and other implements required in cultivation; lumber, hardware, glass, paints, tin, stone, gravel, and other material required for repairs; fertilizers, insecticide apparatus, and chemicals; blacksmithing, horseshoeing, and repairs to implements and machinery; seeds, plants, and bulbs for propagating purposes; labels, potting and packing materials, feed for horses, freight and express charges, repairing roadways and walks, and for electric lighting, twenty thousand dollars.

Experimental gardens and grounds.

SOIL INVESTIGATIONS: Investigation of the relation of soils to climate and organic life; for the investigation of the texture and composition of soils in the field and laboratory; for the investigation of the cause and prevention of the rise of alkali in the soils of the irrigated districts; the investigation of the relation of soils to drainage and seepage waters, and of methods for the prevention of the accumulation of and injury from seepage waters in irrigated districts; to map the tobacco soils of the United States; to investigate the soils and conditions of growth in Cuba, Sumatra, and other competing countries; to investigate the methods of curing, with particular reference to fermentation; to originate, through selection and breeding, improved varieties of the principal tobacco districts of the United States, and to secure, as far as may be, a change in the methods of supplying tobacco to foreign countries; the location of the stations, and the rent of a building, not to exceed six hundred and sixty dollars per annum, for office and

Soil investigations.

laboratory purposes; the employment of local and special agents, clerks, assistants, and other labor required in conducting experiments in the city of Washington and elsewhere, and in collating, digesting, reporting, and illustrating the results of such experiments; the preparation of drawings and illustrations; for materials, tools, instruments, apparatus, gas and electric current, supplies, and for traveling expenses, freight and express charges, twenty-five thousand dollars, of which sum ten thousand dollars, or so much thereof as may be necessary, may be expended by the Secretary of Agriculture for the purpose of demonstrating the practical value of underdrainage and other methods of reclaiming alkali lands.

Division of Agrostology.

GRASS AND FORAGE-PLANT INVESTIGATION AND ANIMAL FOODS, DIVISION OF AGROSTOLOGY: To enable the Secretary of Agriculture to conduct investigations of grasses, forage plants, and animal foods; to employ local and special agents and assistants; to collect and purchase seeds, roots, and specimens of valuable economic grasses and forage plants for investigation, experimental cultivation, and distribution, and for experiments and reports upon the best methods of extirpating Johnson and other noxious and destructive grasses; to purchase tools, materials, apparatus, and supplies; to pay freight, express charges, and traveling expenses, and labor required in conducting experiments; to prepare drawings and illustrations for circulars, reports, and bulletins; and the agricultural experiment stations are hereby authorized and directed to cooperate with the Secretary of Agriculture in establishing and maintaining experimental grass stations; for determining the best methods of caring for and improving meadows and grazing lands, the use of different grasses and forage plants, and their adaptability to various soils and climates, the best native and foreign species for reclaiming overstocked ranges and pastures, for renovating worn-out lands, for binding drifting sands and washed lands, and for turfing lawns and pleasure grounds, and for solving the various forage problems presented in the several sections of our country, seventeen thousand dollars: *Provided*, That six thousand dollars of the amount hereby appropriated be used to purchase and collect seeds, roots, and specimens of valuable and economic grasses and forage plants, to be distributed to the various experiment stations in the several States and Territories, to be by them used, under the direction of the Secretary of Agriculture, to ascertain their adaptability to the various soils and climates of the United States: *And provided further*, That not more than six thousand dollars of the amount hereby appropriated shall be expended for salaries in the city of Washington, District of Columbia.

Proviso.
Specimen seeds,
grasses, etc.

Limit of salaries,
District of Columbia.

Agricultural Experiment Stations.
Vol. 24, p. 440.

Vol. 12, p. 508.

Forms.

Vol. 24, p. 441.

Alaska.

Annual statement.

AGRICULTURAL EXPERIMENT STATIONS: To carry into effect the provisions of an Act approved March second, eighteen hundred and eighty-seven, entitled "An Act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an Act approved July second, eighteen hundred and sixty-two, and of the Acts supplementary thereto," and to enforce the execution thereof, seven hundred and eighty thousand dollars; thirty-three thousand dollars of which sum shall be payable upon the order of the Secretary of Agriculture, to enable him to carry out the provisions of section three of said Act of March second, eighteen hundred and eighty-seven, and twelve thousand dollars of which sum may be expended by the Secretary of Agriculture to investigate and report to Congress upon the agricultural resources and capabilities of Alaska; and to establish and maintain agricultural experiment stations in said Territory, including the erection of buildings and all other expenses essential to the maintenance of such stations, of which sum five thousand dollars shall be immediately available; and the Secretary of Agriculture shall prescribe the form of the annual financial statement required by section three of said Act of March second, eighteen

hundred and eighty-seven; shall ascertain whether the expenditures under the appropriation hereby made are in accordance with the provisions of the said Act, and shall make report thereon to Congress; and the Secretary of Agriculture is hereby authorized to employ such assistants, clerks, and other persons as he may deem necessary, in the city of Washington and elsewhere, and to incur such other expenses for office fixtures and supplies, stationery, traveling, freight, and express charges, illustration of the Experiment Station Record, bulletins and reports, as he may find essential in carrying out the objects of the above Acts, and the sums apportioned to the several States shall be paid quarterly in advance.

Experiment Station
Record, etc.

And the Secretary of Agriculture is hereby authorized to furnish to such institutions or individuals as may care to buy them, copies of the card index of agricultural literature prepared by the Office of Experiment Stations, and charge for the same a price covering the additional expense involved in the preparation of these copies, and he is hereby authorized to apply the moneys received toward the expense of the preparation of the index.

Index of agricul-
tural literature.

And the Secretary of Agriculture is hereby authorized to expend ten thousand dollars of which sum to establish and maintain an agricultural station in the Hawaiian Islands, including the erection of buildings, the printing (in the Hawaiian Islands), illustration, and distribution of reports and bulletins, and all other expenses essential to the maintenance of said station, which sum shall be immediately available.

Hawaiian Islands
station.

And the Secretary of Agriculture is hereby authorized to expend five thousand dollars of which sum to investigate and report to Congress on the agricultural resources and capabilities of Porto Rico with special reference to the selection of locations for agricultural experiment stations, and the determination of the character and extent of agricultural experiments immediately demanded by the condition of agriculture in that island, and to prepare, print, publish, and distribute in Porto Rico circulars of inquiry and bulletins of information in the English and Spanish languages, which sum shall be immediately available; in all, seven hundred and eighty thousand dollars.

Investigation of re-
sources of Porto Rico,
etc.

THE ARLINGTON EXPERIMENTAL FARM: To enable the Secretary of Agriculture to commence the necessary improvements to establish and maintain a general experimental farm and agricultural station on the Arlington estate, in the State of Virginia, in accordance with the provisions of the Act of Congress approved April eighteenth, nineteen hundred, entitled "An Act to set apart a portion of the Arlington estate for experimental agricultural purposes, and to place said portion under the jurisdiction of the Secretary of Agriculture and his successors in office," the sum of ten thousand dollars, of which two thousand dollars shall be immediately available.

Arlington experi-
mental farm.
Expenses.

Ante, p. 134.

NUTRITION INVESTIGATIONS: To enable the Secretary of Agriculture to investigate and report upon the nutritive value of the various articles and commodities used for human food, with special suggestions of full, wholesome, and edible rations less wasteful and more economical than those in common use, seventeen thousand five hundred dollars; and the agricultural experiment stations are hereby authorized to cooperate with the Secretary of Agriculture in carrying out said investigations in such manner and to such extent as may be warranted by a due regard to the varying conditions and needs of the respective States and Territories, and as may be mutually agreed upon; and the Secretary of Agriculture is hereby authorized to require said stations to report to him the results of any such investigations which they may carry out, whether in cooperation with said Secretary of Agriculture or otherwise.

Nutrition investiga-
tions.

IRRIGATION INVESTIGATIONS: To enable the Secretary of Agriculture to investigate and report upon the laws and institutions relating to irrigation and upon the use of irrigation waters, with especial sugges-

Irrigation investiga-
tions.

tions of better methods for the utilization of irrigation waters in agriculture than those in common use, and for the preparation, printing, and illustration of reports and bulletins on irrigation; and the agricultural experiment stations are hereby authorized and directed to cooperate with the Secretary of Agriculture in carrying out said investigations in such manner and to such extent as may be warranted by a due regard to the varying conditions and needs of the respective States and Territories as may be mutually agreed upon; fifty thousand dollars.

Road-making in-
quiries.

PUBLIC ROAD INQUIRIES: To enable the Secretary of Agriculture to make inquiries in regard to the system of road management throughout the United States; to make investigations in regard to the best methods of road making, and the best kind of road-making materials in the several States; the employment of local and special agents, clerks, assistants, and other labor required in conducting experiments in the city of Washington and elsewhere and in collating, digesting, reporting, and illustrating the results of such experiments; for labor, traveling, and other necessary expenses, and for preparing and publishing bulletins and reports on this subject for distribution, and to enable him to assist the agricultural colleges and experiment stations in disseminating information on this subject, fourteen thousand dollars.

Division of Publica-
tions.

PUBLICATIONS, DEPARTMENT OF AGRICULTURE: For the preparation, printing, illustration, publication, indexing, and distribution of documents, bulletins, and reports, one hundred and five thousand dollars; of which sum fifty-seven thousand five hundred dollars shall be available for the preparation and printing of farmers' bulletins, which shall be adapted to the interest of the people of the different sections of the country, an equal proportion of four-fifths of which shall be delivered to, or sent out under the addressed franks furnished by, Senators, Representatives, and Delegates in Congress, as each Senator, Representative or Delegate shall direct: *Provided*, That the Secretary of Agriculture shall notify Senators and Representatives of the title and character of each such bulletin, and also of any other publication of the Department of Agriculture not sent to the folding rooms of the Senate and House, with the total number to which each Senator, Representative, and Delegate may be entitled for distribution; and on the face of the envelope inclosing said bulletins shall be printed the title of each bulletin contained therein: *Provided further*, That all such bulletins included in the quotas of Senators, Representatives, or Delegates not called for on or before the thirtieth day of June in each fiscal year shall revert to the Secretary of Agriculture, and be available to him, either for miscellaneous distribution or in making up Congressional quotas for the next fiscal year; for the pay of artists, draftsmen, and engravers, and of proof readers and indexers when necessary; for the purchase of manuscript for publication, and of tools, instruments, and artists' materials; for printing proofs, charts, and maps; for drawings, engravings, photographs, paintings, lithographs, other illustrations, and electrotypes, and for traveling expenses when necessary; for labor, paper, envelopes, gum, twine, and other necessary materials; for the employment of local and special agents, clerks, assistants, and other labor required, in the city of Washington and elsewhere, forty-seven thousand five hundred dollars; in all, one hundred and five thousand dollars.

Farmers' bulletins.

Provisos.
Notice to Senators,
etc., of Department
publications.

Disposition of publi-
cations uncalled for.

Division of seeds.
Purchase, distribu-
tion, etc.

PURCHASE AND DISTRIBUTION OF VALUABLE SEEDS: For the purchase, propagation, and distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants; the employment of local and special agents, clerks, assistants, and other labor required, in the city of Washington and elsewhere; transportation, paper, twine, gum, printing, postal cards, and all necessary material and repairs for putting up and distributing the same, and to be distributed in localities adapted to their culture, one hundred and seventy thousand dollars, of which amount

not more than twenty-eight thousand dollars shall be expended for labor in the city of Washington, District of Columbia, and not less than ninety thousand dollars shall be allotted for Congressional distribution.

And the Secretary of Agriculture is hereby directed to expend the said sum, as nearly as practicable, in the purchase and distribution of such valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants, the best he can obtain at public or private sale, and such as shall be suitable for the respective localities to which the same are to be apportioned, and in which same are to be distributed as hereinafter stated, and such seed so purchased shall include a variety of vegetable and flower seeds, suitable for planting and culture in the various sections of the United States. An equal proportion of two-thirds of all seeds, bulbs, trees, shrubs, vines, cuttings, and plants shall, upon their request, after due notification by the Secretary of Agriculture that the allotment to their respective districts is ready for distribution, be supplied to Senators, Representatives, and Delegates in Congress for distribution among their constituents, or mailed by the Department upon the receipt of their addressed franks; and the person receiving such seeds shall be requested to inform the Department of the results of the experiments therewith: *Provided*, That all seeds, bulbs, plants, and cuttings herein allotted to Senators, Representatives, and Delegates in Congress for distribution remaining uncalled for on the first of April shall be distributed by the Secretary of Agriculture, giving preference to those persons whose names and addresses have been furnished by Senators and Representatives in Congress, and who have not before, during the same season, been supplied by the Department: *And provided also*, That the Secretary shall report, as provided in this Act, the place, quantity, and price of seeds purchased, and the date of purchase; but nothing in this paragraph shall be construed to prevent the Secretary of Agriculture from sending seeds to those who apply for the same. And the amount herein appropriated shall not be diverted or used for any other purpose but for the purchase, propagation, and distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants: *Provided, however*, That upon each envelope or wrapper containing packages of seeds the contents thereof shall be plainly indicated, and the Secretary shall not distribute to any Senator, Representative, or Delegate seeds entirely unfit for the climate and locality he represents, but shall distribute the same so that each member may have seeds of equal value, as near as may be, and the best adapted to the locality he represents: *Provided also*, That the seeds allotted to Senators and Representatives for distribution in the districts embraced within the twenty-fifth and thirty-second parallels of latitude shall be ready for delivery on the tenth day of January, or at the earliest practicable time thereafter: *Provided further*, That twenty thousand dollars of the sum thus appropriated, or so much thereof as the Secretary of Agriculture shall direct, may be used to collect, purchase, test, propagate, and distribute rare and valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants, from foreign countries for experiments with reference to their introduction into this country; and the seeds, bulbs, trees, shrubs, vines, cuttings, and plants thus collected, purchased, tested, and propagated shall not be included in general distribution, but shall be used for experimental tests, to be carried on with the cooperation of the agricultural experimental stations.

INVESTIGATING PRODUCTION OF DOMESTIC SUGAR: For all expenses necessary to enable the Secretary of Agriculture to continue inquiry and ascertain the progress made in the production of domestic sugar from beets and sorghum, including the area of available lands adapted thereto by irrigation or otherwise, and to investigate all other matters concerning the same, seven thousand dollars.

Seeds adapted to locality, etc.

Congressional allotment.

Provisos.
—uncalled for; disposition.

Report of purchases.

No diversion of appropriations.

Indication of contents of wrappers.
Seeds adapted to locality.

Early delivery to southern section.

Purchase of foreign seeds, etc., for experimental tests.

Beet, etc., sugar production.

Tea culture.

TEA CULTURE: For all expenses necessary to enable the Secretary of Agriculture to investigate and report on the cost of making tea and the best method of cultivating and preparing the same for market, so as to demonstrate whether it is practicable to introduce its culture in the Southern States as a profitable industry, five thousand dollars, of which amount two thousand five hundred dollars shall be immediately available.

Bureau of Animal Industry.
Vol. 23, p. 31.

Vol. 26, p. 414.

Vol. 26, p. 1089.

Inspection of cattle.

Provisos.
Live horses.

Waiver of certificate with beef, etc.

Preventing diseases among animals.

Purchase, etc., of diseased animals.

Bethesda, Md., station.

Foreign markets for farm products, etc.

Laboratory.

Leaves of absence outside employees.

SALARIES AND EXPENSES, BUREAU OF ANIMAL INDUSTRY: For carrying out the provisions of an Act of May twenty-ninth, eighteen hundred and eighty-four, establishing the Bureau of Animal Industry, and the Act of August thirtieth, eighteen hundred and ninety, providing for an inspection of meats and animals, and also the provisions of the Act of March third, eighteen hundred and ninety-one, providing for the inspection of live cattle, hogs, and the carcasses and products thereof which are the subjects of interstate and foreign commerce, and for other purposes: *Provided*, That live horses and the products and carcasses thereof be entitled to the same inspection as other animals, carcasses, and products thereof herein named: *Provided further*, That the Secretary of Agriculture may in his discretion waive the requirement of a certificate with beef and other products, which are exported to countries that do not require such inspection, one million dollars; and the Secretary of Agriculture is hereby authorized to use any part of this sum he may deem necessary or expedient, in such manner as he may think best, in the collection of information concerning live stock, dairy, and other animal products, and to prevent the spread of pleuropneumonia, blackleg, tuberculosis, sheep scab, glanders or farcy, hog cholera, and other diseases of animals, and for this purpose to employ as many persons as he may deem necessary, and to expend any part of this sum in the purchase and destruction of diseased or exposed animals and the quarantine of the same whenever in his judgment it is essential to prevent the spread of pleuropneumonia, tuberculosis, or other diseases of animals from one State to another, for improving and maintaining the Bureau Experiment Station, at Bethesda, Maryland; for printing and publishing such reports relating to animal industry as he may direct; and the Secretary of Agriculture may use so much of this sum as he deems necessary for promoting the extension and development of foreign markets for dairy and other farm products of the United States, and for suitable transportation of the same; and such products may be bought in open market and disposed of at the discretion of the Secretary of Agriculture, and he is authorized to apply the moneys received from the sales of such products toward the continuation and repetition of such experimental exports; and the Secretary is hereby authorized to rent a suitable building in the District of Columbia, at an annual rental not exceeding one thousand eight hundred dollars, to be used as a laboratory for said Bureau of Animal Industry, and the employees of the Bureau of Animal Industry outside of the city of Washington may hereafter, in the discretion of the Secretary of Agriculture, be granted leaves of absence not to exceed fifteen days in any one year.

Total miscellaneous, Department of Agriculture.

Weather Bureau.

WEATHER BUREAU.

Pay of chief, professors, clerks, etc.

SALARIES OF THE WEATHER BUREAU: Office of Chief of Weather Bureau: One Chief of Bureau, five thousand dollars; two professors of meteorology, at three thousand dollars each, for service in the city of Washington or elsewhere, as the exigencies of the Bureau may demand, six thousand dollars; three professors of meteorology, at two thousand five hundred dollars each, for service in the city of Washington or elsewhere, as the exigencies of the Bureau may demand, seven thousand

five hundred dollars; three forecast officials, at two thousand dollars each, for service in the city of Washington or elsewhere, as the exigencies of the Bureau may demand, six thousand dollars; one chief clerk, two thousand two hundred and fifty dollars; three chiefs of divisions, at two thousand dollars each, six thousand dollars; three clerks of class four, five thousand four hundred dollars; one chief of Division of Supplies, one thousand eight hundred dollars; five clerks of class three, eight thousand dollars; seventeen clerks of class two, twenty-three thousand eight hundred dollars; twenty-five clerks of class one, thirty thousand dollars; fourteen clerks, at one thousand dollars each, fourteen thousand dollars; one telegraph operator, in the city of Washington or elsewhere, as the exigencies of the Bureau may demand, one thousand dollars; five clerks, at nine hundred dollars each, four thousand five hundred dollars; four copyists or typewriters, at eight hundred and forty dollars each, three thousand three hundred and sixty dollars; two copyists or typewriters, at seven hundred and twenty dollars each, one thousand four hundred and forty dollars; one chief mechanic, one thousand four hundred dollars; one captain of the watch, one thousand dollars; one engineer, one thousand dollars; one battery man, eight hundred and forty dollars; four skilled artisans, at eight hundred and forty dollars each, three thousand three hundred and sixty dollars; two skilled mechanics, at one thousand dollars each, two thousand dollars; three messengers, at seven hundred and twenty dollars each, two thousand one hundred and sixty dollars; two firemen, at seven hundred and twenty dollars each, one thousand four hundred and forty dollars; three watchmen, at seven hundred and twenty dollars each, two thousand one hundred and sixty dollars; one carpenter, eight hundred and forty dollars; five laborers, at six hundred and sixty dollars each, three thousand three hundred dollars; eight messengers or laborers, at six hundred dollars each, four thousand eight hundred dollars; five messengers or laborers, at four hundred and fifty dollars each, two thousand two hundred and fifty dollars; three charwomen, at two hundred and forty dollars each, seven hundred and twenty dollars; in all, one hundred and fifty-three thousand three hundred and twenty dollars.

FUEL, LIGHTS, AND REPAIRS, WEATHER BUREAU: For fuel, lights, repairs, pay of firemen, watchmen, messengers, and other labor, and other expenses for the care and preservation of the public buildings and grounds of the Weather Bureau, nine thousand dollars.

Fuel, lights, and repairs.

CONTINGENT EXPENSES, WEATHER BUREAU: For stationery, blank books, necessary scientific and other publications; furniture, and repairs to same; freight, express charges; subsistence, care, and purchase of horses, for official purposes only; repairs of harness; advertising, dry goods, twine, mats, oils, paints, glass, lumber, hardware, ice, washing towels, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Weather Bureau, eight thousand dollars.

Contingent expenses.

GENERAL EXPENSES, WEATHER BUREAU: General expenses of the Weather Bureau, under the direction of the Secretary of Agriculture, for the benefit of agriculture, commerce, navigation, and other interests, as provided by law, namely:

General expenses.

Salary of one inspector, not to exceed two thousand dollars. Thirty local forecast officials, section directors, observers, operators, repair men, messengers, boy messengers, laborers, and other necessary employees, outside of the city of Washington, who, without additional expense to the Government, may hereafter, in the discretion of the Secretary of Agriculture, be granted such leaves of absence as are now authorized to employees in the office of the Chief of the Weather Bureau, not to exceed thirty days in any one year, three hundred and eighty-eight thousand five hundred dollars.

—inspectors, observers, etc.

Itemized expenses. All other expenses, itemized as follows: Maps, bulletins, stationery, and scientific and other publications for stations; and the maintenance of a printing office in the District of Columbia for printing the necessary circulars, weather maps, bulletins, and monthly weather reviews (including the hire of printers, lithographers, and other necessary working force); for traveling expenses; for freight and express charges; for instruments and shelters therefor; for telegraphing or telephoning reports and messages, the rates to be fixed by the Secretary of Agriculture, by agreement with the companies performing the services; for rents and other incidental expenses of offices maintained as stations of observation; for maintenance and repair of seacoast telegraph lines; for river observations and reports; for storm and other signals; for cotton-region observations and reports; for corn and wheat observations and reports; for aerial observations and reports; for supplies for climate and crop services, and for investigations on climatology, including assistance and all necessary expenses, four hundred and thirty-nine thousand five hundred dollars.

West Indies stations. For maintaining the Weather Bureau stations already established by the Secretary of Agriculture, or to be established by the Secretary of Agriculture, in the West Indies or on adjacent coasts, and for establishing and equipping meteorological stations in the Hawaiian Islands; for taking daily observations of meteorological phenomena; for collecting reports thereof by cable and otherwise; for disseminating information based thereon of the approach of tropical hurricanes and other storms, and for collecting and publishing such climatological data as may be of public benefit, including salaries of one professor of meteorology, at not exceeding three thousand dollars; one forecast official, at not exceeding two thousand dollars; section directors, observers, and other necessary employees (all for duty at the places named in this Act or at such points in the United States as the exigencies of the weather service may require); rents of offices; stationery, furniture, and instrumental supplies; traveling expenses; freight and express charges; cablegrams and telegrams, and all other necessary expenses, sixty thousand dollars.

Destruction of old telegrams authorized. That hereafter all telegrams pertaining to the business of the Weather Bureau may be destroyed after they are three years old, and the accounts based thereon have been settled by the Treasury Department; and the present accumulation of these old telegrams may be destroyed.

Settlement of accounts for disbursements from former appropriations, etc. The accounting officers are hereby directed to settle all accounts for disbursements from former appropriations for the Department of Agriculture on account of salaries and services according to the terms and conditions of this Act, except that no increase of compensation herein provided shall be allowed for the current and prior fiscal years.

Approved, May 25, 1900.

May 25, 1900.

CHAP. 556.—An Act Providing for the transfer to Post Thirty-nine, Grand Army of the Republic, at Lawrence, Massachusetts, of certain guns now in possession of Battery C, Massachusetts Volunteer Militia.

Transfer to Post 39, G. A. R., Lawrence, Mass., of certain guns authorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War is hereby authorized, under such conditions as he may see fit, to transfer to Post Thirty-nine, Grand Army of the Republic, at Lawrence, Massachusetts, four three-inch muzzle-loading field guns with carriages and limbers, now in possession of Battery C, Massachusetts Volunteer Militia.

Approved, May 25, 1900.

CHAP. 586.—An Act Making appropriation for the support of the Regular and Volunteer Army for the fiscal year ending June thirtieth, nineteen hundred and one.

May 26, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the Army for the year ending June thirtieth, nineteen hundred and one:

Army appropriations.

COMMANDING GENERAL'S OFFICE.

To defray the contingent expenses of the Commanding General's Office, in his discretion, one thousand seven hundred and fifty dollars.

Commanding General's Office.

CONTINGENCIES OF THE ARMY: For all contingent expenses of the Army not provided for by other estimates, and embracing all branches of the military service, to be expended under the immediate orders of the Secretary of War, two hundred thousand dollars.

Contingent expenses.

ADJUTANT-GENERAL'S DEPARTMENT.

For contingent expenses at the headquarters of the several military departments including the staff corps serving thereat, except the department judge-advocates, being for the purchase of the necessary articles of office, toilet, and desk furniture, binding, maps, books of reference, professional newspapers and periodicals, and police utensils, six thousand dollars, to be allotted by the Secretary of War, and to be expended in the discretion of the several military department commanders.

Adjutant-General's Department.

For contingent expenses of the military-information division, Adjutant-General's Office, including the purchase of law books, books of reference, periodicals and newspapers, and of the military attachés at the United States embassies and legations abroad, to be expended under the direction of the Secretary of War, six thousand six hundred and forty dollars.

Military-information division.

UNITED STATES SERVICE SCHOOLS: To provide means for the theoretical and practical instruction at the artillery school at Fort Monroe, Virginia; the infantry and cavalry school at Fort Leavenworth, Kansas, and the cavalry and light-artillery school at Fort Riley, Kansas, by the purchase of text-books, books of reference, scientific and professional papers, and for all other absolutely necessary expenses, to be allotted in such proportions as may, in the opinion of the Secretary of War, be for the best interest of the military service, eight thousand five hundred dollars.

United States service schools.

INSPECTOR-GENERAL'S DEPARTMENT.

CONTINGENCIES, INSPECTOR-GENERAL'S DEPARTMENT: For contingent expenses of the Inspector-General's Department at the offices of the several department inspectors-general, being for the purchase of the necessary articles of office, toilet, and desk furniture, binding, maps, books of reference, and police utensils, one thousand dollars.

Inspector-General's Department.

OFFICE OF THE CHIEF SIGNAL OFFICER.

SIGNAL SERVICE OF THE ARMY: For expenses of the Signal Service of the Army, as follows: Purchase, equipment, and repair of field electric telegraphs, signal equipments and stores, binocular glasses, telescopes, heliostats, and other necessary instruments, including necessary meteorological instruments for use on target ranges; war balloons; telephone apparatus (exclusive of exchange service) and maintenance of the same; electrical installations and maintenance at military posts; maintenance and repair of military telegraph lines and cables, including salaries of civilian employees, supplies, and general repairs,

Signal Service.

and other expenses connected with the duty of collecting and transmitting information for the Army, by telegraph or otherwise, ninety-seven thousand dollars.

Military telegraph
and cable lines,
Alaska.

Proviso.
—public business.

—foreign cables, etc.,
excluded.

For the purpose of connecting headquarters, Department of Alaska, at Saint Michael, by military telegraph and cable lines with other military stations in Alaska; four hundred and fifty thousand five hundred and fifty dollars: *Provided*, That commercial business may be done over these military lines under such conditions as may be deemed, by the Secretary of War, equitable and in the public interests, all receipts from such commercial business shall be accounted for and paid into the Treasury of the United States, and that the sum hereby appropriated shall be immediately available: *Provided further*, That no telegraph or cable lines owned or operated or controlled by persons not citizens of the United States, or by any foreign corporation or government, shall be established in or permitted to enter Alaska.

Pay.

PAY OF OFFICERS OF THE LINE.

Line.

For pay of officers of the line, five million seven hundred thousand dollars.

Longevity.

For pay of officers for length of service, to be paid with their current monthly pay, one million one hundred and twenty-nine thousand three hundred dollars.

PAY OF ENLISTED MEN.

Enlisted men.

For pay of enlisted men of all grades, including recruits, fifteen million one hundred and forty-five thousand eight hundred and forty-six dollars.

Longevity.

For additional pay for length of service, eight hundred and seventy-five thousand dollars.

Allotments of pay,
enlisted men.
Vol. 30, p. 981.

Credit to disbursing
officers.

Proviso.
—officer to use due
diligence, etc.

—where officer is re-
sponsible.

That all allotments of pay of enlisted men of the United States Army, under section sixteen of Act of Congress approved March second, eighteen hundred and ninety-nine, that have been or shall be paid to the designated allottees after the expiration of one month subsequent to the month in which said allotments accrued shall pass to the credit of the disbursing officer who has made or shall make such payment: *Provided*, That said disbursing officer shall, before making payment of said allotments, use, or shall have used, due diligence in obtaining and making use of all information that may have been received in the War Department relative to the grantors of the allotments: *And provided further*, That if an erroneous payment is made because of the failure of an officer responsible for such report to report, in the manner prescribed by the Secretary of War, the death of a grantor or any fact which renders the allotment not payable, then the amount of such erroneous payment shall be collected by the Paymaster-General from the officer who fails to make such report, if such collection is practicable.

ENGINEER BATTALION.

Engineer battalion.

One hundred and fifty thousand and twenty-four dollars.

Longevity.

Additional for length of service, thirty thousand and four dollars and eighty cents.

ORDNANCE DEPARTMENT.

Ordnance Depart-
ment.

One hundred and seventy-one thousand one hundred and twenty dollars.

Longevity

Additional pay for length of service, thirty-four thousand two hundred and twenty-four dollars.

NONCOMMISSIONED STAFF (UNATTACHED TO REGIMENTS).

One hundred and fourteen thousand two hundred and forty dollars. Noncommissioned staff.
 Additional pay for length of service, twenty-two thousand eight hundred and forty-eight dollars.

SIGNAL CORPS.

Two hundred and twenty-one thousand four hundred dollars. Signal Corps.
 Additional pay for length of service, twenty-two thousand one hundred and forty dollars.

HOSPITAL CORPS.

Nine hundred and seventy thousand eight hundred dollars. Hospital Corps.
 Additional pay for length of service, forty-eight thousand five hundred and forty dollars.

PAY TO CLERKS AND MESSENGERS AT DEPARTMENT HEADQUARTERS AND AT HEADQUARTERS OF THE ARMY.

Three clerks, at one thousand eight hundred dollars each per annum, five thousand four hundred dollars; Clerks and messengers at headquarters.

Six clerks, at one thousand six hundred dollars each per annum, nine thousand six hundred dollars;

Twenty-one clerks, at one thousand four hundred dollars each per annum, twenty-nine thousand four hundred dollars;

Sixty clerks, at one thousand two hundred dollars each per annum, seventy-two thousand dollars;

One hundred clerks, at one thousand dollars each per annum, one hundred thousand dollars;

Sixty-eight messengers, at seven hundred and twenty dollars each per annum, forty-eight thousand nine hundred and sixty dollars;

In all, two hundred and sixty-five thousand three hundred and sixty dollars.

And said clerks and messengers shall be employed and assigned by the Secretary of War to the offices and positions in which they are to serve.

FOR PAY OF THE GENERAL STAFF.

General staff.

ADJUTANT-GENERAL'S DEPARTMENT: For pay of officers in the Adjutant-General's Department, seventy-seven thousand five hundred dollars. Adjutant-General's Department.

For additional pay to such officers for length of service, to be paid with their current monthly pay, sixteen thousand and fifty dollars. Longevity.

In all, ninety-three thousand five hundred and fifty dollars.

INSPECTOR-GENERAL'S DEPARTMENT: For pay of officers in the Inspector-General's Department, fifty-six thousand five hundred dollars. Inspector-General's Department.

For additional pay to such officers for length of service, to be paid with their current monthly pay, nine thousand seven hundred and fifty dollars. Longevity.

In all, sixty-six thousand two hundred and fifty dollars.

THE CORPS OF ENGINEERS: For pay of officers in the Corps of Engineers, two hundred and seventy-eight thousand four hundred dollars. Corps of Engineers.

For additional pay to such officers for length of service, to be paid with their current monthly pay, eighty-three thousand five hundred and twenty dollars. Longevity.

In all, three hundred and sixty-one thousand nine hundred and twenty dollars.

Ordnance Department.

ORDNANCE DEPARTMENT: For pay of officers in the Ordnance Department, one hundred and fifty-three thousand four hundred dollars.

For additional pay to such officers for length of service, to be paid with their current monthly pay, forty-six thousand and twenty dollars.

In all, one hundred and ninety-nine thousand four hundred and twenty dollars.

Quartermaster's Department.

QUARTERMASTER'S DEPARTMENT: For pay of officers in the Quartermaster's Department, two hundred and ninety-five thousand dollars.

For additional pay to such officers for length of service, to be paid with their current monthly pay, forty-two thousand dollars.

In all, three hundred and thirty-seven thousand dollars.

Subsistence Department.

SUBSISTENCE DEPARTMENT: For pay of officers in the Subsistence Department, one hundred and twenty-six thousand five hundred dollars.

For additional pay to such officers for length of service, to be paid with their current monthly pay, twenty-six thousand two hundred and fifty dollars.

In all, one hundred and fifty-two thousand seven hundred and fifty dollars.

Medical Department.

MEDICAL DEPARTMENT: For pay of officers in the Medical Department, four hundred and ninety-six thousand five hundred dollars.

For additional pay to such officers for length of service, to be paid with their current monthly pay, one hundred and twenty-three thousand four hundred and fifty dollars.

In all, six hundred and nineteen thousand nine hundred and fifty dollars.

Pay Department.

PAY DEPARTMENT: For pay of officers in the Pay Department, one hundred and forty-six thousand five hundred dollars.

For additional pay to such officers for length of service, to be paid with their current monthly pay, twenty-one thousand four hundred and fifty dollars.

In all, one hundred and sixty-seven thousand nine hundred and fifty dollars.

Judge-Advocate-General's Department.

JUDGE-ADVOCATE-GENERAL'S DEPARTMENT: For pay of officers in the Judge-Advocate-General's Department, forty-one thousand five hundred dollars.

For additional pay to such officers for length of service, to be paid with their current monthly pay, eight thousand seven hundred dollars.

In all, fifty thousand two hundred dollars.

Signal Corps.

SIGNAL CORPS: For pay of the officers of the Signal Corps, eighty-three thousand six hundred dollars.

Longevity.

For additional pay to such officers for length of service, to be paid with their current monthly pay, eighteen thousand three hundred and ten dollars: *Provided*, That hereafter the regimental sergeant-majors and regimental quartermaster-sergeants of artillery and infantry shall have the same pay and allowances as the regimental sergeant-majors and regimental quartermaster-sergeants of cavalry.

In all, one hundred and one thousand nine hundred and ten dollars.

Record and Pension Office.

RECORD AND PENSION OFFICE: For pay of officers of the Record and Pension Office, eight thousand dollars.

Retired list.

RETIRED OFFICERS.

Officers.

For pay of officers on the retired list and for officers who may be placed thereon during the current year, one million two hundred and seventy-three thousand dollars.

Longevity.

For additional pay to such officers for length of service, to be paid with their current monthly pay, three hundred and ninety-one thousand dollars.

In all, one million six hundred and sixty-four thousand dollars.

RETIRED ENLISTED MEN.

Enlisted men.

For pay of the enlisted men of the Army on the retired list, six hundred thousand dollars: *Provided*, That hereafter, in computing length of service for retirement, credit shall be given the soldier for double the time of his actual service in Porto Rico, Cuba, or in the Philippine Islands.

Proviso.
Credit for service in
Porto Rico, etc.

MISCELLANEOUS.

For pay of not exceeding one hundred hospital matrons, twelve thousand dollars.

Hospital matrons.

For reimbursement of the traveling expenses, per diem, meals, lodgings, and sleeping-car fares of two hundred and eighteen contract nurses, whose names were forwarded by the Quartermaster-General to the Auditor for the War Department for adjudication and settlement on or about February twenty-seventh, eighteen hundred and ninety-nine, four thousand two hundred and one dollars.

Contract nurses.

For hire of clerks, purchase of stationery, furniture, and for contingent expenses incident to the establishment of the Army War College, having for its object the direction and coordination of the instruction in the various service schools, extension of the opportunities for investigation and study in the Army and militia of the United States, and the collection and dissemination of military information, twenty thousand dollars.

Army War College
expenses.

For pay of ten senior veterinary surgeons, fifteen thousand dollars.

Senior veterinary
surgeons.

For pay of ten junior veterinary surgeons, nine thousand dollars: *Provided*, That junior veterinary surgeons shall be allowed and paid monthly the sum of three dollars and seventy-one cents during the entire period of their service in lieu of the clothing allowance of a sergeant-major.

Junior.
Proviso.
—allowance to.

For pay of ninety paymasters' clerks, one hundred and thirty-three thousand dollars: *Provided*, That hereafter the pay of Army paymasters' clerks who have served as such over fifteen years shall be one thousand eight hundred dollars per annum; the pay of Army paymasters' clerks who have served as such over ten years shall be one thousand six hundred dollars each per annum; the pay of Army paymasters' clerks who have served as such over five years shall be one thousand five hundred dollars each per annum; the pay of other Army paymasters' clerks shall be one thousand four hundred dollars each per annum.

Paymasters' clerks.

Proviso.
—pay of.

For pay of paymasters' messengers, ten thousand dollars.

Paymasters' mes-
sengers.

For traveling expenses of paymasters' clerks and expert accountant of the Inspector-General's Department, thirty-five thousand dollars.

Travel expenses pay-
masters' clerks, etc.

In all, two hundred and seven thousand dollars.

For expenses of courts-martial, courts of inquiry, and compensation of reporters and witnesses attending the same, twenty-five thousand dollars.

Courts-martial, etc.,
expenses.

For additional pay to officer in charge of public buildings and grounds at Washington, District of Columbia, one thousand dollars.

Additional pay, offi-
cer in charge of public
buildings, D. C.

For commutation of quarters to commissioned officers on duty, without troops, at stations where there are no public quarters, five hundred thousand dollars.

Commutation of
quarters, etc.

For travel allowance to enlisted men on discharge, four million eight hundred thousand dollars.

Travel allowance
enlisted men on dis-
charge.

For clothing not drawn due to enlisted men on discharge, one million dollars.

Undrawn clothing

For interest on deposits of enlisted men, including soldiers' deposits to be repaid, two million two hundred and seventy-five thousand dollars.

Interest on deposits
enlisted men.

Military information, clerk.

For pay of a clerk attendant on the collection and classification of military information, one thousand five hundred dollars.

Expert accountant.

For pay of expert accountant for the Inspector-General's Department, two thousand five hundred dollars.

Mileage to officers.
Provisos.
—limit.

For mileage to officers and contract surgeons, when authorized by law, five hundred thousand dollars: *Provided*, That officers so traveling shall be paid seven cents per mile and no more; distances to be computed and mileage to be paid over the shortest usually traveled routes, with deduction as hereinafter provided; and payment and

Settlement of mileage accounts.

settlement of mileage accounts of officers shall be made according to distances computed over routes established and by mileage tables prepared by the Paymaster-General of the Army under the direction of the Secretary of War; and all payments made by paymasters on account of mileage previous to the passage of this Act shall be settled in accordance with distance tables officially promulgated and in use at date of payment: *Provided further*, That officers who so desire may, upon application to the Quartermaster's Department, be furnished with transportation requests, exclusive of sleeping and parlor car accommodations, for the entire journey under their orders; and the transportation so furnished shall be a charge against the officer's mileage account, to be deducted at the rate of three cents per mile by the paymaster paying the account, the amount so deducted to be turned over to an authorized officer of the Quartermaster's Department for the credit of the appropriation for transportation of the Army and its supplies: *And provided further*, That when the established route of travel shall, in whole or in part, be over the line of any railroad on which the troops and supplies of the United States are entitled to be transported free of charge, or over any of the bond-aided Pacific railroads, or over the railroad of any railroad company which by law or agreement is entitled to receive only fifty per centum of the compensation earned by such company for transportation services rendered the United States, officers traveling as herein provided for shall, for the travel over such roads, be furnished with transportation requests, exclusive of sleeping and parlor car accommodations, by the Quartermaster's Department: *And provided further*, That when transportation is furnished by the Quartermaster's Department, or when the established route of travel is over any of the railroads above specified, there shall be deducted from the officer's mileage account by the paymaster paying the same three cents per mile for the distance for which transportation has been or should have been furnished: *And provided further*, That actual expenses only shall be paid to officers for sea travel when traveling, as herein provided for, to, from, or between our island possessions: *Provided also*, That hereafter when an officer shall be discharged from the service, except by way of punishment for an offense, he shall receive for travel allowances from the place of his discharge to the place of his residence at the time of his appointment or to the place of his original muster into the service, four cents per mile; and an enlisted man when discharged from the service, except by way of punishment for an offense, shall receive four cents per mile from the place of his discharge to the place of his enlistment, enrollment, or original muster into the service: *Provided further*, That for sea travel on discharge, to, from, or between our island possessions, actual expenses only shall be paid to officers and transportation and subsistence only shall be furnished to enlisted men.

Transportation requests.

Travel on bond-aided, etc., railroads, etc.

Fifty per centum railroads.

Deduction.

Actual expenses to island possessions.

Travel allowance on discharge.

Sea travel on discharge to island possessions, etc.

Civilian physicians.

For traveling expenses and commutation of quarters for civilian physicians employed by the Surgeon-General, one thousand five hundred dollars.

Contract surgeons.

Proviso.
Hospital stewards.

For contract surgeons, not exceeding four hundred and eighty in all, seven hundred and twenty thousand dollars: *Provided*, That the Secretary of War is empowered to appoint as many hospital stewards as in

his judgment the service may require, not to exceed an additional one hundred, but no more than one hospital steward shall be stationed at one post or station without special authority from the Secretary of War.

For additional twenty per centum increase on pay of enlisted men, four million five hundred and twenty-four thousand seven hundred and fifteen dollars: *Provided*, That hereafter the pay proper of all officers and enlisted men serving in Porto Rico, Cuba, the Philippine Islands, Hawaii, and in the Territory of Alaska, shall be increased ten per centum for officers and twenty per centum for enlisted men over and above the rates of pay proper as fixed by law in time of peace: *Provided further*, That enlisted men receiving or entitled to the twenty per centum increased pay herein authorized shall not be entitled to or receive any additional increased compensation for what is known as extra or special duty.

For additional pay for increased rank when in command by competent authority, fifty thousand dollars: *Provided*, That no part of this sum shall be used for pay of officers assigned to higher command than their rank in the Army, unless such service shall be continuous for a period of not less than three months.

All the money hereinbefore appropriated, except the appropriation for mileage to officers when authorized by law, shall be disbursed and accounted for by the Pay Department as pay of the Army, Regular and Volunteer, and for that purpose shall constitute one fund.

SUBSISTENCE DEPARTMENT.

SUBSISTENCE OF THE ARMY: Purchase of subsistence supplies: For issue, as rations to troops, civil employees when entitled thereto, hospital matrons and nurses, general prisoners of war (including Indians held by the Army as prisoners, but for whose subsistence appropriation is not otherwise made); for sales to officers and enlisted men of the Army; for authorized issues of candles; of toilet articles, barbers' laundry, and tailors' materials, for use of general prisoners confined at military posts without pay or allowances, and recruits at recruiting stations; of matches for lighting public fires and lights at posts and stations and in the field; of flour used for paste in target practice; of salt and vinegar for public animals; of issues to Indians employed with the Army, without pay, as guides and scouts. For payments: For meals for recruiting parties and recruits; for hot coffee, canned beef, and baked beans for troops traveling, when it is impracticable to cook their rations; for scales, weights, measures, utensils, tools, stationery, blank books and forms, printing, advertising, commercial newspapers, use of telephones, office furniture; for temporary buildings, cellars, and other means of protecting subsistence supplies (when not provided by the Quartermaster's Department); for commissary chests, complete, and for renewal of their outfits; for field desks of commissaries; for extra pay to enlisted men employed on extra duty in the Subsistence Department for periods of not less than ten days, at rates fixed by law; for compensation of civilians employed in the Subsistence Department, and for other necessary expenses incident to the purchase, care, preservation, issue, sale, and accounting for subsistence supplies for the Army. For the payment of the regulation allowances for commutation in lieu of rations: To enlisted men on furlough, to ordnance sergeants on duty at ungarrisoned posts, to enlisted men stationed at places where rations in kind can not be economically issued to enlisted men traveling on detached duty when it is impracticable to carry rations of any kind, to enlisted men selected to contest for places or prizes in department and army rifle competitions while traveling to and from places of contest; to be expended under the direction of the Secretary of War, nine million five hundred thousand dollars.

Twenty per cent increase, enlisted men.

Provisos.
Increase for service in Porto Rico, etc.

No extra-duty pay.

Additional pay, increased rank.
Proviso.
—continuous service.

Accounting.

Subsistence Department.

Supplies.
Purchases.

Payments.

Extra-duty pay.

Civilian employees.

Commutation of rations.

Amount.

Transport service. Expenses.	Subsistence of the masters, officers, crews, and employees of the vessels of the army transport service, two hundred and nineteen thousand four hundred and ninety-two dollars and seventy-five cents.
Increased cost of rations, enlisted men in hospitals.	Difference between the cost of the ration at twenty-five cents per day and the amount of forty cents per day to be expended by commissaries on request of medical officers for special diet to enlisted patients in hospital who are too sick to be subsisted on the army ration, six hundred and fifty-seven thousand dollars.
Convalescents.	Difference between the cost of the ration at twenty-five cents and the cost of rations differing in whole or in part from the ordinary ration, to be issued to enlisted men in camp during periods of recovery from low conditions of health consequent upon service in unhealthy regions or in debilitating climates, to be expended only under special authority of the Secretary of War, one hundred and eighty thousand dollars.
Amount.	Total for the Subsistence Department, ten million five hundred and fifty-six thousand four hundred and ninety-two dollars and seventy-five cents, to be disbursed and accounted for as "Subsistence of the Army," and for that purpose it shall constitute one fund.

Quartermaster's Department.

QUARTERMASTER'S DEPARTMENT.

Regular supplies.	REGULAR SUPPLIES: Regular supplies of the Quartermaster's Department, including their care and protection, consisting of stoves and heating apparatus required for heating offices, hospitals, barracks, and quarters, and recruiting stations; also ranges and stoves, and appliances for cooking and serving food, and repair and maintenance of such heating and cooking appliances; of fuel and lights for enlisted men, including recruits, guards, hospitals, storehouses, and offices; and for sale to officers; and including also fuel and engine supplies required in the operation of modern batteries at established posts; for post bakeries; for the necessary furniture, text-books, paper, and equipment for the post schools and libraries; for the tableware and mess furniture for kitchens and mess halls, each and all for the enlisted men, including recruits; of forage in kind for the horses, mules, and oxen of the Quartermaster's Department at the several posts and stations and with the armies in the field, and for the horses of the several regiments of cavalry, the batteries of artillery, and such companies of infantry and scouts as may be mounted, and for the authorized number of officers' horses, including bedding for the animals; of straw for soldiers' bedding, and of stationery, including blank books for the Quartermaster's Department, certificates for discharged soldiers, blank forms for the Pay and Quartermaster's Departments, and for printing department orders and reports, eight million two hundred and sixty-four thousand dollars.
Forage, etc.	
Amount.	
Incidental expenses.	INCIDENTAL EXPENSES: Postage; cost of telegrams on official business received and sent by officers of the Army; extra pay to soldiers employed on extra duty, under the direction of the Quartermaster's Department, in the erection of barracks, quarters, and storehouses, in the construction of roads, and other constant labor for periods of not less than ten days, and as clerks for post quartermasters at military posts, and for prison overseers at posts designated by the War Department for the confinement of general prisoners; for expenses of expresses to and from frontier posts and armies in the field, of escorts to paymasters and other disbursing officers and to trains where military escorts can not be furnished; expenses of the interment of officers killed in action or who die when on duty in the field, or at military posts or on the frontiers, or when traveling under orders, and of non-commissioned officers and soldiers; and that in all cases where they would have been lawful claims against the Government reimbursement

may be made of expenses heretofore or hereafter incurred by individuals of burial and transportation of remains of officers, including acting assistant surgeons, not to exceed what is now allowed in the cases of officers, and for the reimbursement in the cases of enlisted men of what is now allowed in their cases may be paid out of the proper funds appropriated by this Act, and that the disbursing officers shall be credited with such reimbursement heretofore made; authorized office furniture; hire of laborers in the Quartermaster's Department, including the hire of interpreters, spies, or guides for the Army; compensation of clerks and other employees to the officers of the Quartermaster's Department, and incidental expenses of recruiting; for the apprehension, securing, and delivering of deserters and the expenses incident to their pursuit; and no greater sum than fifty dollars for each deserter shall, in the discretion of the Secretary of War, be paid to any civil officer or citizen for such services and expenses; for a donation of five dollars to each dishonorably discharged prisoner upon his release from confinement under court-martial sentence involving dishonorable discharge; for the following expenditures required for the several regiments of cavalry, the batteries of light artillery, and such companies of infantry and scouts as may be mounted, the authorized number of officers' horses, and for the trains, to wit: hire of veterinary surgeons, purchase of medicines for horses and mules, picket ropes, blacksmiths' tools and materials, horseshoes and blacksmiths' tools for the cavalry service, and for the shoeing of horses and mules, and such additional expenditures as are necessary and authorized by law in the movements and operations of the Army and at military posts, and not expressly assigned to any other department, two million four hundred thousand dollars. To enable the Secretary of War, in his discretion, to cause to be transported to their homes the remains of civilian employees of the Army, who have died, or may hereafter die, while in the employ of the War Department in Cuba, Puerto Rico, Hawaii, and the Philippines, including the remains of any honorably discharged soldiers who are entitled under the terms of their discharge to return transportation on Government transport and who die while on said transport, the sum of one hundred thousand dollars, which is hereby appropriated and made immediately available for the above purpose as long as may be required.

HORSES FOR CAVALRY AND ARTILLERY: For the purchase of horses for the cavalry and artillery, and for the Indian scouts, and for such infantry and members of the Hospital Corps in field campaigns as may be required to be mounted, and the expenses incident thereto, seven hundred and fifty thousand dollars.

BARRACKS AND QUARTERS: For barracks and quarters for troops, storehouses for the safe-keeping of military stores, for offices, recruiting stations, and for the hire of buildings and grounds for summer cantonments, and for temporary buildings at frontier stations, for the construction of temporary buildings and stables, and for repairing public buildings at established posts, including the extra-duty pay of enlisted men employed on the same, three million dollars: *Provided*, That no part of the moneys so appropriated shall be paid for commutation of fuel or for quarters to officers or enlisted men.

TRANSPORTATION OF THE ARMY AND ITS SUPPLIES: Transportation of the Army, including baggage of the troops when moving either by land or water, and including also the transportation of recruits and recruiting parties heretofore paid from the appropriation for "Expenses for recruiting;" of supplies to the militia furnished by the War Department; of the necessary agents and employees; of clothing, camp and garrison equipage, and other quartermaster's stores, from army depots or places of purchase or delivery to the several posts and army depots, and from those depots to the troops in the field; of horse

Amount.

Transporting remains of civilian employees, etc., from Cuba, etc.

Purchase of horses.

Barracks and quarters.

Proviso.
Not available for commutation of fuel, etc.

Transportation.

	equipments and subsistence stores from the places of purchase, and from the places of delivery under contract to such places as the circumstances of the service may require them to be sent; of ordnance, ordnance stores, and small arms from the foundries and armories to the arsenals, fortifications, frontier posts, and army depots; freights, wharfage, tolls, and ferriages; the purchase and hire of draft and pack animals and harness, and the purchase and repair of wagons, carts, and drays, and of ships and other vessels and boats required for the transportation of troops and supplies and for garrison purposes; for drayage and cartage at the several posts; hire of teamsters and other employees; extra-duty pay of enlisted men driving teams, repairing means of transportation, and employed as trainmasters, and in opening roads and building wharves; transportation of funds of the Army; the expenses of sailing public transports on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific oceans; for procuring water, and introducing the same to buildings, at such posts as from their situation require it to be brought from a distance, and for the disposal of sewage and drainage, and for constructing roads and wharves; for the payment of army transportations lawfully due such land-grant railroads as have not received aid in Government bonds (to be adjusted in accordance with the decisions of the Supreme Court in cases decided under such land-grant acts), but in no case shall more than fifty per centum of full amount of service be paid: <i>Provided</i> , That such compensation shall be computed upon the basis of the tariff or lower special rates for like transportation performed for the public at large, and shall be accepted as in full for all demands for such service: <i>Provided</i>
Payment to land-grant railroads.	<i>further</i> , That in expending the money appropriated by this Act, a railroad company which has not received aid in bonds of the United States, and which obtained a grant of public land to aid in the construction of its railroad on condition that such railroad should be a post route and military road, subject to the use of the United States for postal, military, naval, and other Government services, and also subject to such regulations as Congress may impose restricting the charge for such Government transportation, having claims against the United States for transportation of troops and munitions of war and military supplies and property over such aided railroads, shall be paid out of the moneys appropriated by the foregoing provision only on the basis of such rate for the transportation of such troops and munitions of war and military supplies and property as the Secretary of War shall deem just and reasonable under the foregoing provision, such rate not to exceed fifty per centum of the compensation for such Government transportation as shall at the time be charged to and paid by private parties to any such company for like and similar transportation; and the amount so fixed to be paid shall be accepted as in full for all demands for such service, thirty million dollars: <i>Provided</i> , That one hundred thousand dollars of this sum may be used in Alaska, and shall be immediately available, for the construction of military roads and bridges in Alaska.
—maximum.	
<i>Provisos.</i> Compensation; how computed.	
Fifty per cent to railroads not bond aided.	
Amount.	
Military roads and bridges, Alaska.	
Clothing, camp and garrison equipage.	CLOTHING, AND CAMP AND GARRISON EQUIPAGE: For cloth, woolens, materials, and for the manufacture of clothing for the Army, for issue and for sale at cost price according to the Army Regulations; for altering and fitting clothing and washing and cleaning, when necessary; for equipage, and for expenses of packing and handling, and similar necessities; for a suit of citizen's outer clothing, to cost not exceeding ten dollars, to be issued upon release from confinement to each prisoner who has been confined under a court-martial sentence involving dishonorable discharge, for indemnity to officers and men of the Army for clothing and bedding, and so forth, destroyed by order of medical officers of the Army for sanitary reasons, eight million five hundred
Amount.	

thousand dollars: *Provided*, That on application of the governor of any State or Territory the Secretary of War is authorized to replace the quartermaster supplies which the volunteers from said State or Territory carried into the service of the United States Army during the recent war with Spain, and which have been retained by the United States, exclusive of such supplies as have been allowed for in the office of the Auditor for the War Department and such award accepted by a State.

Proviso.
Replacing quartermaster supplies of State troops.

CONSTRUCTION AND REPAIR OF HOSPITALS: For construction and repair of hospitals at military posts already established and occupied, including the extra-duty pay of enlisted men employed on the same, and including, also, all expenditures for construction and repairs required at the Army and Navy Hospital at Hot Springs, Arkansas, except quarters for the officers, two hundred and fifty thousand dollars: *Provided*, That for the purpose of improving and repairing the Army and Navy General Hospital at Hot Springs, Arkansas, and for the reconstructing and refitting the interior of the bath house, for the construction of a boiler house and the purchase of boilers, for establishing ice and electric plants, and for the construction of a reservoir with a capacity of one hundred and fifty thousand gallons, the sum of fifty-five thousand dollars, or so much thereof as may be necessary, of the foregoing may be used, said sum to be expended under the direction of the Secretary of War.

Hospitals.

Hot Springs, Ark.

Proviso.
—amount available for.

QUARTERS FOR HOSPITAL STEWARDS: For construction of quarters for hospital stewards at military posts already established and occupied, including the extra-duty pay of enlisted men employed on the same, twenty thousand dollars.

Quarters for hospital stewards.

SHOOTING GALLERIES AND RANGES: For shelter, shooting galleries, ranges for small-arms target practice, repairs, and expenses incident thereto, ten thousand dollars.

Shooting ranges, etc.

MEDICAL DEPARTMENT.

Medical Department.

MEDICAL AND HOSPITAL DEPARTMENT: For the purchase of medical and hospital supplies and all other necessary miscellaneous expenses for the Medical Department of the Army, two million dollars.

Supplies, etc.

ARMY MEDICAL MUSEUM AND LIBRARY: For Army Medical Museum, preservation of specimens, and the preparation and purchase of new specimens, five thousand dollars.

Museum.

For the library of the Surgeon-General's Office, including the purchase of necessary books of reference and periodicals, ten thousand dollars; and the disbursing officer of the Medical Department, at Washington, District of Columbia, shall be credited with all payments from the appropriations for the library for the years ending June thirtieth, eighteen hundred and ninety-eight, June thirtieth, eighteen hundred and ninety-nine, and June thirtieth, nineteen hundred, heretofore or to be hereafter made by him for such publications upon accounts approved by the Surgeon-General.

Library.

Credit to disbursing officer, etc.

ENGINEER DEPARTMENT.

Engineer Department.

ENGINEER DEPOT AT WILLETS POINT, NEW YORK: For incidental expenses of the depot, including fuel, lights, chemicals, stationery, hardware, extra-duty pay to soldiers necessarily employed for periods not less than ten days as artificers on work in addition to and not strictly in the line of their military duties, such as carpenters, blacksmiths, draftsmen, printers, lithographers, photographers, engine drivers, teamsters, wheelwrights, masons, machinists, painters, overseers, laborers, repairs of, and for materials to repair, public buildings, machinery, and unforeseen expenses, five thousand dollars.

Incidental expenses.

Materials.	For the purchase of material for use of United States Engineer School and for instruction of engineer troops at Fort Totten, Willets Point, in their special duties as sappers and miners; for land and submarine mines, pontoniers, torpedo drill, and signaling, one thousand five hundred dollars.
Instruments.	For purchase and repair of instruments, to be issued to officers of the Corps of Engineers and to officers detailed and on duty as acting engineer officers, for use on public works and surveys, three thousand dollars.
Library.	For purchase and binding of professional works of recent date treating of military and civil engineering and kindred scientific subjects, for library of the United States Engineering School, five hundred dollars.
Tools, etc.	For pontoon trains, intrenching tools, instruments, and drawing materials, twenty-five thousand dollars.
Surveyors, etc.	For services of surveyors, draftsmen, photographers, clerks to engineer officers on the staff of division, corps, and department commanders, twenty-five thousand dollars.
Amount.	Total for Engineer Department, sixty thousand dollars.

Ordnance Department.

ORDNANCE DEPARTMENT.

Current expenses.	ORDNANCE SERVICE: For current expenses of the ordnance service required to defray the current expenses at the arsenals; of receiving stores and issuing arms and other ordnance supplies; of police and office duties; of rents, tolls, fuel, and light; of stationery and office furniture; of tools and instruments for use; incidental expenses of the ordnance service and those attending practical trials and tests of ordnance, small arms, and other ordnance supplies, including payment for mechanical labor in the office of the Chief of Ordnance, three hundred thousand dollars.
Ammunition for small arms	ORDNANCE, ORDNANCE STORES, AND SUPPLIES: For manufacture or purchase of metallic ammunition for small arms and ammunition for reloading cartridges, including the cost of targets and material for target practice, ammunition for burials at the National Home for Disabled Volunteer Soldiers and its several Branches, including National Soldiers' Home in Washington, District of Columbia, and at Soldiers and Sailors' State Homes, and marksmen's medals and insignia for all arms of the service, seven hundred and fifty thousand dollars: <i>Provided</i> , That hereafter the Chief of Ordnance is authorized to issue such obsolete or condemned ordnance, gun carriages, and ordnance stores as may be needed for ornamental purposes to the Homes for Disabled Volunteer Soldiers, the Homes to pay for transportation out of any appropriation for current expenses.
<i>Provido.</i> Issue of obsolete ordnance to Volunteer Soldiers' Homes.	
Repairing and preserving stores, etc.	For repairing and preserving ordnance and ordnance stores in the hands of troops and for issue at the arsenals and depots, seventy-five thousand dollars.
Purchases for requisitions.	For purchase and manufacture of ordnance stores to fill requisitions of troops, five hundred thousand dollars.
Equipments.	For infantry, cavalry, and artillery equipments, including horse equipments for cavalry and artillery, seven hundred and fifty thousand dollars.
Preserving, etc., ordnance.	For overhauling, cleaning, and preserving new ordnance and ordnance stores on hand at the arsenals and depots, fifty thousand dollars.
Mording and evening gun.	For firing the morning and evening gun at military posts prescribed by General Orders, Numbered Seventy, Headquarters of the Army, dated July twenty-third, eighteen hundred and sixty-seven, and at National Home for Disabled Volunteer Soldiers and its several Branches, including National Soldiers' Home in Washington, District of Columbia, and at Soldiers and Sailors' State Homes, including material for cartridges, bags, and so forth, twenty-five thousand dollars.

For targets for artillery practice and implements for mechanical maneuvers, ten thousand dollars.

Manufacture, repairing, procuring, and issuing arms at the national armories, one million one hundred thousand dollars: *Provided, That* on application of the governor of any State or Territory the Secretary of War is authorized to replace the ordnance and ordnance stores which the volunteers from said State or Territory carried into the service of the United States Army during the recent war with Spain, and which have been retained by the United States.

Hereafter the following persons only shall be entitled to the benefits of the National Home for Disabled Volunteer Soldiers and may be admitted thereto upon the order of a member of the Board of Managers, namely: All honorably discharged officers, soldiers, and sailors who served in the regular or volunteer forces of the United States in any war in which the country has been engaged, who are disabled by disease, wounds, or otherwise, and who have no adequate means of support, and by reason of such disability are incapable of earning their living.

That the Act approved January twelfth, eighteen hundred and ninety-nine, granting "extra pay to officers and enlisted men of the United States Volunteers," shall extend to all volunteer officers of the general staff who have not received waiting orders pay prior to discharge, at the rate of one month to those who did not serve beyond the limits of the United States and two months to those who served beyond the limits of the United States; and officers and enlisted men of volunteer organizations, who have served honestly and faithfully in the Volunteer Army of the United States during the war with Spain and have been honorably discharged without furlough, or by reason of their services being no longer required, or at any time by reason of wounds received, or disability contracted in the service and in the line of duty, and who have not received the extra pay granted in said Act or in subsequent Acts of Congress supplemental thereto: And this Act shall be deemed to apply to officers of volunteers who resigned and enlisted men of volunteers who were discharged upon their own applications subsequent to the issue of orders for the muster out of their organizations and prior to the dates of muster out.

Approved, May 26, 1900.

Artillery targets

Manufacturing arms, etc.
Proviso.
Replacing ordnance, etc., to States used by volunteers in Spanish war.

Volunteer Soldiers' Home.

Who may be admitted.

Extent of act granting extra pay on muster out in lieu of furlough.
Vol. 30, p. 784.

CHAP. 587.—An Act Regulating permits for private conduits in the District of Columbia.

May 26, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioners of the District of Columbia be, and they are hereby, authorized to grant permission to lay conduits for the transmission of electric power and pipes for the transmission of steam in alleys in the District of Columbia, under the following conditions, namely:

District of Columbia. Commissioners may authorize laying of conduits, etc., in alleys.

The conduits or pipes shall be laid entirely within a square or block, and shall not cross or enter any avenue, street, or highway.

Conditions.

The conduits and pipes shall be located as directed by said Commissioners and be laid under their inspection; and the cost of such inspection, together with the cost of replacing all improved pavements disturbed in connection with said work, shall be paid in advance by the party desiring to lay said conduits or steam pipes.

The conduits or pipes shall be used only to connect the premises owned and operated by the permittee, and no power or steam shall be supplied therefrom for any other purpose than the use of the permittee.

The permittee shall not rent the conduit or pipe or any portion thereof.

Penalty.

SEC. 2. That on violation of any of the above provisions or restrictions, the said Commissioners shall require the permittee, after thirty days' notice, to abandon the use of said conduits or pipes and remove them from the alley or alleys in which they are located, and if said permittee shall neglect or refuse to remove said conduits or pipes and place the surface of the alley in good condition within sixty days after the date of said notice, the said permittee shall be deemed guilty of a misdemeanor, and shall be liable to a fine of ten dollars for each and every day that said conduits or pipes are allowed to remain in the alley, or the said alley shall remain out of repair, which fine shall be recovered in the police court of said District, in the name of said District, as other fines and penalties are now recovered in said court.

Amendment.

SEC. 3. That Congress reserves the right to alter, amend, or repeal this Act.

Approved, May 26, 1900.

May 26, 1900.

CHAP. 588.—An Act To amend an Act regulating the inspection of flour in the District of Columbia, approved December twenty-first, eighteen hundred and ninety-eight.

District of Columbia.
Inspection of flour.
Vol. 30, p. 766,
amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section six of the Act entitled "An Act regulating the inspection of flour in the District of Columbia," approved December twenty-first, eighteen hundred and ninety-eight, be amended by striking out the last clause of said section and inserting in lieu thereof the following:

Penalty for selling
unbranded, etc., flour.

"And no barrel, half barrel, or sack of flour not examined and branded by the inspector as aforesaid shall be sold within the District under fine of one dollar for each and every barrel, half barrel, or sack, to be collected as other fines and penalties are collected."

Approved, May 26, 1900.

May 26, 1900.

CHAP. 589.—An Act To provide for officers in the customs district of Hawaii.

Hawaii.
Customs officers au-
thorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be in the customs district of Hawaii one collector, who shall reside at Honolulu, and who shall receive a salary of four thousand dollars per annum, and such deputy collectors and other customs officers as the Secretary of the Treasury shall deem necessary.

Approved, May 26, 1900.

May 26, 1900.

CHAP. 590.—An Act To detach the county of Concho from the western judicial district of Texas and attach the same to the northern judicial district of Texas, and for other purposes.

Texas judicial dis-
trict.
Concho County
transferred from
western to northern
district.
Pending cases.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the county of Concho, in the State of Texas, is hereby detached from the western and attached to the northern judicial district of the State of Texas.

SEC. 2. That all offenses heretofore committed in said county of Concho of which the district court of said western judicial district has jurisdiction and upon which proceedings have been taken shall be tried and prosecuted in said western judicial district. Civil suits and proceedings now pending in the circuit or district courts in said State shall not be affected by this Act.

SEC. 3. That hereafter all process issued against defendants residing in said county of Concho shall be returned to San Angelo, Texas. All offenses committed in said county in which proceedings have not been begun shall be prosecuted in said northern district.

Process.

SEC. 4. That all laws and parts of laws so far as in conflict herewith are hereby repealed.

Repeal.

Approved, May 26, 1900.

CHAP. 591.—An Act To provide for the holding of a term of the circuit and district courts of the United States at Superior, Wisconsin.

May 26, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a term of the circuit and district courts of the United States for the western district of Wisconsin shall be held annually at the city of Superior, beginning on the third Tuesday in June.

Wisconsin western
judicial district.
Terms of court at
Superior.

SEC. 2. The clerk of the United States circuit and district courts at Madison, Wisconsin, shall be the clerk of the United States circuit and district courts, at Superior, Wisconsin, and he shall appoint a deputy clerk of said courts to reside at Superior, Wisconsin, with the usual powers of a deputy clerk in such cases, whose compensation shall be such proportion of the fees accruing from business done in the said courts at Superior as shall be fixed by the judge of said western district.

Clerk of court at
Superior.

Deputy clerk.

SEC. 3. The Attorney-General is hereby authorized to rent such room or rooms in said city as may be necessary or convenient for holding the terms of said court by the provisions hereof authorized.

Court rooms.

Approved, May 26, 1900.

CHAP. 594.—An Act To detach certain counties from the United States judicial district of northern California and to annex such counties to the United States judicial district of southern California; to divide said southern district of California into two divisions and to provide for the holding of terms of court at the city of Fresno and city of Los Angeles.

May 29, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all that portion of the State of California now comprised in the counties of Inyo, Mariposa, and Merced is hereby detached from the United States judicial district of northern California, known as the northern district of California, and annexed to and made a part of the United States judicial district of southern California, known as the southern district of California.

California judicial
district.
Certain counties
transferred from
northern to southern
district.

SEC. 2. That the United States judicial district of southern California, known as the southern district of California, as enlarged and constituted by this Act, is hereby divided into two divisions, to be known as the northern and southern divisions, to wit, that all that portion of said judicial district of southern California, known as the southern district of California, comprised of the counties of Inyo, Mariposa, Tulare, Merced, Madera, Fresno, Kings, and Kern shall constitute and be known as the northern division of the southern district of California, and that portion of said judicial district of southern California composed of the counties of Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura, being all the residue of said district not included in the northern division, shall constitute and be known as the southern division of the southern district of California.

Two divisions of
southern district.

SEC. 3. That after the thirtieth day of June, nineteen hundred, terms of the circuit and district courts of the United States for the said southern district of California shall be held in each of said divisions,

Terms of court.

at the places in said divisions, and at the times, to wit, in and for the northern division, at the city of Fresno, twice in each year, namely, on the first Monday in May, to be known as the May terms of said courts, and on the second Monday in November, to be known as the November terms of said courts; in and for the southern division, at the city of Los Angeles, twice in each year, namely, on the second Monday in January, to be known as the January terms of said courts, and on the second Monday in July, to be known as the July terms of said courts.

Where suits may be brought.

SEC. 4. That all suits not of a local nature in said circuit and district courts against a single defendant, inhabitant of said State, must be brought in the division of the district where he resides; but if there are two or more defendants residing in different divisions of the district, such suits may be brought in either division.

Process, etc.

SEC. 5. That all civil process issued against persons resident in the northern division of said southern district of California, and cognizable before the United States courts, shall be made returnable to the courts, respectively, to be held at the city of Fresno; all prosecutions for offenses committed in said northern division shall be tried in the appropriate court of jurisdiction at said city of Fresno; that all civil process issued against persons resident in the southern division of the said southern district of California, and cognizable before the United States courts, shall be made returnable to the courts, respectively, to be held at the city of Los Angeles; and all prosecutions for offenses committed in said southern division shall be tried in the appropriate court of jurisdiction at said city of Los Angeles: *Provided*, That no process issued or prosecution commenced or suit instituted before the passage and approval of this Act shall be in any way affected by the provision thereof: *Provided further*, That all offenses committed in that portion of the northern district of California hereby detached therefrom and prior to the passage of this Act shall be prosecuted, tried, and determined in the same manner and with the same effect to all intents and purposes as if this Act had not been passed: *Provided, however*, That the judge of said circuit court and of such district court may, upon motion by either party to any suit now pending in said circuit or district court of the southern district of California, and commenced prior to the passage of this Act, transfer any such cause for hearing to the northern division of said southern district of California, to be tried at said city of Fresno, as though originally commenced in said northern division of said district.

Provisos.
Pending suits, etc.,
unaffected.

—in detached counties.

—transfer of.

Jurors.
Process.

SEC. 6. That all grand and petit jurors summoned for service in each division shall be residents of such division. All mesne and final process subject to the provisions hereinbefore contained, issued in either of said divisions, may be served and executed in either or both of the divisions.

Removal.

SEC. 7. That in all cases of removal of suits from the courts of the State of California to the courts of the United States in the southern district of California such removal shall be to the United States courts in the division in which the county is situated from which the removal is made, and the time within which the removal shall be perfected, in so far as it refers to or is regulated by the terms of the United States courts, shall be deemed to refer to the terms of the United States courts held in said division of said judicial district.

Court building,
Fresno.

SEC. 8. That each of said courts held at Fresno shall be held in a building to be provided for that purpose by the county or municipal authorities and without expense to the United States.

Clerk's office at Los Angeles.

SEC. 9. That except when court is in session, and a judge present, the clerk's office of the said courts may be at Los Angeles, where all records for said courts may be kept, and all duties performed; but should, in the judgment of the district judge and the clerk, the business of said courts hereafter warrant the employment of a deputy

Deputy at Fresno.

clerk at Fresno, California, a deputy clerk may be appointed to reside and keep his office at Fresno.

SEC. 10. That this Act shall be in force from and after the thirtieth day of June, anno Domini nineteen hundred, and all Acts and parts of Acts so far as inconsistent herewith are hereby repealed.

Approved, May 29, 1900.

Effect.
Repeal.

CHAP. 595.—An Act To change the characteristic of Cape Cod light, Massachusetts. May 29, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to change the characteristic of Cape Cod light, situated at North Truro, Massachusetts, from a fixed white to a flashing white light, at a cost not exceeding fifteen thousand dollars.

Approved, May 29, 1900.

Cape Cod light,
Mass., characteristic
changed.

CHAP. 598.—An Act Making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, nineteen hundred and one, and for other purposes. May 31, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the current and contingent expenses of the Indian Department and in full compensation for all offices the salaries for which are specially provided for herein, for the service of the fiscal year ending June thirtieth, nineteen hundred one, and fulfilling treaty stipulations for the various Indian tribes, namely:

Indian Department
appropriations.

CURRENT AND CONTINGENT EXPENSES.

For pay of fifty-three agents of Indian affairs at the following-named agencies, at the rates respectively indicated, namely:

Pay of agents at
agencies.

At the Blackfeet Agency, Montana, one thousand eight hundred dollars;

At the Cherokee School, North Carolina: Additional compensation to superintendent of said school for performing the duties heretofore required of the agent at the Cherokee Agency, two hundred dollars;

At the Cheyenne and Arapahoe Agency, Oklahoma Territory, one thousand eight hundred dollars;

At the Cheyenne River Agency, South Dakota, one thousand seven hundred dollars;

At the Colorado River Agency, Arizona, one thousand five hundred dollars;

At the Colville Agency, Washington, one thousand five hundred dollars;

At the Cr w Creek Agency, South Dakota, one thousand six hundred dollars;

At the Crow Agency, Montana, one thousand eight hundred dollars;

At the Devils Lake Agency, North Dakota, one thousand two hundred dollars;

At the Flathead Agency, Montana, one thousand five hundred dollars;

At the Fort Apache Agency, Arizona, one thousand five hundred dollars;

Pay of agents at
agencies—Continued.

At the Fort Belknap Agency, Montana, one thousand five hundred dollars;
 At the Fort Berthold Agency, North Dakota, one thousand five hundred dollars;
 At the Fort Hall Agency, Idaho, one thousand five hundred dollars;
 At the Fort Peck Agency, Montana, one thousand eight hundred dollars;
 At the Green Bay Agency, Wisconsin, one thousand eight hundred dollars;
 At the Kiowa Agency, Oklahoma Territory, one thousand eight hundred dollars;
 At the Klamath Agency, Oregon, one thousand two hundred dollars;
 At the La Pointe Agency, Wisconsin, one thousand eight hundred dollars;
 At the Leech Lake Agency, Minnesota, one thousand eight hundred dollars;
 At the Lemhi Agency, Idaho, one thousand two hundred dollars;
 At the Lower Brule Agency, South Dakota, one thousand four hundred dollars;
 At the Mission Tule River Agency, California, one thousand six hundred dollars;
 At the Navajo Agency, New Mexico, one thousand eight hundred dollars;
 At the Neah Bay Agency, Washington, one thousand two hundred dollars;
 At the Nez Perces Agency, Idaho, one thousand six hundred dollars;
 At the Nevada Agency, Nevada, one thousand five hundred dollars;
 At the New York Agency, New York, one thousand dollars;
 At the Omaha and Winnebago Agency, Nebraska, one thousand six hundred dollars;
 At the Osage Agency, Oklahoma Territory, one thousand six hundred dollars;
 At the Pima Agency, Arizona, one thousand eight hundred dollars;
 At the Pine Ridge Agency, South Dakota, one thousand eight hundred dollars;
 At the Pottawatomie and Great Nemaha Agency, Kansas, one thousand two hundred dollars;
 At the Ponca, Pawnee, Otoe, and Oakland Agency, Oklahoma Territory, one thousand five hundred dollars;
 At the Jicarilla Agency, New Mexico, one thousand five hundred dollars;
 At the Quapaw Agency, Indian Territory, one thousand four hundred dollars;
 At the Rosebud Agency, South Dakota, one thousand eight hundred dollars;
 At the Sac and Fox Agency, Iowa, one thousand dollars;
 At the Sac and Fox Agency, Oklahoma Territory, one thousand two hundred dollars;
 At the San Carlos Agency, Arizona, one thousand eight hundred dollars;
 At the Santee Agency, Nebraska, one thousand five hundred dollars;
 At the Shoshone Agency, Wyoming, one thousand five hundred dollars;
 At the Siletz Agency, Oregon, one thousand two hundred dollars;
 At the Sisseton Agency, South Dakota, one thousand five hundred dollars;
 At the Southern Ute Agency, at Navajo Springs, Colorado, one thousand four hundred dollars;
 At the Standing Rock Agency, North Dakota, one thousand eight hundred dollars;

At the Tongue River Agency, Montana, one thousand five hundred dollars; Pay of agents at agencies—Continued.

At the Tulalip Agency, Washington, one thousand two hundred dollars;

At the Uintah and Ouray Agency, Utah (consolidated), one thousand eight hundred dollars;

At the Umatilla Agency, Oregon, one thousand two hundred dollars;

At the Union Agency, Indian Territory, two thousand five hundred dollars; for additional payment for the last three quarters of the fiscal year ending June thirtieth, nineteen hundred, seven hundred and fifty dollars, to be immediately available;

At the White Earth Agency, Minnesota, one thousand eight hundred dollars;

At the Yakima Agency, Washington, one thousand six hundred dollars;

At the Yankton Agency, South Dakota, one thousand six hundred dollars; in all, eighty-three thousand one hundred and fifty dollars:

Provided, That the foregoing appropriations shall not take effect nor become available in any case for or during the time in which any officer of the Army of the United States shall be engaged in the performance of the duties of Indian agent at any of the agencies above named: Proviso. Appropriations not available for army officers acting as agents.

Provided further, That the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may devolve the duties of any Indian agency upon the superintendent of the Indian training school located at such agency whenever in his judgment such superintendent can properly perform the duties of such agency. And the superintendent upon whom such duties devolve shall give bond as other Indian agents. Superintendent of training school may act as agent.

For payment of necessary interpreters, to be distributed in the discretion of the Secretary of the Interior, eight thousand dollars; but no person employed by the United States and paid for any other service shall be paid for interpreting. Interpreters.

For pay of eight Indian inspectors, one of whom shall be an engineer competent in the location, construction, and maintenance of irrigation works, at two thousand five hundred dollars per annum each, twenty thousand dollars. Inspectors.

For traveling expenses of eight Indian inspectors, at three dollars per day when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses now authorized by law, and for incidental expenses of inspection and investigation, including telegraphing and expenses of going to and going from the seat of Government, and while remaining there under orders and direction of the Secretary of the Interior, for a period not to exceed twenty days, twelve thousand eight hundred dollars: *Provided*, That the accounting officers of the Treasury are hereby authorized to allow per diem pay to the inspector who was located in the Indian Territory under orders and directions of the Secretary of the Interior during the fiscal years eighteen hundred and ninety-nine and nineteen hundred. —traveling expenses.

For pay of one superintendent of Indian schools, three thousand dollars. Proviso. Allowance inspector Indian Territory, 1889, etc.

For necessary traveling expenses of one superintendent of Indian schools, including telegraphing and incidental expenses of inspection and investigation, one thousand five hundred dollars: *Provided*, That he shall be allowed three dollars per day for traveling expenses when actually on duty in the field, exclusive of cost of transportation and sleeping-car fare, in lieu of all other expenses now allowed by law: Superintendent of schools.

And provided further, That he shall perform such other duties as may be imposed upon him by the Commissioner of Indian Affairs, subject to the approval of the Secretary of the Interior. Proviso. —per diem allowance in field.

—other duties.

Agency buildings.	For buildings and repairs of buildings at agencies and for water supply at agencies, forty-five thousand dollars.
Contingent expenses.	For contingencies of the Indian Service, including traveling and incidental expenses of Indian agents and of their offices, and of the Commissioner of Indian Affairs; also traveling and incidental expenses of five special agents, at three dollars per day when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses now authorized by law; and expenses of going to and going from the seat of Government, and while remaining there under orders and direction of the Secretary of the Interior, for a period not to exceed twenty days; for pay of employees not otherwise provided for, and for pay of the five special agents, at two thousand dollars per annum each, forty thousand dollars.
Special agents.	
Practical farmers.	To enable the Secretary of the Interior to employ practical farmers and practical stockmen in addition to the agency farmers now employed, at wages not exceeding sixty-five dollars each per month, to superintend and direct farming and stock raising among such Indians as are making effort for self-support, sixty-five thousand dollars.
Indian police.	For services of officers, at fifteen dollars per month each, and privates, at ten dollars per month each, of Indian police, to be employed in maintaining order and prohibiting illegal traffic in liquor on the several Indian reservations and within the Territory of Alaska, in the discretion of the Secretary of the Interior, for the purchase of equipments, and for the purchase of rations for policemen at nonration agencies, one hundred and thirty-five thousand dollars.
Judges of Indian courts.	For compensation of judges of Indian courts, twelve thousand five hundred and forty dollars.
Matrons to teach housekeeping.	To enable the Secretary of the Interior to employ suitable persons as matrons to teach Indian girls in housekeeping and other household duties, at a rate not to exceed sixty dollars per month, and for furnishing necessary equipments, fifteen thousand dollars.
Vaccination.	For pure vaccine matter and vaccination of Indians, five thousand dollars.
Supplies, telegraphing, etc.	To pay the expense of purchasing goods and supplies for the Indian Service, and pay of necessary employees; advertising, at rates not exceeding regular commercial rates; inspection, and all other expenses connected therewith, including telegraphing, fifty thousand dollars.
Transportation.	For necessary expenses of transportation of such goods, provisions, and other articles for the various tribes of Indians provided for by this Act, including pay and expenses of transportation agents and rent of warehouses, three hundred and twenty-five thousand dollars.
Citizen commission.	For expenses of the commission of citizens, serving without compensation, appointed by the President under the provisions of the Act of April tenth, eighteen hundred and sixty-nine, four thousand dollars, of which sum an amount not to exceed three hundred dollars may be paid for the rent of an office for said commission; and the sums heretofore paid from annual appropriations for the expenses of the said commission for office rent, authorized by vote of the commission, are hereby legalized, and these payments, together with the payments for rent of an office in the current fiscal year shall be allowed by the accounting officer of the Treasury Department.
Vol. 16, p. 40.	
—office rent.	
Charles D. Rakestraw, allowance in accounts of.	The accounting officers of the Treasury Department are hereby authorized and directed to allow, in the accounts of Charles D. Rakestraw, supervisor of Indian schools, for the fourth quarter of the fiscal year eighteen hundred and ninety-seven, and for the first, second, and third quarters of the fiscal year eighteen hundred and ninety-eight, the sum of one hundred and eight dollars expended by him for sleeping-car fares while traveling under orders.

FULFILLING TREATY STIPULATIONS WITH, AND SUPPORT OF, INDIAN TRIBES.

Fulfilling treaties.

CHICKASAWS.

Chickasaws.

For permanent annuity, in goods, three thousand dollars.

CHIPPEWAS OF THE MISSISSIPPI.

Chippewas of the Mississippi.

For eighth of ten installments of annuity, last series to be paid to Chief Hole in the Day or his heirs, per third article of treaty of August second, eighteen hundred and forty-seven, and fifth article of treaty of March nineteenth, eighteen hundred and sixty-seven, one thousand dollars;

Vol. 9, p. 904.

Vol. 16, p. 720.

For support of a school or schools upon said reservation, in accordance with third article of treaty of March nineteenth, eighteen hundred and sixty-seven, if directed by the President, four thousand dollars.

CHOCTAWS.

Choctaws.

For permanent annuity, per second article of treaty of November sixteenth, eighteen hundred and five, and thirteenth article of treaty of June twenty-second, eighteen hundred and fifty-five, three thousand dollars;

Vol. 7, p. 99.

Vol. 11, p. 614.

For permanent annuity for support of light horsemen, per thirteenth article of treaty of October eighteenth, eighteen hundred and twenty, and thirteenth article of treaty of June twenty-second, eighteen hundred and fifty-five, six hundred dollars;

Vol. 7, p. 213.

Vol. 11, p. 614.

For permanent annuity for support of blacksmith, per sixth article of treaty of October eighteenth, eighteen hundred and twenty, ninth article of treaty of January twentieth, eighteen hundred and twenty-five, and thirteenth article of treaty of June twenty-second, eighteen hundred and fifty-five, six hundred dollars;

Vol. 7, pp. 212, 236.

Vol. 7, p. 36.

Vol. 11, p. 614.

For permanent annuity for education, per second and thirteenth articles of last two treaties named above, six thousand dollars;

For permanent annuity for iron and steel, per ninth article of treaty of January twentieth, eighteen hundred and twenty-five, and thirteenth article of treaty of June twenty-second, eighteen hundred and fifty-five, three hundred and twenty dollars;

Vol. 7, p. 236.

Vol. 11, p. 614.

For interest on three hundred and ninety thousand two hundred and fifty-seven dollars and ninety-two cents, at five per centum per annum, for education, support of the government, and other beneficial purposes, under the direction of the general council of the Choctaws, in conformity with the provisions contained in the ninth and thirteenth articles of treaty of January twentieth, eighteen hundred and twenty-five, and treaty of June twenty-second, eighteen hundred and fifty-five, nineteen thousand five hundred and twelve dollars and eighty-nine cents; in all, thirty thousand and thirty-two dollars and eighty-nine cents.

Interest.

Vol. 7, p. 236.

Vol. 11, p. 614.

To carry out the provisions of section twenty-nine of the Act of Congress approved June twenty-eighth, eighteen hundred and ninety-eight, under the title "orphan lands," two thousand six hundred and ninety-six dollars and forty cents, the said sum to be placed to the credit of the Choctaw orphan fund in the Treasury of the United States, and to draw interest at five per centum per annum, this amount being the value of two thousand one hundred and fifty-seven and twelve one-hundredths acres of land, being the unsold Choctaw orphan lands in the State of Mississippi, which lands, under the provisions of said section twenty-nine, were taken by the United States at one dollar and twenty-five cents per acre.

Credit Choctaw orphan fund for unsold orphan lands, Mississippi.
Vol. 30, p. 513.

Chippewas of Min-
nesota, reimbursable.

CHIPPEWAS OF MINNESOTA, REIMBURSABLE.

Advance interest.
Vol. 25, p. 645.

Advance interest to the Chippewa Indians in Minnesota, as required by section seven of "An Act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January fourteenth, eighteen hundred and eighty-nine, to be expended under the direction of the Secretary of the Interior, in the manner required by said Act (reimbursable), ninety thousand dollars.

Expenses of civili-
zation.
Vol. 25, p. 642.

To enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to carry out an Act entitled "An Act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January fourteenth, eighteen hundred and eighty-nine, namely, the purchase of material and employment of labor for the erection of houses for Indians; for the purchase of agricultural implements, stock, and seeds, breaking and fencing land; for payment of expenses of delegations of Chippewa Indians to visit the White Earth Reservation; for the erection and maintenance of day and industrial schools; for subsistence and for pay of employees; for pay of commissioner and his expenses, and for removal of Indians and for their allotments, to be reimbursed to the United States out of the proceeds of sale of their lands, one hundred thousand dollars.

Cœur d'Alenes.

CŒUR D'ALENES.

Vol. 26, p. 1028.

For ninth of fifteen installments of eight thousand dollars each, to be expended under the direction of the Secretary of the Interior, under the sixth article of agreement of March twenty-sixth, eighteen hundred and eighty-seven, ratified by Act of March third, eighteen hundred and ninety-one, eight thousand dollars;

For pay of blacksmith, carpenter, and physician, and purchase of medicines, as per the eleventh article of said agreement, three thousand five hundred dollars; in all, eleven thousand five hundred dollars.

Creeks.

CREEKS.

Permanent annu-
ties.
Vol. 7, p. 36.
Vol. 11, p. 700.

For permanent annuity, in money, per fourth article of treaty of August seventh, seventeen hundred and ninety, and fifth article of treaty of August seventh, eighteen hundred and fifty-six, one thousand five hundred dollars;

Vol. 7, p. 69.
Vol. 11, p. 700.

For permanent annuity, in money, per second article of treaty of June sixteenth, eighteen hundred and two, and fifth article of treaty of August seventh, eighteen hundred and fifty-six, three thousand dollars;

Vol. 7, p. 287.
Vol. 11, p. 700.

For permanent annuity, in money, per fourth article of treaty of January twenty-fourth, eighteen hundred and twenty-six, and fifth article of treaty of August seventh, eighteen hundred and fifty-six, twenty thousand dollars;

Vol. 7, p. 287.
Vol. 11, p. 700.

For permanent annuity for blacksmith and assistant, and for shops and tools, per eighth article of treaty of January twenty-fourth, eighteen hundred and twenty-six, and fifth article of treaty of August seventh, eighteen hundred and fifty-six, eight hundred and forty dollars;

For permanent annuity for iron and steel for shop, per same articles and treaties, two hundred and seventy dollars;

For permanent annuity for the pay of a wheelwright, per same articles of same treaties, six hundred dollars;

Interest.
Vol. 11, p. 700.

For five per centum interest on two hundred thousand dollars, for purposes of education, per sixth article of treaty of August seventh, eighteen hundred and fifty-six, ten thousand dollars;

For interest on two hundred and seventy-five thousand one hundred and sixty-eight dollars, at the rate of five per centum per annum, to be

expended under the direction of the Secretary of the Interior, under provisions of third article of treaty of June fourteenth, eighteen hundred and sixty-six, thirteen thousand seven hundred and fifty-eight dollars and forty cents; in all, forty-nine thousand nine hundred and sixty-eight dollars and forty cents.

Vol. 14, p. 787.

CROWS.

Crows.

For the nineteenth of twenty-five installments, as provided in agreement with the Crows, dated June twelfth, eighteen hundred and eighty, to be used by the Secretary of the Interior in such a manner as the President may direct, thirty thousand dollars;

Vol. 22, p. 43.

To furnish such articles of food as from time to time the condition and necessities of the Indians may require, fifteen thousand dollars; but no part of this fund shall be available except by the direct order of the Secretary of the Interior; in all, forty-five thousand dollars.

Vol. 15, p. 652.

FORT HALL INDIANS.

Fort Hall Indians.

For twelfth of twenty installments, as provided in agreement with said Indians, approved February twenty-third, eighteen hundred and eighty-nine, to be used by the Secretary of the Interior for the benefit of the Indians in such manner as the President may direct, six thousand dollars.

Vol. 25, p. 688.

INDIANS AT BLACKFEET AGENCY.

Indians at Blackfeet Agency.

For third of nine installments, to be disposed of as provided in article two of the agreement with the Indians of the Blackfeet Reservation, ratified by Act approved June tenth, eighteen hundred and ninety-six, one hundred and fifty thousand dollars.

Vol. 29, p. 354.

INDIANS AT FORT BERTHOLD AGENCY.

Indians at Fort Berthold Agency.

For last of ten installments of eighty thousand dollars each, to be expended under the direction of the Secretary of the Interior, as per second article of agreement ratified by Act approved March third, eighteen hundred and ninety-one, eighty thousand dollars.

Vol. 26, p. 1033.

IOWAS.

Iowas.

For interest in lieu of investment on fifty-seven thousand five hundred dollars, balance of one hundred and fifty-seven thousand five hundred dollars, to July first, eighteen hundred and ninety-eight, at five per centum per annum, for education or other beneficial purposes, under the direction of the President, per ninth article of treaty of May seventeenth, eighteen hundred and fifty-four, two thousand eight hundred and seventy-five dollars.

Interest.

Vol. 10, p. 1071.

IOWAS IN OKLAHOMA.

Iowas in Oklahoma

For last of five installments, second series, to be paid per capita, under the seventh article of agreement ratified by Act approved February thirteenth, eighteen hundred and ninety-one, three thousand dollars. And to enable the Secretary of the Interior to anticipate five installments, third series, same agreement, twelve thousand dollars; in all fifteen thousand dollars.

Vol. 26, p. 753.

KANSAS.

Kansas.

For interest in lieu of investment on one hundred and thirty-five thousand dollars, being the amount due the Kansas tribe of Indians, per second article of treaty of January fourteenth, eighteen hundred and forty-six, six thousand seven hundred and fifty dollars.

Interest.

Vol. 9, p. 842.

Kickapoos in Kansas.

KICKAPOOS IN KANSAS.

Interest.

Vol. 10, p. 1079.

For interest on sixty-six thousand five hundred and fifty-four dollars and forty-three cents, at five per centum per annum, for educational and other beneficial purposes, per treaty of May eighteenth, eighteen hundred and fifty-four, three thousand three hundred and twenty-seven dollars and seventy-two cents.

Moles.

MOLES.

Schools.

Vol. 12, p. 981.

For pay of teachers and for manual-labor schools, and for all necessary materials therefor, and for the subsistence of the pupils, per second article of treaty of December twenty-first, eighteen hundred and fifty-five, three thousand dollars.

Northern Cheyennes and Arapahoes.

NORTHERN CHEYENNES AND ARAPAHOES.

Subsistence, etc.
Vol. 19, p. 256.

For subsistence and civilization, as per agreement with the Sioux Indians, approved February twenty-eighth, eighteen hundred and seventy-seven, including subsistence and civilization of Northern Cheyennes removed from Pine Ridge Agency to Tongue River, Montana, ninety thousand dollars;

For pay of physician, two teachers, two carpenters, one miller, two farmers, a blacksmith, and engineer, per seventh article of the treaty of May tenth, eighteen hundred and sixty-eight, nine thousand dollars; in all, ninety-nine thousand dollars.

Osages.

OSAGES.

Interest.

Vol. 7, p. 242.

For interest on sixty-nine thousand one hundred and twenty dollars, at five per centum per annum, being value of fifty-four sections of land set apart by treaty of June second, eighteen hundred and twenty-five, for educational purposes, per Senate resolution of January ninth, eighteen hundred and thirty-eight, three thousand four hundred and fifty-six dollars.

Pawnees.

PAWNEES.

Annuity.
Vol. 11, p. 729.

For perpetual annuity, at least one-half of which is to be paid in goods and such articles as may be deemed necessary for them, per second article of treaty of September twenty-fourth, eighteen hundred and fifty-seven, thirty thousand dollars;

For support of two manual-labor schools, per third article of same treaty, ten thousand dollars;

For pay of two farmers, two blacksmiths and two apprentices, one miller and apprentice, two teachers, one shoemaker, and one carpenter, five thousand four hundred dollars;

For pay of physician and purchase of medicines, one thousand two hundred dollars;

Vol. 11, p. 730.

For purchase of iron and steel and other necessities for the shops, as per fourth article of treaty of September twenty-fourth, eighteen hundred and fifty-seven, five hundred dollars; in all, forty-seven thousand one hundred dollars.

Pottawatomies.

POTTAWATOMIES.

Annuities.
Vol. 7, p. 51.

For permanent annuity, in silver, per fourth article of treaty of August third, seventeen hundred and ninety-five, three hundred and fifty-seven dollars and eighty cents;

Vol. 7, p. 114.

For permanent annuity, in silver, per third article of treaty of September thirtieth, eighteen hundred and nine, one hundred and seventy-eight dollars and ninety cents;

Vol. 7, p. 185.

For permanent annuity, in silver, per third article of treaty of

October second, eighteen hundred and eighteen, eight hundred and ninety-four dollars and fifty cents;

For permanent annuity, in money, per second article of treaty of September twentieth, eighteen hundred and twenty-eight, seven hundred and fifteen dollars and sixty cents;

For permanent annuity, in specie, per second article of treaty of July twenty-ninth, eighteen hundred and twenty-nine, and second article of treaty of September twentieth, eighteen hundred and twenty-eight, five thousand seven hundred and twenty-four dollars and seventy-seven cents;

For permanent provision for payment of money in lieu of tobacco, iron, and steel, per second article of treaty of September twentieth, eighteen hundred and twenty-eight, and tenth article of treaties of June fifth and seventeenth, eighteen hundred and forty-six, one hundred and seven dollars and thirty-four cents;

For permanent provision for three blacksmiths and assistants, and for iron and steel for shops, per third article of treaty of October sixteenth, eighteen hundred and twenty-six; second article of treaty of September twentieth, eighteen hundred and twenty-eight, and second article of treaty of July twenty-ninth, eighteen hundred and twenty-nine, one thousand and eight dollars and ninety-nine cents;

For permanent provision for fifty barrels of salt, per second article of treaty of July twenty-ninth, eighteen hundred and twenty-nine fifty dollars;

For interest on two hundred and thirty thousand and sixty-four dollars and twenty cents, at five per centum, in conformity with provisions of article seventh of treaties of June fifth and seventeenth, eighteen hundred and forty-six, eleven thousand five hundred and three dollars and twenty-one cents; in all, twenty thousand five hundred and forty-one dollars and eleven cents: *Provided*, That whenever it shall be made to appear to the Secretary of the Interior that, by reason of age, disability, or inability, any allottee of Indian lands can not personally, and with benefit to himself, occupy or improve his allotment or any part thereof, the same may be leased upon such terms, regulations, and conditions as shall be prescribed by the Secretary for a term not exceeding five years, for farming purposes only.

QUAPAWS.

For education, per third article of treaty of May thirteenth, eighteen hundred and thirty-three, one thousand dollars; for blacksmith and assistants, and tools, iron, and steel for blacksmith shop, per same article and treaty, five hundred dollars; in all, one thousand five hundred dollars, if directed by the President. That hereafter all chattel mortgages executed in the Quapaw Agency in the northern district of the Indian Territory shall be recorded in the town of Miami by the clerk of the said northern district of the Indian Territory, or his duly appointed deputy, in a book or books kept for the purpose: *Provided*, That hereafter the clerks of the district courts in the Indian Territory shall account for and pay into the Treasury of the United States, all fees collected in excess of one thousand dollars per year. All settlements to be made in accordance with such rules and regulations as the Attorney-General may prescribe: *Provided*, That the one thousand dollars of this amount, or so much thereof as may be necessary, shall be expended, under the direction of the Secretary of the Interior, for the support and maintenance of three or more public schools on the Quapaw Reservation, at such places as may be provided by the Quapaw Nation: *And provided*, That the present industrial school on said reservation shall be consolidated with the Seneca Industrial School at Wyandotte, in the Quapaw Agency: *And provided*, That the building and furniture now used for school purposes at the present Industrial

Vol. 7, p. 314.

Vol. 7, pp. 320, 317.

Vol. 7, p. 318.
Vol. 9, p. 855.

Vol. 7, pp. 296, 318, 321.

Vol. 7, p. 320.

Interest.
Vol. 9, p. 854.

Proviso.
Leases of lands of disabled allottee authorized.

Quapaws.

Vol. 7, p. 425.

Recording chattel mortgages.

Provisos.
Clerks of district courts, Indian Territory, to return fees in excess of \$1,000.

—amount to be expended for reservation schools.

Consolidation of certain schools.

—disposition of building, etc.

Quapaw School, except such as may be required for the consolidated school at Wyandotte, shall be turned over to the Quapaw Nation by the Secretary of the Interior for the use of schools on the Quapaw Reservation: *And provided*, That such of said buildings as may not be required for a public school, where they now stand, may be removed by said nation to suitable places on said reservation, and five hundred dollars of the amount hereby appropriated shall be turned over to the Quapaw Nation to pay for the removal and repairing of said buildings.

Sacs and Foxes of
the Mississippi.

SACS AND FOXES OF THE MISSISSIPPI.

Annuity.
Vol. 7, p. 85.

Interest.
Vol. 7, p. 541.

Provisos.
Physician.

Payment to Indians
in Oklahoma.

For permanent annuity, in goods or otherwise, per third article of treaty of November third, eighteen hundred and four, one thousand dollars; for interest on two hundred thousand dollars, at five per centum, per second article of treaty of October twenty-first, eighteen hundred and thirty-seven, ten thousand dollars; for interest on eight hundred thousand dollars, at five per centum, per second article of treaty of October eleventh, eighteen hundred and forty-two, forty thousand dollars: *Provided*, That the sum of one thousand five hundred dollars of this amount shall be used for the pay of a physician and for purchase of medicine; in all, fifty-one thousand dollars: *Provided further*, That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to said Sac and Fox Indians in Oklahoma the sum of fifty thousand dollars, to be immediately available, out of the amount of money now to the credit of said Indians in the United States Treasury.

Sacs and Foxes of
the Missouri.

SACS AND FOXES OF THE MISSOURI.

Interest.
Vol. 7, p. 541.

School.
Vol. 12, p. 1173.

For interest on one hundred and fifty-seven thousand four hundred dollars, at five per centum, under the direction of the President, per second article of treaty of October twenty-first, eighteen hundred and thirty-seven, seven thousand eight hundred and seventy dollars;

For support of a school, per fifth article of treaty of March sixth, eighteen hundred and sixty-one, two hundred dollars; in all, eight thousand and seventy dollars.

Seminoles.

SEMINOLES.

Interest.
Vol. 11, p. 702.

For five per centum interest on two hundred and fifty thousand dollars, to be paid as annuity, per eighth article of treaty of August seventh, eighteen hundred and fifty-six, twelve thousand five hundred dollars;

For five per centum interest on two hundred and fifty thousand dollars, to be paid as annuity (they having joined their brethren West), per eighth article of treaty of August seventh, eighteen hundred and fifty-six, twelve thousand five hundred dollars;

For interest on fifty thousand dollars, at the rate of five per centum per annum, to be paid annually for the support of schools, as per third article of treaty of March twenty-first, eighteen hundred and sixty-six, two thousand five hundred dollars;

For interest on twenty thousand dollars, at the rate of five per centum per annum, to be paid annually for the support of the Seminole government; as per same article, same treaty, one thousand dollars; in all, twenty-eight thousand five hundred dollars.

Senecas.

SENECAS.

Annuities.
Vol. 7, p. 161.

For permanent annuity, in specie, per fourth article of treaty of September twenty-ninth, eighteen hundred and seventeen, five hundred dollars;

For permanent annuity, in specie, per fourth article of treaty of September seventeenth, eighteen hundred and eighteen, five hundred dollars;

Vol. 7, p. 179.

For permanent annuity for blacksmith and miller, per fourth article of treaty of February twenty-eighth, eighteen hundred and thirty-one, to be annually paid to them as a national fund, to be expended by them for such articles and wants and improvements in agriculture as their chiefs (with the consent of their agent) may designate, as stipulated in the seventh article of treaty of February twenty-third, eighteen hundred and sixty-seven, one thousand six hundred and sixty dollars;

Vol. 15, p. 515.

For permanent annuity, in specie, per fourth article of treaty of September seventeenth, eighteen hundred and eighteen, and fifth article of treaty of February twenty-third, eighteen hundred and sixty-seven, five hundred dollars;

Vol. 7, p. 179.

Vol. 15, p. 515.

For blacksmith and assistants, shops and tools, iron and steel, per fourth article of treaty of July twentieth, eighteen hundred and thirty-one, and fifth article of treaty of February twenty-third, eighteen hundred and sixty-seven, five hundred and thirty dollars; in all, three thousand six hundred and ninety dollars.

Vol. 7, p. 352.

Vol. 15, p. 515.

SENECAS OF NEW YORK.

Senecas of New York.

For permanent annuity, in lieu of interest on stock, per Act of February nineteenth, eighteen hundred and thirty-one, six thousand dollars;

Annuity.
Vol. 4, p. 442.

For interest, in lieu of investment, on seventy-five thousand dollars, at five per centum, per Act of June twenty-seventh, eighteen hundred and forty-six, three thousand seven hundred and fifty dollars;

Interest.
Vol. 9, p. 35.

For interest, at five per centum, on forty-three thousand and fifty dollars, transferred from the Ontario Bank to the United States Treasury, per Act of June twenty-seventh, eighteen hundred and forty-six, two thousand one hundred and fifty-two dollars and fifty cents; in all, eleven thousand nine hundred and two dollars and fifty cents.

EASTERN SHAWNEES.

Eastern Shawnees.

For permanent annuity, in specie, per fourth article of treaty of September seventeenth, eighteen hundred and eighteen, and fifth article of treaty of February twenty-third, eighteen hundred and sixty-seven, five hundred dollars;

Annuity.
Vol. 7, p. 179.
Vol. 15, p. 515.

For blacksmith and assistant, shops and tools, iron and steel, per fourth article of treaty of July twentieth, eighteen hundred and thirty-one, and fifth article of treaty of February twenty-third, eighteen hundred and sixty-seven, five hundred and thirty dollars; in all, one thousand and thirty dollars.

Vol. 7, p. 352.

Vol. 15, p. 515.

SHOSHONES AND ARAPAHOES.

Shoshones and Arapahoes.

For third of five installments, to be expended as provided in article three of the agreement with the Shoshones and Arapahoes in Wyoming, ratified by Act of June seventh, eighteen hundred and ninety-seven, ten thousand dollars.

Vol. 30, p. 94.

SHOSHONES AND BANNOCKS.

Shoshones and Bannocks.

SHOSHONES: For pay of physician, teacher, carpenter, miller, engineer, farmer, and blacksmith, as per tenth article of treaty of July third, eighteen hundred and sixty-eight, five thousand dollars;

Shoshones.
Supplies.
Vol. 15, p. 676.

For pay of second blacksmith, and such iron and steel and other materials as may be required, as per eighth article of same treaty, one thousand dollars;

Bannocks.
Supplies.
Vol. 16, p. 67^a.

BANNOCKS: For pay of physician, teacher, carpenter, miller, engineer, farmer, and blacksmith, as per tenth article of treaty of July third, eighteen hundred and sixty-eight, five thousand dollars; in all, eleven thousand dollars.

Six Nations of New
York.

SIX NATIONS OF NEW YORK.

Annuity.
Vol. 7, p. 46.

For permanent annuity, in clothing and other useful articles, per sixth article of treaty of November eleventh, seventeen hundred and ninety-four, four thousand five hundred dollars.

Sioux of different
tribes.

SIoux OF DIFFERENT TRIBES, INCLUDING SANTEE SIOUX OF NEBRASKA.

Teachers, etc.
Vol. 15, p. 638.

For pay of five teachers, one physician, one carpenter, one miller, one engineer, two farmers, and one blacksmith, per thirteenth article of same treaty, ten thousand four hundred dollars;

Employees.

For pay of additional employees at the several agencies for the Sioux in Nebraska and in North Dakota and South Dakota, eighty-five thousand dollars;

Subsistence.
Vol. 19, p. 254.

For subsistence of the Sioux, and for purposes of their civilization, as per agreement ratified by Act of Congress approved February twenty-eighth, eighteen hundred and seventy-seven, nine hundred thousand dollars: *Provided*, That this sum shall include transportation of supplies from the termination of railroad or steamboat transportation; and in this service Indians shall be employed when practicable: *And provided further*, That the number of rations issued shall not exceed the number of Indians on each reservation, and any excess in the number of rations issued shall be disallowed in the settlement of the agent's account;

Blacksmith, etc.

For pay of second blacksmith, and furnishing iron, steel, and other material, per eighth article of same treaty, one thousand six hundred dollars;

Schools.
Vol. 15, p. 637.

For support and maintenance of day and industrial schools, including purchase, erection, and repairs of school buildings, in accordance with article seven of the treaty of April twenty-ninth, eighteen hundred and sixty-eight, which article is continued in force for twenty years by section seventeen of the Act of March second, eighteen hundred and eighty-nine, two hundred and twenty-five thousand dollars; in all, one million two hundred and twenty-two thousand dollars.

Vol. 25, p. 894.

Sioux, Yankton
tribe.

SIoux, YANKTON TRIBE.

Vol. 11, p. 744.

For twelfth of twenty installments (last series), to be paid to them or expended for their benefit, per fourth article of treaty of April nineteenth, eighteen hundred and fifty-eight, fifteen thousand dollars;

Vol. 19, p. 287.

For subsistence and civilization of Yankton Sioux, heretofore provided for in appropriations under "Fulfilling treaty with Sioux of different tribes," and so forth, thirty-five thousand dollars; in all, fifty thousand dollars.

Sisseton and Wahpeton
Indians.

SISSETON AND WAHPETON INDIANS.

Vol. 26, p. 1037.

For last of thirteen installments of eighteen thousand four hundred dollars each, to be paid per capita, as per third article of agreement with the Sisseton and Wahpeton Indians dated September twelfth, eighteen hundred and eighty-nine, ratified by Act of March third, eighteen hundred and ninety-one, eighteen thousand four hundred dollars.

Spokanes.

SPOKANES.

Removal to Cœur
d'Alene Reservation.

For ninth of ten installments, to be expended under the direction of the Secretary of the Interior in the removal of the Spokane Indians

to the Cœur d'Alene Reservation, in erecting suitable houses, in assisting them in breaking lands, in furnishing them with cattle, seeds, agricultural implements, saw and grist mills, thrashing machines, mowers, clothing, and provisions; in taking care of the old, sick, and infirm; in affording educational facilities, and in any other manner tending to their civilization and self-support, as per article five of agreement with said Indians dated March eighteenth, eighteen hundred and eighty-seven, ratified by Act of Congress approved July thirteenth, eighteen hundred and ninety-two, five thousand dollars;

Vol. 27, p. 139.

For pay of a blacksmith and carpenter to do necessary work and to instruct the said Indians in those trades, one thousand dollars each, per sixth article of said agreement, two thousand dollars;

For eighth of ten installments of one hundred dollars each to Chiefs Louis and Enoch, as per article nine of said agreement, two hundred dollars; in all, seven thousand two hundred dollars.

Chiefs Louis and Enoch.

CONFEDERATED BANDS OF UTES.

Confederated bands of Utes.

For pay of two carpenters, two millers, two farmers, and two blacksmiths, as per tenth article of treaty of October seventh, eighteen hundred and sixty-three, and fifteenth article of treaty of March second, eighteen hundred and sixty-eight, six thousand seven hundred and twenty dollars;

Carpenters, etc.

Vol. 13, p. 675.

Vol. 15, p. 622.

For pay of two teachers, as per same article of same treaty, one thousand eight hundred dollars;

Vol. 15, p. 621.

For purchase of iron and steel and the necessary tools for blacksmith shop, per ninth article of same treaty, two hundred and twenty dollars;

For annual amount for the purchase of beef, mutton, wheat, flour, beans, and potatoes, or other necessary articles of food, as per twelfth article of same treaty, thirty thousand dollars;

Food.

Vol. 15, p. 622.

For pay of employees at the several Ute agencies, fifteen thousand dollars; in all, fifty-three thousand seven hundred and forty dollars.

Employees.

WINNEBAGOES.

Winnebagoes.

For interest on eight hundred and four thousand nine hundred and nine dollars and seventeen cents, at five per centum per annum, per fourth article of treaty of November first, eighteen hundred and thirty-seven, and joint resolution of July seventeenth, eighteen hundred and sixty-two, forty thousand two hundred and forty-five dollars and forty-five cents; and the Secretary of the Interior is hereby directed to expend said interest for the support, education, and civilization of said Indians;

Interest.

Vol. 7, p. 545.

Vol. 12, p. 628.

For interest on seventy-eight thousand three hundred and forty dollars and forty-one cents, at five per centum per annum, to be expended under the direction of the Secretary of the Interior for the erection of houses, improvement of their allotments of land, purchase of stock, agricultural implements, seeds, and other beneficial objects, three thousand nine hundred and seventeen dollars and two cents; in all, forty-four thousand one hundred and sixty-two dollars and forty-seven cents.

Vol. 16, p. 355.

ALSEA AND SILETZ INDIANS.

Alsea and Siletz Indians.

Payment to.

The Secretary of the Interior is hereby authorized and directed, on the passage of this Act, to pay to such Alsea and other Indians on the Siletz Reservation, in Oregon, parties to an agreement made October thirty-first, eighteen hundred and ninety-two, ratified by the Act of Congress approved August fifteenth, eighteen hundred and ninety-four (Twenty-eighth Statutes, page three hundred and twenty-three), as shall be found to be competent and capable of managing and taking care of their own affairs their pro rata shares of the permanent fund

Vol. 28, p. 323.

Proviso.
Payees not to pay
interest, etc., on re-
mainder of fund.

of one hundred thousand dollars, appropriated by the said Act of August fifteenth, eighteen hundred and ninety-four, and now to their credit in the Treasury of the United States: *Provided*, That such of said Indians as receive their pro rata share of said fund, under this provision, shall not hereafter participate in the payment of interest or principal on that portion of the fund that shall remain.

Miscellaneous sup-
ports.

MISCELLANEOUS SUPPORTS.

Apaches, Kiowas,
Comanches, Wichitas,
etc.

For subsistence and civilization of the Apaches, Kiowas, Comanches, Wichitas, and affiliated bands who have been collected in the reservations set apart for their use and occupation, fifty thousand dollars.

Arapahoes and
Cheyennes.

For subsistence and civilization of the Arapahoes and Cheyennes who have been collected on the reservations set apart for their use and occupation, eighty thousand dollars.

Chippewas of Lake
Superior, Wis.

For support and civilization of the Chippewas of Lake Superior, Wisconsin, to be expended for agricultural and educational purposes; pay of employees, including pay of physician, at one thousand two hundred dollars; purchase of goods and provisions, and for such other purposes as may be deemed for the best interests of said Indians, seven thousand dollars.

Turtle Mountain
Band of Chippewas,
North Dakota.

For support and civilization of Turtle Mountain Band of Chippewas, North Dakota, including seeds, thirteen thousand dollars.

Confederated bands
middle Oregon.

For support and civilization of the confederated tribes and bands in middle Oregon, and for pay of employees, five thousand dollars.

Digger Indians,
California.

For support and civilization of Digger Indians of California, and for locating them on lands purchased for them, two thousand five hundred dollars.

D'Wamish, etc., In-
dians, Washington.

For support and civilization of the D'Wamish and other allied tribes in Washington, including pay of employees, five thousand dollars.

Carlos's Band of
Flatheads, Montana.

For support and civilization of Carlos's Band of Flatheads, Montana, including pay of employees, eight thousand dollars.

Flatheads, etc.,
Montana.

For support and civilization of the Flatheads and other confederated tribes, Montana, including pay of employees, eight thousand dollars.

Hualpais, Arizona.

To enable the Secretary of the Interior to purchase subsistence and other necessities for the support of the Hualpais in Arizona, five thousand dollars.

Apaches, etc., Ari-
zona and New Mexico.

For support and civilization of the Apache and other Indians in Arizona and New Mexico who have been or may be collected on reservations in Arizona and New Mexico, two hundred and twenty-five thousand dollars.

Shoshones and Ban-
nocks, Fort Hall Res-
ervation, Idaho.

For support, civilization, and instruction of the Shoshones and Bannocks and other Indians of the Fort Hall Reservation in Idaho, including pay of employees, thirty-five thousand dollars.

Fort Peck Reserva-
tion, Mont.

For support and education and civilization of the Indians of the Fort Peck Reservation in Montana, including pay of employees, seventy-five thousand dollars.

Shoshones, etc.,
Lemhi Agency, Idaho.

For support, civilization, and instruction of the Shoshones, Bannocks, Sheepeaters, and other Indians of the Lemhi Agency, Idaho, including pay of employees, thirteen thousand dollars.

Klamaths, etc., Klamath Agency, Oreg.

For support, civilization, and instruction of the Klamaths, Modocs, and other Indians of the Klamath Agency, Oregon, including pay of employees, five thousand dollars.

Kansas Indians,
Oklahoma Territory.

For support and civilization of the Kansas Indians, Oklahoma Territory, including agricultural assistance and pay of employees, two thousand five hundred dollars.

Kickapoo Indians,
Oklahoma Territory.

For support and civilization of the Kickapoo Indians in Oklahoma Territory, five thousand dollars.

Kicking Kickapoos,
Oklahoma Territory.

For the purchase of teams, farming implements, seeds, and other necessary articles for the Mexican Kickapoo Indians, known as the

"Kicking Kickapoos," in Oklahoma Territory, in the discretion of the Secretary of the Interior, three thousand dollars.

For support and civilization of the Makahs, Washington, including pay of employees, three thousand dollars.

For support and civilization of Indians at the Mission Agency, California, including pay of employees, one thousand five hundred dollars.

For support and civilization of the Modoc Indians now residing within the Indian Territory, one thousand dollars.

For support and civilization of Joseph's Band of Nez Perce Indians, four thousand dollars.

For support and civilization of Nez Perce Indians in Idaho, including pay of physician, three thousand dollars.

For support and civilization of the Ponca Indians, including pay of employees, fifteen thousand dollars.

For support and civilization of the Qui-nai-elts and Quilleh-utes, Washington, including pay of employees, one thousand dollars.

For support and civilization of Shoshone Indians in Wyoming, twenty-five thousand dollars.

For support and civilization of Shoshone Indians in Nevada, including pay of employees, ten thousand dollars.

For purchase of teams, farming implements, seeds, and other necessary articles for the Big Jim's Band of Absentee Shawnee Indians in Oklahoma Territory, in the discretion of the Secretary of the Interior; five thousand dollars.

For support and civilization of Sioux of Devils Lake, North Dakota, including pay of employees, and for the purchase of seeds, provisions, horses, horse feed, harness, and farm machinery, twenty thousand dollars, the same to be immediately available.

For support and civilization of Tonkawa Indians, Oklahoma Territory, and for seeds and agricultural implements, one thousand dollars.

For support and civilization of the Walla Walla, Cayuse, and Umatilla tribes, Oregon, including pay of employees, five thousand dollars.

For support and civilization of the Yakimas, and other Indians at said agency, including pay of employees, five thousand dollars.

GENERAL INCIDENTAL EXPENSES OF THE INDIAN SERVICE.

ARIZONA: For general incidental expenses of the Indian Service in Arizona, including traveling expenses of agents, one thousand five hundred dollars.

CALIFORNIA: For general incidental expenses of the Indian Service in California, including traveling expenses of agents, and support and civilization of Indians at the Round Valley, Hoopa Valley, and Tule River agencies, seven thousand dollars; and pay of employees at same agencies, eight thousand dollars; in all, fifteen thousand dollars.

COLORADO: For general incidental expenses of the Indian Service in Colorado, including traveling expenses of agents, one thousand dollars.

IDAHO: For general incidental expenses of the Indian Service in Idaho, including traveling expenses of agents, one thousand dollars.

INDIAN TERRITORY: For two additional clerks at the Union Agency, two thousand dollars; for general incidental expenses of the Indian Service in the Indian Territory, including incidental expenses of the Indian inspector's office and for pay of employees, thirteen thousand two hundred and eighty dollars; in all, fifteen thousand two hundred and eighty dollars.

MONTANA: For general incidental expenses of the Indian Service in Montana, including traveling expenses of agents and pay of employees, eight thousand five hundred dollars.

NEVADA: For general incidental expenses of the Indian Service in

Makahs, Washington.

Mission Agency Indians, California.

Modoc Indians, Indian Territory.

Joseph's Band of Nez Perces.

Nez Perces, Idaho.

Poncas.

Qui-nai-elts and Quilleh-utes.

Shoshones, Wyoming.

Shoshones, Nevada.

Big Jim's Band, Absentee Shawnees, Oklahoma Territory.

Sioux, of Devils Lake, N. Dak.

Tonkawas, Oklahoma Territory.

Walla Walla, Cayuse, and Umatillas, Oregon.

Yakimas.

Incidental expenses.

Arizona.

California.

Colorado.

Idaho.

Indian Territory.

Montana.

Nevada.

Nevada, including traveling expenses of agents, and support and civilization of Indians located on the Piute, Walker River, and Pyramid Lake reservations, and Piutes on the Western Shoshone Reservation, ten thousand dollars; and pay of employees, including physician for Walker River Reservation, at nine hundred dollars per annum, same agency, four thousand nine hundred dollars; in all, fourteen thousand nine hundred dollars.

New Mexico.

NEW MEXICO: For general incidental expenses of the Indian Service in New Mexico, including traveling expenses of agents, one thousand five hundred dollars.

North Dakota.

NORTH DAKOTA: For general incidental expenses of the Indian Service in North Dakota, including traveling expenses of agents at three agencies, one thousand five hundred dollars.

Oregon.

OREGON: For general incidental expenses of the Indian Service in Oregon, including traveling expenses of agents, and support and civilization of Indians of Grand Ronde and Siletz agencies, six thousand dollars; and pay of employees at the same agencies, four thousand dollars; in all, ten thousand dollars.

South Dakota.

SOUTH DAKOTA: For general incidental expenses of the Indian Service in South Dakota, including traveling expenses of agents at seven agencies, three thousand five hundred dollars.

Utah.

UTAH: For general incidental expenses of the Indian Service in Utah, including traveling expenses of agents, one thousand dollars.

Washington.

WASHINGTON: For general incidental expenses of the Indian Service in Washington, including traveling expenses of agents at seven agencies, and support and civilization of Indians at Colville and Puyallup agencies, and for pay of employees, seventeen thousand dollars.

Wyoming.

WYOMING: For general incidental expenses of the Indian Service in Wyoming, including traveling expenses of agents, one thousand dollars.

Miscellaneous.

MISCELLANEOUS.

Commission to Five
Civilized Tribes.
Vol. 27, p. 645.
Vol. 28, p. 939.

For salaries of four commissioners, appointed under Acts of Congress approved March third, eighteen hundred and ninety-three, and March second, eighteen hundred and ninety-five, to negotiate with the Five Civilized Tribes in the Indian Territory, twenty thousand dollars: *Provided*, That the number of said commissioners is hereby fixed at four. For expenses of commissioners and necessary expenses of employees, and three dollars per diem for expenses of a clerk detailed as special disbursing agent by Interior Department, while on duty with the commission, shall be paid therefrom; for clerical help, including secretary of the commission and interpreters, five hundred thousand dollars, to be immediately available; for contingent expenses of the commission, four thousand dollars; in all, five hundred and twenty-four thousand dollars: *Provided further*, That this appropriation may be used by said commission in the prosecution of all work to be done by or under its direction as required by statute.

Provisos.
Number of commis-
sioners.
Special disbursing
agent, clerk, etc.

Amount.
Use of appropria-
tion.

Continuance of au-
thority.
Enrollment as mem-
bers of tribe.

Provisos.
Right of Mississippi
Choctaws, enrolled, to
settle in Choctaw-
Chickasaw Country.

That said commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior: *Provided*, That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission and by the Secretary

of the Interior as Choctaws entitled to allotment: *Provided further*, That all contracts or agreements looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaws, shall be null and void.

Contracts for sale, etc., of Mississippi—Choctaw allotments void.

To pay all expenses incident to the survey, platting, and appraisal of town sites in the Choctaw, Chickasaw, Creek, and Cherokee nations, Indian Territory, as required by sections fifteen and twenty-nine of an Act entitled "An Act for the protection of the people of the Indian Territory, and for other purposes," approved June twenty-eighth, eighteen hundred and ninety-eight, for the balance of the current year and for the year ending June thirtieth, nineteen hundred and one, the same to be immediately available, sixty-seven thousand dollars, or so much as may be necessary: *Provided*, That the Secretary of the Interior is hereby authorized, under rules and regulations to be prescribed by him, to survey, lay out, and plat into town lots, streets, alleys, and parks, the sites of such towns and villages in the Choctaw, Chickasaw, Creek, and Cherokee nations, as may at that time have a population of two hundred or more, in such manner as will best subserve the then present needs and the reasonable prospective growth of such towns. The work of surveying, laying out, and platting such town sites shall be done by competent surveyors, who shall prepare five copies of the plat of each town site which, when the survey is approved by the Secretary of the Interior, shall be filed as follows: One in the office of the Commissioner of Indian Affairs, one with the principal chief of the nation, one with the clerk of the court within the territorial jurisdiction of which the town is located, one with the Commission to the Five Civilized Tribes, and one with the town authorities, if there be such. Where in his judgment the best interests of the public service require, the Secretary of the Interior may secure the surveying, laying out, and platting of town sites in any of said nations by contract.

Surveys, etc., town sites, Choctaw, Chickasaw, Creek, and Cherokee nations.
Vol. 30, pp. 500, 505.

Proviso.
—plats, etc., into town lots, etc.

—surveyors.

—filing plats.

—contract work.

Hereafter the work of the respective town-site commissions provided for in the agreement with the Choctaw and Chickasaw tribes ratified in section twenty-nine of the Act of June twenty-eighth, eighteen hundred and ninety-eight, entitled "An Act for the protection of the people of the Indian Territory, and for other purposes," shall begin as to any town site immediately upon the approval of the survey by the Secretary of the Interior and not before.

Work of commissions to begin on approval of survey.
Vol. 30, p. 505.

The Secretary of the Interior may in his discretion appoint a town-site commission consisting of three members for each of the Creek and Cherokee nations, at least one of whom shall be a citizen of the tribe and shall be appointed upon the nomination of the principal chief of the tribe. Each commission, under the supervision of the Secretary of the Interior, shall appraise and sell for the benefit of the tribe the town lots in the nation for which it is appointed, acting in conformity with the provisions of any then existing Act of Congress or agreement with the tribe approved by Congress. The agreement of any two members of the commission as to the true value of any lot shall constitute a determination thereof, subject to the approval of the Secretary of the Interior, and if no two members are able to agree the matter shall be determined by such Secretary.

Creek and Cherokee town-site commissions.

Where in his judgment the public interests will be thereby subserved, the Secretary of the Interior may appoint in the Choctaw, Chickasaw, Creek, or Cherokee Nation a separate town-site commission for any town, in which event as to that town such local commission may exercise the same authority and perform the same duties which would otherwise devolve upon the commission for that Nation. Every such local commission shall be appointed in the manner provided in the Act approved June twenty-eighth, eighteen hundred and ninety-eight, entitled "An Act for the protection of the people of the Indian Territory."

Choctaw, Chickasaw, Creek, and Cherokee Nations.
Separate town-site commissions for towns.

Vol. 30, p. 500.

Surveys by towns.	The Secretary of the Interior, where in his judgment the public interests will be thereby subserved, may permit the authorities of any town in any of said nations, at the expense of the town, to survey, lay out, and plat the site thereof, subject to his supervision and approval, as in other instances.
Appraisal and sale of lots.	As soon as the plat of any town site is approved, the proper commission shall, with all reasonable dispatch and within a limited time, to be prescribed by the Secretary of the Interior, proceed to make the appraisement of the lots and improvements, if any, thereon, and after the approval thereof by the Secretary of the Interior, shall, under the supervision of such Secretary, proceed to the disposition and sale of the lots in conformity with any then existing Act of Congress or agreement with the tribe approved by Congress, and if the proper commission shall not complete such appraisement and sale within the time limited by the Secretary of the Interior, they shall receive no pay for such additional time as may be taken by them, unless the Secretary of the Interior for good cause shown shall expressly direct otherwise.
Removal of commissioners, etc.	The Secretary of the Interior may, for good cause, remove any member of any townsite commission, tribal or local, in any of said nations, and may fill the vacancy thereby made or any vacancy otherwise occurring in like manner as the place was originally filled.
Establishment of corporate and townsite limits.	It shall not be required that the townsite limits established in the course of the platting and disposing of town lots and the corporate limits of the town, if incorporated, shall be identical or coextensive, but such townsite limits and corporate limits shall be so established as to best subserve the then present needs and the reasonable prospective growth of the town, as the same shall appear at the times when such limits are respectively established: <i>Provided further</i> , That the exterior limits of all townsites shall be designated and fixed at the earliest practicable time under rules and regulations prescribed by the Secretary of the Interior.
<i>Proviso.</i> —regulations.	
Reservation from allotment at railroad stations, etc.	Upon the recommendation of the Commission to the Five Civilized Tribes the Secretary of the Interior is hereby authorized at any time before allotment to set aside and reserve from allotment any lands in the Choctaw, Chickasaw, Creek, or Cherokee nations, not exceeding one hundred and sixty acres in any one tract, at such stations as are or shall be established in conformity with law on the line of any railroad which shall be constructed or be in process of construction in or through either of said nations prior to the allotment of the lands therein, and this irrespective of the population of such townsite at the time. Such townsites shall be surveyed, laid out, and platted, and the lands therein disposed of for the benefit of the tribe in the manner herein prescribed for other townsites: <i>Provided further</i> , That whenever any tract of land shall be set aside as herein provided which is occupied by a member of the tribe, such occupant shall be fully compensated for his improvements thereon under such rules and regulations as may be prescribed by the Secretary of the Interior.
<i>Proviso.</i> —compensation for occupants' improvements.	
Existing surveys, etc., unaffected.	Nothing herein contained shall have the effect of avoiding any work heretofore done in pursuance of the said Act of June twenty-eighth, eighteen hundred and ninety-eight, in the way of surveying, laying out, or platting of town sites, appraising or disposing of town lots in any of said nations, but the same, if not heretofore carried to a state of completion, may be completed according to the provisions hereof.
Mill, Pima Agency, Ariz.	For operating and repairing the flour mill at Pima Agency, Arizona, one thousand five hundred dollars.
Pima Indians.	For temporary support of the Pima Indians, at Pima Agency, Arizona, thirty thousand dollars, or so much thereof as may be necessary, to be expended under direction of the Secretary of the Interior; in all, thirty-one thousand five hundred dollars.

For operating one portable steam sawmill on the Nez Percé Indian Reservation, Idaho, and for necessary repairs to the same, one thousand five hundred dollars.

Nez Percé Reservation, Idaho.

For pay of physician, New York Agency, six hundred dollars.

New York Agency.

For the purpose of carrying out the provisions of the Act of June seventh, eighteen hundred and ninety-seven, "that the Secretary of the Interior shall, within one year after the passage of this Act, establish and thereafter maintain, at the city of Omaha, in the State of Nebraska, a warehouse for Indian supplies, from which distributions shall be made to such Indian tribes of the West and Northwest as the Secretary of the Interior may direct," ten thousand dollars.

Warehouse, Omaha, Nebr., appropriation for.
Vol. 30, p. 75.

To enable the President to cause, under the provisions of the Act of February eighth, eighteen hundred and eighty-seven, entitled "An Act to provide for the allotment of lands in severalty to Indians," such Indian reservations as in his judgment are advantageous for agricultural and grazing purposes to be surveyed or resurveyed, for the purposes of said Act, and to complete the allotment of the same, including the necessary clerical work incident thereto in the field and in the Office of Indian Affairs, and delivery of trust patents, so far as allotments shall have been selected under said Act, thirty thousand dollars.

Surveying and allotting lands in severalty.
Vol. 24, p. 388.

For construction of ditches and reservoirs, purchase and use of irrigating tools and appliances, and purchase of water rights on Indian reservations, in the discretion of the Secretary of the Interior and subject to his control, fifty thousand dollars: *Provided*, That the Secretary of the Interior may employ superintendents of irrigation, who shall be skilled irrigation engineers, not to exceed two, as in his judgment may be necessary to secure the construction of ditches and other irrigation works in a substantial and workmanlike manner; and also one clerk in the Office of Indian Affairs, at a salary of one thousand dollars per annum.

Works of irrigation.

Proviso.
Employment of superintendents authorized.

Clerk.

For survey and subdivision of Indian reservations and of lands to be allotted to Indians, and to make allotments in severalty, to be expended by the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, twenty thousand dollars.

Surveys and allotments.

For compensation of the commissioner authorized by the Indian appropriation Act approved June seventh, eighteen hundred and ninety-seven, to superintend the sale of land, and so forth, of the Puyallup Indian Reservation, Washington, who shall continue the work as therein provided, two thousand dollars.

Puyallup Reservation, Wash.
Compensation of Commissioner to sell lands.
Vol. 30, p. 87.

For continuing the work of transferring the Indian depredation claims from the Office of Indian Affairs to the Court of Claims and making a record of the same, and for the proper care and custody of the papers and records relating thereto, under the provisions of the Act approved March third, eighteen hundred and ninety-one (Twenty-sixth Statutes at Large, page eight hundred and fifty-one), four thousand six hundred dollars.

Indian depredation claims.
Transfer to Court of Claims.
Vol. 26, p. 851.

For the survey of lands in the Pine Ridge, Rosebud, and Standing Rock Indian reservations, in South Dakota, and for examination in the field of the surveys, the sum of twenty-two thousand dollars, to be immediately available and for clerical work and stationery in the office of surveyor-general, required on surveys within the Cheyenne River, Pine Ridge, Rosebud, and Standing Rock Indian reservations, in South Dakota, the sum of three thousand two hundred dollars. In all, the sum of twenty-five thousand two hundred dollars, reimbursable under the provisions of the Act of March second, eighteen hundred and ninety-nine.

Expenses of surveys, etc., Pine Ridge, Rosebud, and Standing Rock Reservations, S. Dak.
Cheyenne River Reservation.

Vol. 25, p. 888.

For the equipment and maintenance of the asylum for insane Indians at Canton, South Dakota, for incidental and other expenses necessary for its proper conduct and management, including pay of employees,

Canton, S. Dak., insane asylum.

Increase of appro-
priation.

Vol. 30, p. 941.

—limit of cost.

Lucius A. Wright.
Credit in accounts
of.

Payment to Kas-
kaskia, Peoria, Pian-
keshaw and Wea In-
dians.

Vol. 15, p. 519.

Proviso.
—deduction.

Seminole Indians.
Payment of balance
of awards.

Vol. 14, p. 756.

Proviso.
—payment to heirs of
deceased Seminoles.

Chickasaw Nation.

Payment to benefi-
ciaries of incompetent
fund.
Vol. 30, p. 505.

and for necessary expense of transporting insane Indians to and from said asylum; twelve thousand dollars.

For increasing the amount heretofore appropriated for the erection of said asylum for insane Indians at Canton, South Dakota, the sum of fifteen thousand dollars, the said sum being in addition to the amount appropriated for that purpose by the Act entitled "An Act making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with the various Indian tribes for the fiscal year ending June thirtieth, nineteen hundred, and for other purposes," approved March first, eighteen hundred and ninety-nine, and the limit of cost for said asylum is fixed at the amount heretofore and herein appropriated, namely, sixty thousand dollars.

The accounting officers of the Treasury Department are hereby authorized and directed to pass to the credit of Lucius A. Wright, United States Indian agent of the Mission-Tule River (consolidated) Agency, California, on his quarterly accounts for the first quarter of the fiscal year eighteen hundred and ninety-nine, the sum of five hundred dollars collected by him for grazing privileges on the Indian Reservations under his charge, and distributed by him directly to the Indians, under the authority of the Secretary of the Interior of May twentieth, eighteen hundred and ninety-eight, and for which proper vouchers have been presented.

For this amount to enable the Secretary of the Interior to carry out the terms of the twenty-fourth article of the treaty of February twenty-third, eighteen hundred and sixty-seven, with the confederated tribes of Kaskaskia, Peoria, Piankeshaw, and Wea Indians, twenty-five thousand five hundred and four dollars and ninety-six cents, as itemized and set forth in Senate Report Numbered Five hundred and eighty-two, Forty-fourth Congress, second session, at page three thereof, to be immediately available, and to be in full of all demands of said Indians under and by virtue of said treaty, said sum to be paid per capita to said Indians by the Secretary of the Interior, or expended for their benefit in such manner and for such objects and purposes as he may direct: *Provided*, That before any payment shall be made to said Indians under this Act the sum of one thousand one hundred and eighty-one dollars and sixty-nine cents shall be deducted and paid to T. F. Richardville, or his legal representatives, on account of money loaned to said Indians.

That the Secretary of the Treasury be, and he is hereby, authorized to pay the balance of awards made to the loyal Seminole Indians under the direction of the Secretary of the Interior, with interest thereon, as per articles three and four of the treaty of March twenty-first, eighteen hundred and sixty-six, and paragraph fourteen of the agreement of December sixteenth, eighteen hundred and ninety-seven, such payment to be in full settlement and satisfaction of all claims under said articles and paragraph; and the sum of one hundred and eighty-six thousand dollars is hereby appropriated for the purpose: *Provided*, That if any of the said loyal Seminoles whose names are on the lists of awards as made up in pursuance of said treaty of eighteen hundred and sixty-six shall have died, then the amount due such deceased persons, respectively, shall be paid to their legal heirs, and the acceptance of the sum hereby appropriated shall be in full settlement of said awards.

That the Secretary of the Interior be, and he is hereby, authorized and directed to pay out and distribute in the following manner the sum of two hundred and sixteen thousand six hundred and seventy-nine dollars and forty-eight cents, which amount was appropriated by the Act of June twenty-eighth, eighteen hundred and ninety-eight, and credited to the "incompetent fund" of the Chickasaw Indian Nation on the books of the United States Treasury, namely: First,

there shall be paid to such survivors of the original beneficiaries of said fund and to such heirs of deceased beneficiaries as shall, within six months from the passage of this Act, satisfactorily establish their identity in such manner as the Secretary of the Interior may prescribe and also the amount of such fund to which they are severally entitled, their respective shares; and second, so much of said fund as is not paid out upon claims satisfactorily established as aforesaid shall be distributed per capita among the members of said Chickasaw Nation, and all claims of beneficiaries and their respective heirs for participation in said incompetent fund not presented within the period aforesaid shall be, and the same are hereby, barred.

For payment to the Flambeau Lumber Company twelve thousand and thirty-nine dollars and thirty-five cents, the same being balance due said company for improvements made on the Lac du Flambeau Reservation for school and reservation purposes under a proper authority of the Secretary of the Interior, to be paid for out of timber to be cut on school and swamp lands within said reservation, which timber was not cut on account of suit instituted by the State of Wisconsin against the lumber company, after the improvements authorized had been made, stopping the same.

Flambeau Lumber
Company.
Payment to.

For making necessary repairs of the Big Wind River bridge, on the Shoshone Agency, Wyoming, seven hundred and fifty dollars, or so much thereof as may be necessary, to be expended under the direction of the Secretary of the Interior; the same to be immediately available.

Repairs Big Wind
River bridge, Sho-
shone Agency, Wyo.

For purchase and construction of one portable sawmill for the Klamath Agency, Oregon, three thousand dollars.

Klamath Agency,
Oreg., sawmill.

That the settlers who purchased with the condition annexed of actual settlement on all ceded Indian reservations be, and they are hereby, granted an extension to July first, nineteen hundred and one, in which to make payments as now provided by law.

Additional time for
payment to settlers,
etc.

Fifty thousand dollars, or so much thereof as may be necessary, to be immediately available, in payment of liabilities already incurred and for amount necessary to be expended in suppressing the spread of smallpox in the Indian Territory among those residents of said Territory not members of any Indian tribe or nation therein, all accounts to be first carefully examined and approved by the Secretary of the Interior as just and reasonable.

Suppression of
smallpox.

To enable the United States Indian agent of the Pima Agency, Arizona, to pay the expenses incurred by the farmer in charge of the San Xavier Reservation in employing two attorneys to defend four Papago Indians tried on the charge of violating United States Statute fifty-two hundred and eighty-six, the sum of two hundred dollars.

Counsel for Papago
Indians.
Reimbursement for
services of.

To enable the Secretary of the Interior to pay for certain lands and improvements, as recommended by United States Indian Inspector James McLaughlin in his three reports to the Secretary of the Interior dated, respectively, November fourteenth, eighteen hundred and ninety-eight, and February third and sixteenth, nineteen hundred, upon investigations made under the provisions of section ten of the Indian appropriation Act approved July first, eighteen hundred and ninety-eight (Thirtieth Statutes, pages five hundred and ninety-six and five hundred and ninety-seven), one hundred and seventy-one thousand six hundred and fifteen dollars and forty-four cents.

Northern Cheyenne
Reservation, Mont.
Payment for lands,
etc.

Vol. 30, p. 596.

For the erection of additional buildings, fencing, means of locomotion, and other purposes necessary to complete the establishment of Leech Lake Agency, Minnesota, five thousand dollars, to be immediately available.

Leach Lake Agency,
Minn.
Expenses of estab-
lishing.

For printing and binding in two volumes not exceeding two thousand copies of the digest of decisions relating to Indian Affairs, authorized by Indian appropriation Acts of June tenth, eighteen hundred and ninety-six, and June seventh, eighteen hundred and ninety-

Digest of Indian de-
cisions.

Vol. 30, p. 87.

Vol. 29, p. 341.

Proviso.
—copies to compiler.

seven, five thousand dollars, or so much thereof as may be necessary: *Provided*, That the Secretary of the Interior is authorized to donate thirty copies to Kenneth S. Murchuson, the compiler of said digest, for complimentary distribution by him.

Support of schools.

SUPPORT OF SCHOOLS.

Day and industrial.

For support of Indian day and industrial schools, and for other educational purposes not hereinafter provided for, one million two hundred thousand dollars;

For construction, purchase, lease, and repair of school buildings and for sewerage, water supply, and lighting plants, and purchase of school sites, two hundred and forty thousand dollars, forty thousand dollars of which shall be immediately available; in all, one million four hundred and forty thousand dollars.

Support of pupils.
Albuquerque, N.
Mex.

For support and education of three hundred Indian pupils at Albuquerque, New Mexico, fifty thousand one hundred dollars; for pay of superintendent of said school, one thousand seven hundred dollars; for general repairs and improvements, one thousand seven hundred dollars; in all, fifty-three thousand five hundred dollars.

Chamberlain, S.
Dak.

For the support and education of one hundred Indian pupils at Chamberlain, South Dakota, sixteen thousand seven hundred dollars; for pay of superintendent of said school, one thousand two hundred dollars; for general repairs and improvements, two thousand dollars; for erection of shops, two thousand dollars; for a lighting plant, one thousand two hundred dollars; for construction and extension of sewer, three thousand dollars; in all, twenty-six thousand one hundred dollars.

Cherokee, N. C.

For support of one hundred and fifty pupils at the training school at Cherokee, North Carolina, twenty-five thousand and fifty dollars; for pay of superintendent of said school; one thousand three hundred dollars; for general repairs and minor improvements, one thousand five hundred dollars; in all, twenty-seven thousand eight hundred and fifty dollars.

Carlisle, Pa.

For support of Indian industrial school at Carlisle, Pennsylvania, for transportation of pupils to and from said school, for purchase of additional land, subject to the approval of the Secretary of the Interior, and for general repairs and improvements, one hundred and forty-nine thousand dollars; for additional to the salary of any military officer of Carlisle Indian School while acting as superintendent of said school, one thousand dollars; in all, one hundred and fifty thousand dollars.

Carson City, Nev.

For support and education of two hundred Indian pupils at the Indian school at Carson City, Nevada, thirty-three thousand four hundred dollars; for pay of superintendent at said school, one thousand five hundred dollars; for general repairs and improvements, three thousand dollars; for erection of shops, three thousand dollars; in all, forty thousand nine hundred dollars.

Chilocco, Okla.

For support of four hundred Indian pupils at the Indian school at Chilocco, Oklahoma Territory, sixty-six thousand eight hundred dollars; for pay of superintendent at said school, one thousand eight hundred dollars; for electric-light system for school, five thousand dollars; for general repairs and improvements, three thousand dollars; for erection of warehouse, four thousand dollars; for cold-storage plant, three thousand dollars; for erection of a tank, three thousand dollars; in all, eighty-six thousand six hundred dollars.

Flandreau, S. Dak.

For support and education of three hundred and fifty Indian pupils at Flandreau, South Dakota, fifty-eight thousand four hundred and fifty dollars; for general repairs and improvements, two thousand dollars; for pay of superintendent of said school, one thousand eight

hundred dollars; water rent, one thousand five hundred dollars; for permanent water supply, six thousand dollars; in all, sixty-nine thousand seven hundred and fifty dollars.

For support and education of one hundred and fifty Indian pupils at the Indian school, Fort Mojave, Arizona, twenty-five thousand and fifty dollars; for pay of superintendent of said school, one thousand five hundred dollars; for general repairs and improvements, two thousand dollars; for a lighting plant, three thousand five hundred dollars; in all, thirty-two thousand and fifty dollars.

Fort Mojave, Ariz.

For support and education of two hundred and fifty Indian pupils at Indian school, Fort Totten, North Dakota, forty-one thousand seven hundred and fifty dollars; for pay of superintendent at said school, one thousand six hundred dollars; for sewerage system, two thousand five hundred dollars; for general repairs and improvements, five thousand dollars; for steam-heating system, ten thousand dollars, to be immediately available, this to be in addition to the sum of five thousand dollars heretofore appropriated for this purpose, which sum is hereby reappropriated; for a lighting plant, one thousand two hundred dollars, this being in addition to the sum of one thousand eight hundred dollars heretofore appropriated for this purpose, which sum is hereby reappropriated; in all, sixty-two thousand and fifty dollars.

Fort Totten, N. Dak.

For support and education of three hundred Indian pupils at the Indian school, Genoa, Nebraska, fifty thousand one hundred dollars; for general repairs and improvements, two thousand five hundred dollars; for pay of superintendent of said school, one thousand seven hundred dollars; for construction and completion of new school building, twenty-five thousand dollars; for construction and completion of new hospital building, five thousand dollars; for construction of barn, one thousand five hundred dollars; in all, eighty-five thousand eight hundred dollars.

Genoa, Nebr.

For the support and education of one hundred and twenty-five pupils at the Indian school at Hayward, Wisconsin, twenty thousand eight hundred and seventy-five dollars; pay of superintendent, one thousand three hundred dollars; general repairs and improvements, one thousand five hundred dollars; for increasing the amount heretofore appropriated for the erection of a new school building at Hayward, Wisconsin, the sum of fifteen thousand dollars, the said sum being in addition to the amount appropriated for that purpose by the Act approved March first, eighteen hundred and ninety-nine; and the limit of cost for said school building is fixed at the amount heretofore and herein appropriated, namely, seventy-five thousand dollars, the same to be immediately available; in all, thirty-eight thousand six hundred and seventy-five dollars.

Hayward, Wis.

Vol. 30, p. 945.

For support and education of one hundred and seventy-five Indian pupils at the Indian school at Grand Junction, Colorado, twenty-nine thousand two hundred and twenty-five dollars; for pay of superintendent at said school, one thousand five hundred dollars; for general repairs and improvements, three thousand dollars; for dormitory building, twenty thousand dollars; for the purchase of not exceeding ten acres of land for the purpose of sewerage deposits, six hundred dollars, to be immediately available; in all, fifty-four thousand three hundred and twenty-five dollars.

Grand Junction, Colo.

For support and education of one hundred and twenty Indian pupils at the school at Hampton, Virginia, twenty thousand and forty dollars.

Hampton, Va.

For support and education of sixty Indian pupils at the Indian school, Kickapoo Reservation, Kansas, ten thousand and twenty dollars; for pay of superintendent, eight hundred and forty dollars; general repairs and improvements, five hundred dollars; for erection of a laundry, one thousand dollars; for erection of a warehouse, one thousand dollars; to install a proper system of waterworks and to be made

Kickapoo Reservation, Kans.

Haskell Institute,
Lawrence, Kans.

Vol. 30, p. 943.

Mount Pleasant,
Mich.

Perris, Cal.

Riverside, Cal.
Establishment of
school.
Proviso.
Site.

Phoenix, Ariz.

Truxton Canon, Ariz.

Pierre, S. Dak.

Pipestone, Minn.

Morris Minn.

immediately available, five thousand dollars; in all, eighteen thousand three hundred and sixty dollars.

For support and education of six hundred Indian pupils at the Indian school, Haskell Institute, Lawrence, Kansas, and for general repairs and improvements, one hundred thousand two hundred dollars; for pay of superintendent at said school, two thousand dollars; for extending steam plant, ten thousand dollars, to be immediately available; for increasing the amount heretofore appropriated for the erection of a new school building at Haskell Institute, Lawrence, Kansas, the sum of ten thousand dollars; the said sum being in addition to the amount appropriated for that purpose by the Act approved March first, eighteen hundred and ninety-nine, and the limit of cost of said school building is fixed at the amount heretofore and herein appropriated, namely, twenty-five thousand dollars, the same to be immediately available; in all, one hundred and twenty-two thousand two hundred dollars.

For support and education of three hundred Indian pupils at the Indian school, Mount Pleasant, Michigan, fifty thousand one hundred dollars; for pay of superintendent of said school, one thousand seven hundred dollars; for general repairs and improvements, one thousand five hundred dollars; for erecting girls' dormitory, twenty thousand dollars, to be immediately available; in all, seventy-three thousand three hundred dollars.

For support and education of one hundred and fifty Indian pupils at the Indian school at Perris, California, twenty-five thousand and fifty dollars; for pay of superintendent of said school, one thousand five hundred dollars; for general repairs and improvements, one thousand dollars; in all, twenty-seven thousand five hundred and fifty dollars.

For the establishment, in the discretion of the Secretary of the Interior, of an Indian school at or near Riverside, California: *Provided*, That a suitable site can be obtained there for a reasonable sum, to be selected by the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, for the purchase of land, the erection of buildings, and for other purposes necessary to establish a complete school plant upon the new site, seventy-five thousand dollars.

For support and education of six hundred Indian pupils at the Indian school at Phoenix, Arizona, and for general repairs and improvements, one hundred thousand two hundred dollars; for pay of superintendent at said school, two thousand dollars; for the erection of an auditorium, seven thousand five hundred dollars; in all, one hundred and nine thousand seven hundred dollars.

For support and education of one hundred and twenty-five pupils at the Indian school at Truxton Canon, Arizona, twenty thousand eight hundred and seventy-five dollars; pay of superintendent, one thousand three hundred dollars; general improvements, one thousand five hundred dollars; in all, twenty-three thousand six hundred and seventy-five dollars.

For support and education of one hundred and fifty Indian pupils at Indian industrial school at Pierre, South Dakota, twenty-five thousand and fifty dollars; for pay of superintendent of said school, one thousand five hundred dollars; for general repairs and improvements, two thousand dollars; in all, twenty-eight thousand five hundred and fifty dollars.

For support and education of one hundred and fifty Indian pupils at the Indian school, Pipestone, Minnesota, twenty-five thousand and fifty dollars; for pay of superintendent at said school, one thousand five hundred dollars; for general repairs and improvements, one thousand dollars; in all, twenty-seven thousand five hundred and fifty dollars.

For the support and education of one hundred and fifty Indian pupils at the Indian school at Morris, Minnesota, twenty-five thousand and fifty dollars; for pay of superintendent, one thousand five hundred

dollars; for general repairs and improvements, one thousand five hundred dollars; for the purchase, in the discretion of the Secretary of the Interior, of a farm of one hundred and sixty acres, six thousand four hundred dollars, or so much thereof as may be necessary, to be immediately available; in all, thirty-four thousand four hundred and fifty dollars.

For support and education of one hundred Indian pupils, Rapid City, South Dakota, sixteen thousand seven hundred dollars; for pay of superintendent, one thousand two hundred dollars; for general repairs and improvements, five hundred dollars; for water for fire protection, five hundred dollars; in all, eighteen thousand nine hundred dollars.

Rapid City, S. Dak.

For support and education of five hundred pupils at the Indian school, Salem, Oregon, eighty-three thousand five hundred dollars; for pay of superintendent at said school, one thousand eight hundred dollars; for erection of an industrial building, six thousand dollars; for the erection and completion of a brick dormitory, twenty thousand dollars; for general repairs and improvements, three thousand dollars; for purchase of twelve and twenty-seven one-hundredths acres of land at one hundred dollars per acre, one thousand two hundred and twenty-seven dollars; in all, one hundred and fifteen thousand five hundred and twenty-seven dollars.

Salem, Oreg.

For the support and education of seventy-five Indian pupils, Sac and Fox Reservation, Iowa, twelve thousand five hundred and twenty-five dollars; for pay of superintendent, one thousand dollars; for general repairs and improvements, four hundred dollars; in all, fourteen thousand and twenty-five dollars: *Provided*, That the Secretary of the Interior is directed to pay to Push-e-ten-neke-que, head chief of the Sac and Fox of the Mississippi Indians located in the State of Iowa, five hundred dollars per annum during the remainder of his natural life, beginning with and including the fiscal year nineteen hundred, in accordance with the terms of article four of the treaty proclaimed March twenty-third, eighteen hundred and forty-three.

Sac and Fox Reservation, Iowa.

Provided.
Push-e-ten-neke-que
Annuity.

For support and education of three hundred Indian pupils at the Indian school at Santa Fe, New Mexico, fifty thousand one hundred dollars; for pay of superintendent at said school, one thousand seven hundred dollars; for water supply and sewerage, two thousand dollars; for general repairs and improvements, three thousand dollars; for extension to school building, six thousand six hundred dollars; for addition to warehouse, two thousand dollars; for a lighting system, four thousand five hundred dollars; in all, sixty-nine thousand nine hundred dollars.

Santa Fe, N. Mex.

For support and education of one hundred and seventy-five Indian pupils at the Indian school, Shoshone Reservation, Wyoming, twenty-nine thousand two hundred and twenty-five dollars; for pay of superintendent at said school, one thousand four hundred dollars; for general repairs and improvements, one thousand five hundred dollars; for erection of hospital, two thousand five hundred dollars; for sewer and water system, one thousand one hundred dollars; in all, thirty-five thousand seven hundred and twenty-five dollars.

Shoshone Reservation, Wyo.

For the support and education of one hundred and seventy-five Indian pupils at the Indian school, Tomah, Wisconsin, twenty-nine thousand two hundred and twenty-five dollars; for pay of superintendent at said school, one thousand five hundred dollars; for general repairs and improvements, three thousand dollars; for equipment of girls' dormitory, dining hall, kitchen, and hospital, to be immediately available, one thousand five hundred dollars; for construction of suitable quarters for superintendent, to be immediately available, three thousand five hundred dollars; in all, thirty-eight thousand seven hundred and twenty-five dollars.

Tomah, Wis.

School, southern Utah.	For support and education of fifty pupils at the Indian school in southern Utah, eight thousand three hundred and fifty dollars; salary of superintendent, eight hundred and forty dollars; improvements, five hundred dollars; in all, nine thousand six hundred and ninety dollars.
Transportation of pupils.	For collection and transportation of pupils to and from Indian schools, and also for the transportation of Indian pupils from all the Indian schools and placing of them, with the consent of their parents, under the care and control of such suitable white families as may in all respects be qualified to give such pupils moral, industrial, and educational training, under arrangements in which their proper care, support, and education shall be in exchange for their labor, forty thousand dollars.
Expenditures under direction of Commissioner, etc.	That all expenditure of money appropriated for school purposes in this Act shall be at all times under the supervision and direction of the Commissioner of Indian Affairs, and in all respects in conformity with such conditions, rules, and regulations as to the conduct and methods of instruction and expenditure of money as may be from time to time prescribed by him, subject to the supervision of the Secretary of the Interior: <i>Provided</i> , That not more than one hundred and sixty-seven dollars shall be expended for the annual support and education of any one pupil in any school herein specifically appropriated for, except when, by reason of epidemic, accident, or other similar cause, the attendance is so reduced that a larger expenditure is absolutely necessary for the efficient operation of the school affected, when the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may allow a larger per capita expenditure, such expenditure to continue only so long as the said necessity therefor shall exist: <i>Provided further</i> , That the total amount appropriated for the support of such school shall not be exceeded: <i>Provided further</i> , That this provision shall apply to the fiscal years eighteen hundred and ninety-nine and nineteen hundred.
<i>Provisos.</i> Limit per capita expenditure.	
—increase.	
—not to exceed total for school, etc.	
Supplies, purchase after advertisement.	SEC. 2. That no purchase of supplies for which appropriations are herein made, exceeding in the aggregate five hundred dollars in value at any one time, shall be made without first giving at least three weeks'
—exception, exigency.	public notice by advertisement, except in case of exigency, when, in the discretion of the Secretary of the Interior, who shall make official record of the facts constituting the exigency, and shall report the same to Congress at its next session, he may direct that purchases may be made in open market in amount not exceeding three thousand dollars at any one purchase: <i>Provided</i> , That supplies may be purchased, contracts let, and labor employed for the construction of artesian wells, ditches, and other works for irrigation, in the discretion of the Secretary of the Interior, without advertising as hereinbefore provided:
<i>Provisos.</i> Works of irrigation.	<i>Provided further</i> , That as far as practicable Indian labor shall be employed and purchase in the open market made from Indians, under the direction of the Secretary of the Interior: <i>Provided further</i> , That the Secretary of the Interior may, when practicable, arrange for the manufacture, by Indians at reservation or industrial schools, of shoes, clothing, leather, harness, and wagons, and such other articles as the Secretary of the Interior may deem advisable, and the sum of ten thousand dollars is hereby appropriated to enable the Secretary of the Interior to carry this provision into effect: <i>Provided further</i> , That the Indians to whom lands have been allotted on the Yakima Reservation in the State of Washington shall be permitted to lease unimproved allotted lands, for agricultural purposes, for any term not exceeding ten years upon such terms and conditions as may be prescribed by the Secretary of the Interior.
Purchases from Indians.	
Manufactures by Indians.	
Yakima Reservation, Wash. Leases authorized.	
Diversion of surplus for subsistence.	SEC. 3. That the Secretary of the Interior, under the direction of the President, may use any surplus that may remain in any of the said

appropriations herein made for the purchase of subsistence for the several Indian tribes, to an amount not exceeding twenty-five thousand dollars in the aggregate, to supply any subsistence deficiency that may occur: *Provided*, That any diversions which shall be made under authority of this section shall be reported in detail, and the reason therefor, to Congress, at the session of Congress next succeeding such diversion: *Provided further*, That the Secretary of the Interior, under direction of the President, may use any sums appropriated in this Act for subsistence, and not absolutely necessary for that purpose, for the purchase of stock cattle for the benefit of the tribe for which such appropriation is made, and shall report to Congress, at its next session thereafter, an account of his action under this provision: *Provided further*, That funds appropriated to fulfill treaty obligations shall not be used.

Proviso.
—report.

Purchase of stock
cattle.

Treaty funds not
available.

Transfer of funds for
employees.

Diversions.

Proviso.
Crow Reservation,
Mont.
Use of annuity
money of Indians for
irrigation.

SEC. 4. That when not required for the purpose for which appropriated, the funds herein provided for the pay of specified employees at any agency may be used by the Secretary of the Interior for the pay of other employees at such agency, but no deficiency shall be thereby created; and, when necessary, specified employees may be detailed for other service when not required for the duty for which they were engaged; and that the several appropriations herein or heretofore made for millers, blacksmiths, engineers, carpenters, physicians, and other persons, and for various articles provided for by treaty stipulation for the several Indian tribes, may be diverted to other uses for the benefit of said tribes, respectively, within the discretion of the President, and with the consent of said tribes, expressed in the usual manner; and that he cause report to be made to Congress, at its next session thereafter, of his action under this provision: *Provided*, That with the consent of the Crow Indians in Montana, to be obtained in the usual way, the Secretary of the Interior, in his discretion, may use the annuity money due or to become due said Indians to complete the irrigation system heretofore commenced on said Crow Indian Reservation.

Rejection of bids.

SEC. 5. That whenever, after advertising for bids for supplies in accordance with sections three and four of this Act, those received for any article contain conditions detrimental to the interest of the Government, they may be rejected, and the articles specified in such bids purchased in open market, at prices not to exceed those of the lowest bidder, and not to exceed the market price of the same, until such time as satisfactory bids can be obtained, for which immediate advertisement shall be made: *Provided*, That so much of the appropriations herein made as may be required to pay for goods and supplies, for expenses incident to their purchase, and for transportation of the same, for the year ending June thirtieth, nineteen hundred and one, shall be immediately available, but no such goods or supplies shall be distributed or delivered to any of said Indians prior to July first, nineteen hundred.

—purchases in open
market.

Proviso.
Appropriations im-
mediately available.

Distribution of sup-
plies to Indians.

SEC. 6. That the Commissioner of Indian Affairs shall report annually to Congress, specifically showing the number of employees at each agency, industrial, and boarding school, which are supported in whole or in part out of the appropriations in this Act, giving name, when employed, in what capacity employed, male or female, whether white or Indian, amount of compensation paid, and out of what item or fund of the appropriation paid, and whether, in the opinion of such Commissioner, any of such employees are unnecessary.

Annual report of
employees.

SEC. 7. That the proviso to the Act approved August fifteenth, eighteen hundred and ninety-four, permitting the sale of allotted lands by members of the Citizen Band of Pottawatomie Indians and of the Absentee Shawnee Indians of Oklahoma is hereby extended so as to permit the adult heirs of a deceased allottee to sell and convey the lands inherited from such decedent; and if there be both adult and minor owners of such inherited lands, then such minors may join in a

Citizen Band of Pot-
tawatomie Indians
and Absentee Shaw-
nee Indians of Okla-
homa.

Adult heirs of de-
ceased allottee may
sell inherited lands,
etc.

Vol. 25, p. 295.

sale thereof by a guardian, duly appointed by the proper court, upon an order of such court made upon petition filed by such guardian, all conveyances made under this provision to be subject to the approval of the Secretary of the Interior; and any Citizen Pottawatomie or Absentee Shawnee not residing upon his allotment, but being an actual resident of another State or Territory, may in like manner sell and convey all the land allotted to him.

Further extension
of act.
Vol. 17, p. 159.

Purchasers may sell,
etc.

Act extended to
heirs of allottees of
Peoria and Miami In-
dians.
Vol. 30, p. 72.

That such proviso of the Act approved August fifteenth, eighteen hundred and ninety-four, as herein enlarged, is hereby extended to those members of the Citizen Band of Pottawatomie Indians and the Absentee Shawnee Indians who were given allotments under the Act approved the twenty-third day of May, eighteen hundred and seventy-two, and to their heirs; and any purchasers of Indian blood of lands sold under the provisions of the Act last named, or their heirs, who may own other allotted lands under any Act of Congress, may sell all the lands so owned by them in excess of eighty acres, the restrictions against sales by allottees under the Act last named to others than the United States or persons of Indian blood being hereby removed; and all such conveyances shall hereafter be subject to the approval of the Secretary of the Interior.

That the provisions hereof as to the sale of inherited lands by heirs of deceased allottees of the Citizen Band of Pottawatomie Indians and Absentee Shawnee Indians are hereby extended and made applicable to the heirs of allottees of the Peoria and Miami Indians, who were authorized by the Act approved June seventh, eighteen hundred and ninety-seven, to sell a portion of their lands, and all sales and conveyances of lands of deceased allottees by their heirs, which have been duly made and executed by such heirs and duly approved by the Secretary of the Interior, are hereby ratified and confirmed.

Approved, May 31, 1900.

May 31, 1900.

CHAP. 599.—An Act To regulate the grades of Twentieth street, and for other purposes.

District of Colum-
bia.
Regulation of
grades vicinity of
Twentieth street and
Woodley road.

Proviso.
Reversion, etc.

Permanent system
of highways.
Acceptance of dedi-
cation of streets au-
thorized.

Conditions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to regulate the grades of the streets in the vicinity of Twentieth street and Woodley road, the Commissioners of the District of Columbia be, and they are hereby, authorized to abandon Hampton place and shift the location of Buckingham place, in T. E. Waggaman's subdivision of Pretty Prospect, Widow's Mite, and Kalorama, and to change the location of the street line at the southwest corner of Woodley road and Connecticut avenue extended, so as to make said corner round instead of angular, as at present: *Provided*, That the land within the lines of Hampton place which it is proposed to abandon and the land within the proposed circular corner of Woodley road and Connecticut avenue extended shall revert to the original owner or his assignees, and that the land within the lines of the new location of Buckingham place and the land outside the said circular corner of Woodley road and Connecticut avenue extended shall be dedicated to the District of Columbia.

SEC. 2. That in order to facilitate the extension of streets and encourage the donation of land in accordance with the plans for the permanent system of highways, the Commissioners of the District of Columbia be, and they are hereby, authorized, whenever in their judgment it may seem proper, to accept the dedication of streets shown on said plans, and record same, under the following conditions, namely: Streets which are shown as ninety feet in width on said plans

may be accepted with a width of not less than sixty feet: *Provided*, That the parties dedicating same agree to establish building restriction lines to agree with the street lines as shown on said plans; and streets shown on said plans as one hundred and twenty feet or more in width may be accepted with a width of not less than ninety feet: *Provided*, That the parties dedicating same agree to establish building restriction lines to agree with the street lines as shown on said plans: *And provided further*, That the space between the street lines, as established under the terms hereof, and the building restriction lines shall be considered as private property set aside and to be used for parking purposes: *But provided further*, That the parties so dedicating shall agree that said parking shall be subject to the regulations of said Commissioners in regard to height of parking and the projection of buildings beyond the building line, and that the District of Columbia shall have a right of way through said parking for sewers and water mains free of cost, and to lay thereon sidewalks, if, in the judgment of said Commissioners, the space between street lines is not sufficient to admit the construction of such sidewalks within said lines.

Proviso.
Building restriction lines.

Space between street and building restriction lines set aside for parking.

Commissioners to control parking, etc.

Approved, May 31, 1900.

CHAP. 600.—An Act To facilitate the entry of steamships engaged in the coasting trade between Porto Rico and the Territory of Hawaii and the United States.

May 31, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the Act of June fifth, eighteen hundred and ninety-four, entitled "An Act to facilitate the entry of steamships," are hereby extended to steamships engaged in trading between ports of Porto Rico and the Territory of Hawaii and those of the United States.

Entry of steamships in coasting trade between Porto Rico, Hawaii, and the United States, etc.
Vol. 28, p. 85.

Approved, May 31, 1900.

CHAP. 601.—An Act To create the southern division of the southern district of Iowa for judicial purposes, and to fix the time and place for holding court therein.

June 1, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the counties of Lucas, Clarke, Union, Adair, Adams, Fremont, Page, Taylor, Ringgold, Decatur, Wayne, and Appanoose shall constitute the southern division of the southern judicial district of Iowa; and a term of a circuit and district court for said district shall be held in said division hereby created at Creston, in Union County, on the third Monday of May and the fourth Monday of September of each year.

Iowa southern judicial district.
Southern division created.

Terms of court at Creston.

SEC. 2. That all civil suits which shall hereafter be brought against a defendant or defendants who reside in said southern division of said district shall be brought in said southern division; but if there are two or more defendants residing in different divisions of said district, such suit may be brought in either division of said district in which any defendant or defendants reside; and all mesne and final process subject to the provisions of this Act issued in either of the divisions of the southern district of Iowa may be served and executed in either or all of the divisions.

Where suits to be brought.

Process.

SEC. 3. That all crimes and offenses against the laws of the United States committed within the counties comprising the southern division of said district shall be prosecuted, tried, and determined at the terms of the circuit and district courts herein provided for: *Provided, however*, That all prosecutions begun and pending at the taking effect of this Act shall be proceeded with and finally determined as if this Act had not passed.

Crimes, etc., where prosecuted.

Proviso.
—pending.

Deputy clerk, etc.

Proviso.
Approval of ap-
pointment, etc.

SEC. 4. That the clerk of the circuit and district courts for said southern district and the marshal of said district shall each appoint a deputy, who shall reside and maintain an office at Creston, in Union County: *Provided*, That the appointment of such deputy shall be approved by the court for which they shall be respectively appointed, and they may be removed by such court at pleasure; and the clerk and marshal shall be responsible for the official acts and neglects of all their deputies.

Jurors.

SEC. 5. That all the grand jurors and all jurors for the trial of civil and criminal causes in the division hereby created shall be selected from citizens residing in the division created by this Act.

Approved, June 1, 1900.

June 2, 1900.

CHAP. 610.—An Act To ratify an agreement between the Commission to the Five Civilized Tribes and the Seminole tribe of Indians.

Seminole Indians.
Agreement with, as
to rolls of citizens, etc.
Preamble.

Whereas an agreement was made by Henry L. Dawes, Tams Bixby, Archibald S. McKennon, and Thomas B. Needles, the commission of the United States to the Five Civilized Tribes, and John F. Brown and K. N. Kinkehee, commissioners on the part of the Seminole tribe of Indians, on the seventh day of October, eighteen hundred and ninety-nine, as follows:

Commissioners.

"This agreement by and between the Government of the United States of the first part, entered into in its behalf by the Commission to the Five Civilized Tribes, Henry L. Dawes, Tams Bixby, Archibald S. McKennon, and Thomas B. Needles, duly appointed and authorized thereunto, and the Seminole tribe of Indians, in Indian Territory, of the second part, entered into in behalf of said tribe by John F. Brown and K. N. Kinkehee, commissioners duly appointed and authorized thereunto, witnesseth:

Who may be en-
rolled.
Vol. 30, p. 502.

"First. That the Commission to the Five Civilized Tribes, in making the rolls of Seminole citizens, pursuant to the Act of Congress approved June twenty-eighth, eighteen hundred and ninety-eight, shall place on said rolls the names of all children born to Seminole citizens up to and including the thirty-first day of December, eighteen hundred and ninety-nine, and the names of all Seminole citizens then living; and the rolls so made, when approved by the Secretary of the Interior, as provided by said Act of Congress, shall constitute the final rolls of Seminole citizens, upon which the allotment of lands and distribution of money and other property belonging to the Seminole Indians shall be made, and to no other persons.

Rolls to be final.

Laws of descent.

"Second. If any member of the Seminole tribe of Indians shall die after the thirty-first day of December, eighteen hundred and ninety-nine, the lands, money, and other property to which he would be entitled if living, shall descend to his heirs who are Seminole citizens, according to the laws of descent and distribution of the State of Arkansas, and be allotted and distributed to them accordingly: *Provided*, That in all cases where such property would descend to the parents under said laws the same shall first go to the mother instead of the father, and then to the brothers and sisters, and their heirs, instead of the father.

Proviso.
—to parents, etc.

"Third. This agreement to be ratified by the general council of the Seminole Nation and by the Congress of the United States.

"In witness whereof the said commissioners hereunto affix their

names, at Muskogee, Indian Territory, this seventh day of October, eighteen hundred and ninety-nine.

"HENRY L. DAWES,
 "TAMM BIXBY,
 "ARCHIBALD S. MCKENNON,
 "THOMAS B. NEEDLES,
 "Commission to the Five Civilized Tribes.
 "JOHN F. BROWN,
 "K. N. KINKEHEE,
 "Seminole Commissioners."

Signatures.

Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the same be, and is hereby, ratified and confirmed, and all laws and parts of laws inconsistent therewith are hereby repealed.

Ratification.

Repeal.

Approved, June 2, 1900.

CHAP. 611.—An Act To amend the charter of the Capital Traction Company of the District of Columbia.

June 2, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Capital Traction Company be, and the same is hereby, authorized and required, within six months from the passage of this Act, to lay down an underground electric railway, with the necessary switches and turn-outs in the city of Washington, in the District of Columbia, through and along the following streets and avenues, namely: Beginning at the main tracks at the intersection of Pennsylvania avenue and Eighth street southeast, and thence easterly along said Pennsylvania avenue with double tracks to Fifteenth street east; thence by a single-track loop on Pennsylvania avenue, the circle, K, and Fifteenth streets, bounding square numbered one thousand and seventy-eight, and connecting with the double tracks at Pennsylvania avenue and Fifteenth street east; all work to be done in accordance with plans acceptable to and approved by the Commissioners of the District of Columbia.

District of Columbia.
 Capital Traction Company.

Additional route
 authorized.

SEC. 2. That the said Capital Traction Company of the District of Columbia shall have, over and respecting the route hereinbefore provided for, the same rights, powers, and privileges as it now has, or hereafter may have, by law over and respecting its other routes, and be subject in respect thereto to all the other provisions of its charter and law.

Rights, etc.

SEC. 3. That Congress reserves the right to alter, amend, or repeal this Act.

Amendment.

Approved, June 2, 1900.

CHAP. 612.—An Act to amend an Act entitled "An Act to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes," approved July eighth, eighteen hundred and ninety-eight.

June 2, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes," approved July eighth, eighteen hundred and ninety-eight, be, and the same is hereby, amended by

District of Columbia.
 Collection of water
 main taxes.
 Vol. 30, p. 721.

—when tax assessed. striking out the following words at the end of section two thereof: "That said water-main tax, or assessment, or reassessment shall be due, payable, and collectible on each lot or parcel of land or premises on and after the date on which the connection is made from the water main to the said lot or parcel of land or premises," and inserting in lieu thereof the following: "That hereafter, whenever a water main or mains shall be laid in the District of Columbia, the water-main assessment or tax authorized by law shall be assessed within thirty days after such water main or mains shall have been laid and the owner or owners affected by this assessment or tax shall be notified that the same has been assessed by a notice inserted daily, Sundays excepted, for two weeks in two newspapers published in the District of Columbia, and such assessment or tax shall be payable in four equal installments, the first of which shall be payable without interest within thirty days of the date of the last publication of said notice, the second within one year, the third within two years, and the fourth within three years from the date of the last publication of said notice, and interest at the rate of ten per centum per annum shall be charged on all amounts which shall remain unpaid at the expiration of thirty days from the date of the last publication of said notice: *Provided*, That if the assessment or tax is paid in full at any time within thirty days after the last publication of said notice an abatement of six per centum shall be allowed on the entire amount of said assessment. The cost of publication of the notice herein provided for shall be added to the amount of said assessment and collected in the same manner that said assessment is collected."

—notice.

—how payable.

—interest on overdue payments.

Proviso.
—abatement for payment in full.

Cost of publishing notice.

Reimbursements for water mains laid in public streets, etc.

Brightwood avenue; cancellation of unpaid taxes, etc.

Repeal.

SEC. 2. That in all cases where a water main has heretofore been or may hereafter be laid in a public street or way, and in order to secure the laying of such main the cost or a part thereof has been paid to the District of Columbia prior to the laying of said main by any person or corporation, there shall be repaid from time to time to such person or corporation, out of the collections from the assessment for such main, all of the amounts so paid over and above the assessment chargeable against the land owned or controlled by said person or corporation.

SEC. 3. That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to cancel the assessment of water-main taxes unpaid on Brightwood avenue for the laying of the water main about July twentieth, eighteen hundred and ninety-five, from Fort Reno reservoir to and on Brightwood avenue from the Military road to Aspen street, where the water has not been introduced from said main on adjoining property since said water main was laid; and they are authorized and directed to reassess the tax for laying said main on Brightwood avenue according to existing law.

SEC. 4. That all laws or parts of laws inconsistent with this Act are hereby repealed.

Approved, June 2, 1900.

June 2, 1900.

CHAP. 613.—An Act Making appropriations for the service of the Post-Office Department for the fiscal year ending June thirtieth, nineteen hundred and one.

Postal service appropriations.
Vol. 5, p. 80.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated for the service of the Post-Office Department, in conformity with the Act of July second, eighteen hundred and thirty-six, as follows:

Postmaster-General.

OFFICE OF THE POSTMASTER-GENERAL.

Advertising.

For advertising, seven thousand dollars.

Miscellaneous

For miscellaneous items in the office of the Postmaster-General, one thousand dollars.

For postal service in the newly acquired territory in Porto Rico, the Hawaiian Islands, and the Philippine Islands, or territory held by military occupation, and for additional transportation to and from said territory, also including postal service for all military camps or stations, to be used in the discretion of the Postmaster-General, two hundred thousand dollars: *Provided*, That the sum of twenty thousand dollars be and the same is hereby appropriated, out of this appropriation, to maintain the postal service in Porto Rico during the months of May and June, in the year nineteen hundred, to be immediately available.

For service in newly acquired territory, etc.

Proviso.

Porto Rico.

Postal laws and regulations; printing revised edition.

—sale of.

For printing and binding a revised edition of the postal laws and regulations, such edition to be prepared under the direction of the Postmaster-General and printed at the Government Printing Office; and the Postmaster-General may authorize the sale of copies of such edition not needed for the use of the Department to individuals at the cost thereof, and ten per centum added, the proceeds of such sales to be deposited in the Treasury as part of the postal revenues, thirty thousand dollars, or so much thereof as may be necessary, to be immediately available.

OFFICE OF THE FIRST ASSISTANT POSTMASTER-GENERAL.

First Assistant Postmaster-General.

Postmasters.

Diversion for clerks, etc.; consolidated offices.

For compensation to postmasters, eighteen million dollars. Any portion thereof saved by the consolidation of post-offices under existing law shall be transferred to the appropriation for compensation to clerks in post-offices and made available for the payment of the salaries of superintendents and clerks at stations established in lieu of the post-offices thus discontinued.

SALARY AND ALLOWANCE DIVISION: For compensation to assistant postmasters at first and second class post-offices: One at three thousand five hundred dollars, sixteen at three thousand dollars each, one at two thousand five hundred dollars, three at two thousand dollars each, eight at one thousand nine hundred dollars each, fifteen at one thousand eight hundred dollars each, thirty at one thousand seven hundred dollars each, sixty at one thousand six hundred dollars each, eighty at one thousand five hundred dollars each, forty-six at one thousand four hundred dollars each, one hundred and twenty-four at one thousand three hundred dollars each, two hundred and thirty-five at one thousand two hundred dollars each, two hundred and nineteen at one thousand one hundred dollars each, and two hundred and thirty at one thousand dollars each; in all, for assistant postmasters, one million three hundred and forty-seven thousand seven hundred dollars.

Salary and allowance division. Assistant postmasters.

For compensation to clerks in post-offices:

Clerks.

Five hundred and fifty clerks in charge of stations and substations, at one hundred dollars each, fifty-five thousand dollars; —at \$100 each.

One hundred and seventy-five clerks in charge of stations and substations, at two hundred dollars each, thirty-five thousand dollars; —at \$200.

Ninety-six clerks in charge of stations and substations, janitors, messengers, porters, watchmen, and stampers, at three hundred dollars each, twenty-eight thousand eight hundred dollars; —at \$300.

Sixty-seven clerks in charge of stations and substations, janitors, messengers, porters, watchmen, stampers, carpenters, firemen, laborers, pressmen, waste-paper examiners, mail messengers, and general utility clerks, at four hundred dollars each, twenty-six thousand eight hundred dollars; —at \$400.

One thousand five hundred and ninety-eight clerks in charge of stations and substations, janitors, messengers, porters, watchmen, stampers, carpenters, firemen, laborers, pressmen, waste-paper examiners, mail messengers, and general utility clerks, at five hundred dollars each, seven hundred and ninety-nine thousand dollars; —at \$500.

Two thousand six hundred and sixty clerks in charge of stations and substations, janitors, messengers, porters, watchmen, stampers, —at \$600.

carpenters, firemen, laborers, pressmen, waste-paper examiners, mail messengers, general utility clerks, assorters, general-delivery clerks, inquiry clerks, paper distributors, raters of third and fourth class matter, record clerks, separators, special-delivery clerks, stock clerks, supply clerks, time-keepers, weighers of second-class matter, directory clerks, dispatchers, letter distributors, mailing clerks, money-order clerks, nixie clerks, registry clerks, and stamp clerks, at six hundred dollars each, one million five hundred and ninety-six thousand dollars;

—at \$700.

Eight hundred and forty-seven clerks in charge of stations and substations, janitors, messengers, porters, watchmen, stampers, carpenters, firemen, laborers, pressmen, waste-paper examiners, mail messengers, general-utility clerks, assorters, general-delivery clerks, inquiry clerks, paper distributors, raters of third and fourth class matter, record clerks, separators, special-delivery clerks, stock clerks, supply clerks, timekeepers, weighers of second-class matter, directory clerks, dispatchers, letter distributors, mailing clerks, money-order clerks, nixie clerks, registry clerks, and stamp clerks, at seven hundred dollars each, five hundred and ninety-two thousand nine hundred dollars;

—at \$800.

Three thousand nine hundred and two clerks in charge of stations and substations, stampers, mail messengers, general-utility clerks, assorters, general-delivery clerks, inquiry clerks, paper distributors, raters of third and fourth class matter, record clerks, separators, special-delivery clerks, stock clerks, supply clerks, timekeepers, weighers of second-class matter, directory clerks, dispatchers, letter distributors, mailing clerks, money-order clerks, nixie clerks, registry clerks, stamp clerks and assistant superintendents, money-order division, at eight hundred dollars each, three million one hundred and twenty-one thousand six hundred dollars;

—at \$900.

One thousand four hundred and sixty-nine clerks in charge of stations and substations, general-utility clerks, assorters, general-delivery clerks, inquiry clerks, paper distributors, raters of third and fourth class matter, record clerks, separators, special-delivery clerks, stock clerks, supply clerks, timekeepers, weighers of second-class matter, directory clerks, dispatchers, letter distributors, mailing clerks, money-order clerks, nixie clerks, registry clerks, stamp clerks, assistant superintendents money-order division, printers, and foremen of crews, at nine hundred dollars each, one million three hundred and twenty-two thousand one hundred dollars;

—at \$1,000.

One thousand four hundred and thirty-two assorters, general-delivery clerks, inquiry clerks, paper distributors, raters of third and fourth class matter, record clerks, separators, special-delivery clerks, stock clerks, supply clerks, timekeepers, weighers of second-class matter, directory clerks, dispatchers, letter distributors, mailing clerks, money-order clerks, nixie clerks, registry clerks, stamp clerks, assistant superintendents money-order division, printers, foremen of crews, assistant superintendents of registry, superintendents money-order division, superintendents of registry, and superintendents of stations, at one thousand dollars each, one million four hundred and thirty-two thousand dollars;

—at \$1,100

Five hundred and thirty assorters, general-delivery clerks, inquiry clerks, paper distributors, raters of third and fourth class matter, record clerks, separators, special-delivery clerks, stock clerks, supply clerks, timekeepers, weighers of second-class matter, directory clerks, dispatchers, letter distributors, mailing clerks, money-order clerks, nixie clerks, registry clerks, stamp clerks, assistant superintendents money-order division, printers, foremen of crews, assistant superintendents of registry, superintendents money-order division, superintendents of registry and superintendents of stations, at one thousand one hundred dollars each, five hundred and eighty-three thousand dollars;

Six hundred and ninety-two assorters, general-delivery clerks, —at \$1,200.
 inquiry clerks, paper distributors, raters of third and fourth class
 matter, record clerks, separators, special-delivery clerks, stock clerks,
 supply clerks, timekeepers, weighers of second-class matter, directory
 clerks, dispatchers, letter distributors, mailing clerks, money-order
 clerks, nixie clerks, registry clerks, stamp clerks, assistant superin-
 tendents money-order division, printers, foremen of crews, assistant
 superintendents of registry, superintendents money-order division,
 superintendents of registry, superintendents of stations, assistant
 cashiers, assistant superintendents of delivery, assistant superintendents
 of mails, bookkeepers, draftsman New York, finance clerks and secre-
 taries and stenographers, at one thousand two hundred dollars each,
 eight hundred and thirty thousand four hundred dollars;

One hundred and seventy-eight dispatchers, letter distributors, mail- —at \$1,300.
 ing clerks, money-order clerks, nixie clerks, registry clerks, stamp
 clerks, assistant superintendents money-order division, foremen of
 crews, assistant superintendents of registry, superintendents money-
 order division, superintendents of registry, superintendents of stations,
 assistant cashiers, assistant superintendents of delivery, assistant
 superintendents of mails, bookkeepers, finance clerks, secretaries and
 stenographers, superintendents of delivery, and superintendents of
 mails, at one thousand three hundred dollars each, two hundred and
 thirty-one thousand four hundred dollars;

One hundred and forty-seven dispatchers, letter distributors, mail- —at \$1,400.
 ing clerks, money-order clerks, nixie clerks, registry clerks, stamp
 clerks, assistant superintendents money-order division, foremen of
 crews, assistant superintendents of registry, superintendents money-
 order division, superintendents of registry, superintendents of stations,
 assistant cashiers, assistant superintendents of delivery, assistant super-
 intendents of mails, bookkeepers, finance clerks, secretaries and stenog-
 raphers, superintendents of delivery, and superintendents of mails, at
 one thousand four hundred dollars each, two hundred and five thousand
 eight hundred dollars;

Fifty-eight stamp clerks, assistant superintendents money-order —at \$1,500.
 division, assistant superintendents of registry, superintendents money-
 order division, superintendents of registry, superintendents of stations,
 bookkeepers, finance clerks, secretaries and stenographers, superin-
 tendents of delivery, and superintendents of mails, at one thousand
 five hundred dollars each, eighty-seven thousand dollars;

Ninety-one stamp clerks, assistant superintendents money-order —at \$1,600.
 division, superintendents money-order division, superintendents of
 registry, superintendents of stations, bookkeepers, finance clerks, sec-
 retaries and stenographers, superintendents of delivery, and superin-
 tendents of mails, at one thousand six hundred dollars each, one
 hundred and forty-five thousand six hundred dollars;

One hundred and eighteen stamp clerks, assistant superintendents —at \$1,700
 money-order division, superintendents money-order division, superin-
 tendents of registry, superintendents of stations, bookkeepers, finance
 clerks, superintendents of delivery, and superintendents of mails, at one
 thousand seven hundred dollars each, two hundred thousand six hundred
 dollars;

Fifty-two assistant superintendents money-order division, assistant —at \$1,800.
 superintendents of registry, superintendents money-order division,
 superintendents of registry, superintendents of stations, bookkeepers,
 superintendents of delivery, superintendents of mails, and cashiers, at
 one thousand eight hundred dollars each, ninety-three thousand six
 hundred dollars;

One superintendent of delivery, one superintendent money-order —superintendents,
 division, and one superintendent of station, at one thousand nine hun- etc., at \$1,900.
 dred dollars each, five thousand seven hundred dollars;

—at \$2,000.	Forty-nine superintendents money-order division, superintendents of registry, superintendents of stations, superintendents of delivery, superintendents of mails, and cashiers, at two thousand dollars each, ninety-eight thousand dollars;
—at \$2,100.	Six superintendents money-order division, superintendents of registry, superintendents of delivery, and superintendents of mails, at two thousand one hundred dollars each, twelve thousand six hundred dollars;
—at \$2,200.	Twenty-seven superintendents money-order division, superintendents of registry, superintendents of stations, superintendents of delivery, superintendents of mails, and cashiers, at two thousand two hundred dollars each, fifty-nine thousand four hundred dollars;
—at \$2,400.	Twenty assistant superintendents money-order division, assistant superintendents of registry, superintendents money-order division, superintendents of registry, superintendents of delivery, superintendents of mails, and cashiers, at two thousand four hundred dollars each, forty-eight thousand dollars;
—at \$2,500.	Seven superintendents of stations, superintendents of delivery, and superintendents of mails, at two thousand five hundred dollars each, seventeen thousand five hundred dollars;
—at \$2,600.	Thirteen superintendents of delivery, superintendents of mails, and cashiers, at two thousand six hundred dollars each, thirty-three thousand eight hundred dollars;
—at \$2,700.	Nine superintendents of delivery and superintendents of mails, at two thousand seven hundred dollars each, twenty-four thousand three hundred dollars;
Auditor, New York.	One auditor, New York, three thousand dollars;
—Chicago.	One auditor, Chicago, three thousand dollars;
Superintendents, etc., at \$3,200.	One superintendent money-order division, one superintendent of registry, one superintendent of mails, and one superintendent of delivery, at three thousand two hundred dollars each, twelve thousand eight hundred dollars;
Substitutes for clerks on vacation.	For compensation to substitutes for clerks of first and second class post-offices on vacation, one hundred and twenty-five thousand dollars;
Separating mails.	For separating mails at third and fourth class post-offices, nine hundred thousand dollars;
Temporary clerk hire.	For temporary clerk hire, one hundred thousand dollars;
Amount.	In all, for clerk hire in post-offices, twelve million eight hundred and twenty-nine thousand seven hundred dollars: <i>Provided</i> , That the
Proviso.	Postmaster-General may, in the disbursement of this appropriation, allow postmasters at first-class offices to employ temporary clerks at
Temporary clerks during busy hours.	the rate of twenty-five cents an hour during the rush or busy hours of the day.
Rent, light, and fuel.	For rent, light, and fuel for first, second, and third class post-offices, one million nine hundred and fifty thousand dollars: <i>Provided</i> , That
Provisos.	there shall not be allowed for the use of any third-class post-office for
—limit, rent, third-class office.	rent a sum in excess of four hundred dollars, nor more than sixty dollars for fuel and light in any one year: <i>And provided further</i> , That
—leases.	the Postmaster-General may, in the disbursement of this appropriation, apply a part thereof to the purpose of leasing premises for the
	use of post-offices of the first, second, and third classes at a reasonable annual rental, to be paid quarterly for a term not exceeding ten
	years.
Miscellaneous.	For necessary miscellaneous and incidental items directly connected with first and second class post-offices, including furniture, cleaning, and all other matters not specifically provided for in other appropriations, two hundred and twenty-five thousand dollars: <i>Provided</i> , That
Proviso.	the Postmaster-General, in his discretion, under such regulations as he
Expenditures without written consent.	shall prescribe, may authorize any of the postmasters of said offices

to expend the funds he may allow them for such purposes without the written consent of the Postmaster-General.

For advertising and purchase of newspapers containing official advertisements contracted for under this appropriation at first and second class post-offices, twenty-two thousand five hundred dollars.

For rental or purchase of canceling machines and motors, and power therefor, one hundred and fifty thousand dollars: *Provided*, That five per centum of the foregoing appropriations for the salary and allowance division of the First Assistant Postmaster-General's bureau may be available interchangeably for expenditures on the objects named, but no one item of the appropriations shall thereby be increased more than five per centum.

FREE-DELIVERY SERVICE: For pay of letter carriers in offices already established, and for substitute letter carriers, and for temporary carriers at summer resorts, holiday, election, and emergency service, fourteen million seven hundred and eighty-seven thousand and six hundred dollars.

For pay of letter carriers in new offices entitled to free-delivery service under existing law, sixty thousand dollars: *Provided*, That letter carriers may be required to work as nearly as practicable only eight hours on each working day, but not in any event exceeding forty-eight hours during the six working days of each week; and such number of hours on Sunday, not exceeding eight, as may be required by the needs of the service; and if a legal holiday shall occur on any working day, the service performed on said day, if less than eight hours, shall be counted as eight hours without regard to the time actually employed.

For horse-hire allowance, four hundred and seventy-five thousand dollars.

For car fare and bicycle allowance, two hundred and thirty thousand dollars.

For incidental expenses, including letter boxes, package boxes, posts, furniture, satchels, straps, marine service at Detroit, Michigan, fifteen mechanics, to be employed exclusively in erecting and painting letter boxes in cities containing post-offices of the first-class, where they are most needed, and expenses of assistant superintendents of free-delivery service, two hundred thousand dollars; in all, fifteen million seven hundred and fifty-two thousand six hundred dollars: *Provided*, That ten per centum of the foregoing amounts for free-delivery service may be available interchangeably for expenditure on the objects named, but no one item of appropriation shall thereby be increased more than ten per centum.

For experimental rural free delivery, including pay of carriers, horse-hire allowance, supplies, and mechanical appliances, one million seven hundred and fifty thousand dollars.

SUPPLY DIVISION: For stationery for postal service, fifty-five thousand dollars.

For wrapping twine, one hundred thousand dollars.

For wrapping paper, thirty thousand dollars.

For letter balances, scales, and test weights, and repairs to same, ten thousand dollars.

For postmarking and rating stamps, and repairs to same, and ink and pads for stamping and canceling purposes, thirty thousand dollars.

For packing boxes, sawdust, paste, and hardware, one thousand dollars.

For printing facing slips and cutting same, card slide labels, blanks, and books of an urgent nature for the postal service, twenty thousand dollars.

Blanks, blank books, printed matter, metal advertising signs, twine,

Advertising.

Canceling machines.
Proviso.
Interchangeable expenditures.

Free delivery.
Letter carriers.

—in new offices.
Proviso.
—to work eight hours a day, etc.

Horse hire.

Car fare and bicycles.

Incidentals.

Proviso.
Interchangeable expenditures.

Rural free delivery.

Supply division.
Stationery.

Twine.
Wrapping paper.
Scales, etc.

Canceling, etc., stamps.

Packing boxes.

Printing.

Books, etc.

carbon paper, and articles pertaining to its use in the issue and payment of money orders, one hundred and twenty-five thousand dollars.

Money-order service. Rubber and metal stamps for the money-order service, six thousand dollars.

Stamps. Copying presses and typewriting machines (money-order service), five thousand dollars.

—copying presses. Exchange on drafts, stationery, and necessary miscellaneous incidental expenses of the money-order service, thirteen thousand dollars.

—stationery, etc.

Second Assistant Postmaster-General.

OFFICE OF THE SECOND ASSISTANT POSTMASTER-GENERAL.

Inland mail transportation.
Star routes.
Proviso.
Alaska service.

For inland mail transportation, namely: Inland transportation by star routes, including temporary service to newly established offices, five million two hundred and forty thousand dollars: *Provided*, That out of this appropriation the Postmaster-General is authorized to provide difficult or emergency mail service in Alaska, including the establishment and equipment of relay stations, in such manner as he may think advisable, without advertising therefor.

Steamboat routes.

For inland transportation by steamboat routes, five hundred and forty-five thousand dollars.

Messenger service.

For mail-messenger service, nine hundred and fifty thousand dollars.

Pneumatic tubes.

For transportation of mail by pneumatic tube or other similar devices, by purchase or otherwise, two hundred and twenty-five thousand dollars: *Provided*, That no part of this appropriation shall be used in extending such pneumatic service beyond the service for which contracts already are entered into, and no additional contracts shall be made unless hereafter authorized by law.

Proviso.
—no extension of service.

—investigation of cost, utility, etc., authorized.

For the investigation by the Postmaster-General of the cost of construction, operation, and utility of all systems of pneumatic tubes for the transmission of mail, including full details and maps, and any estimates and proposals as to cost of construction, as well as the cost of stations and their operation, and all facts bearing upon the use of said tubes in connection with the mail service, to enable Congress to determine whether the service should be owned, leased, extended, or discontinued by the Government, also the cost at which the Government may acquire existing plants or necessary patents, ten thousand dollars.

Wagon, etc., service.

For regulation, screen, or other wagon service, seven hundred and fifty thousand dollars.

Bags, catchers, etc.

For mail bags, cord fasteners, label cases, and for labor and material necessary for repairing equipment, two hundred and seventy-five thousand dollars.

Locks, keys, etc.

For mail locks and keys, chains, tools, and machinery, and for labor and material necessary for repairing same, of which sum not exceeding two hundred dollars may be used to provide badges for railway post-office clerks, forty-three thousand dollars.

Repair shop.

For rent of building for a mail-bag repair shop and lock-repair shop, and for fuel, gas, watchmen and charwomen, oil and repair of machinery for said shops, eight thousand five hundred dollars.

Railroad routes.

For inland transportation by railroad routes, of which a sum not exceeding forty thousand dollars may be employed to pay freight on postal cards, stamped envelopes, and stamped paper, and other supplies from the manufactories to the post-offices and depots of distribution, thirty-three million eight hundred and seventy thousand dollars.

Post-office cars.

For railway post-office car service, four million five hundred and sixty-one thousand dollars.

Railway Mail Service.
Superintendents, clerks, etc.

RAILWAY MAIL SERVICE: One General Superintendent, at three thousand five hundred dollars; one Assistant General Superintendent, at three thousand dollars; one chief clerk, office of General Superintendent, two thousand dollars; eleven division superintendents, at two thousand five hundred dollars each; eleven assistant division superin-

tendents, at one thousand eight hundred dollars each; twenty-one assistant superintendents, at one thousand six hundred dollars each; eighty-five chief clerks, in charge of lines, at one thousand six hundred dollars each; twelve hundred and twenty-seven clerks, class five, at one thousand four hundred dollars each; one thousand six hundred and thirty-two clerks of class four, at one thousand two hundred dollars each; three thousand six hundred and five clerks, class three, at one thousand dollars each; one thousand nine hundred and eighty-seven clerks, class two, at not exceeding nine hundred dollars each; five hundred and twenty-five clerks, class one, at not exceeding eight hundred dollars each.

For substitutes for clerks on vacation, fifty thousand dollars: *Provided*, That the Postmaster-General may allow railway postal clerks whose duties require them to work six days or more per week, fifty-two weeks per year, an annual vacation of fifteen days, with pay.

For acting clerks in place of clerks injured while on duty, twenty-five thousand dollars.

For actual and necessary expenses of General Superintendent, assistant general superintendent, chief clerk office general superintendent, division superintendents, assistant division superintendents, chief clerks, and railway-postal clerks, while actually traveling on business of the Department and away from their several designated headquarters, forty thousand dollars.

For per diem allowance of assistant superintendents, thirty-four thousand dollars: *Provided*, That assistant superintendents may receive a per diem allowance in lieu of actual and necessary traveling expenses at the rate of four dollars per day while actually traveling on business of the Department away from their several designated headquarters.

In all, for railway mail service, nine million eight hundred and sixty-three thousand nine hundred dollars.

For inland transportation of mail by electric and cable cars, three hundred and fifty thousand dollars: *Provided*, That the rate of compensation to be paid per mile shall not exceed the rate now paid to companies performing said service.

For necessary and special facilities on trunk lines from New York and Washington to Atlanta and New Orleans, one hundred and seventy-one thousand two hundred and thirty-eight dollars and seventy-five cents: *Provided*, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

For continuing necessary and special facilities on trunk lines from Kansas City, Missouri, to Newton, Kansas, twenty-five thousand dollars, or so much thereof as may be necessary: *Provided*, That no part of this appropriation shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

For miscellaneous items, including railway guides, city directories, and other books and periodicals necessary in connection with mail transportation, one thousand dollars.

For transportation of foreign mails, two million two hundred and forty-eight thousand dollars, including additional compensation to the Oceanic Steamship Company for transporting the mails by its steamers sailing from San Francisco to New Zealand and New South Wales by way of Honolulu, all mails made up in the United States destined for the Hawaiian Islands, the Australian colonies, New Caledonia, and the islands in the Pacific Ocean, eighty thousand dollars: *Provided*, That the sum paid the said Oceanic Steamship Company shall not exceed two dollars per mile, as authorized by Act of March third, eighteen hundred and ninety-one, entitled "An Act to provide for ocean mail

Substitutes for clerks on vacation.
Provided.
Vacation allowed.

Clerks acting for injured clerks.

Traveling expenses.

Per diem, assistant superintendents.
Provided.
—in lieu of traveling expenses.

Amount.

Electric and cable car service.
Provided.
—limit rate per mile.

Special facilities.

Provided.
—consent of Postmaster-General.

Miscellaneous.

Foreign mails.
Oceanic Steamship Company.

Provided.
—limit per mile.
Vol. 26, p. 832.
Clerks on steamers.

Transfers at New York.

San Francisco.

Balances due foreign countries.

Third Assistant Postmaster-General.

Stamps.

Provisos.
Special delivery revenues available for expenditures at first-class post-offices.

—fees from, available for any employee at first and second class offices; rules.

Distribution of stamps.

Stamped envelopes.

—distribution.

Postal cards.

—distribution.

Envelopes.

Ship, etc., letters.
Indemnity for loss of registered matter.
Vol. 29, p. 599.

Miscellaneous.

Fourth Assistant Postmaster-General.

Mail depredations.

service between the United States and foreign ports, and to promote commerce:" *And provided further*, That hereafter the Postmaster-General shall be authorized to expend such sums as may be necessary, not exceeding fifty-five thousand dollars, to cover one-half of the cost of transportation, compensation, and expense of clerks to be employed in assorting and pouching mails in transit on steamships between the United States and other postal administrations in the International Postal Union; and not exceeding forty thousand dollars for transferring the foreign mail from incoming steamships in New York Bay to the several steamship and railway piers, and between the steamship piers in New York City and Jersey City and the post-office and railroad stations, and for transferring the foreign mail from incoming steamships in San Francisco Bay to the piers.

For balances due foreign countries, one hundred and forty-five thousand dollars.

OFFICE OF THE THIRD ASSISTANT POSTMASTER-GENERAL.

For manufacture of adhesive postage and special-delivery stamps, two hundred and twenty-three thousand dollars: *Provided*, That out of the revenue arising from special-delivery business the Postmaster-General may allow expenditures by postmasters at first-class post-offices, under regulations to be established by him, for car fare for special-delivery messengers in emergent cases where immediate delivery in the usual way is impracticable, not to exceed in the aggregate, for all offices, ten thousand dollars a year: *And provided further*, That at first and second class post-offices the Postmaster-General may establish rules under which special delivery may be effected by any salaried clerk or employee thereof, and the lawful special-delivery fees allowed therefor, the same as is now done at third-class offices, in cases where such delivery can not be made by regular messengers.

For pay of agent and assistants to distribute stamps, and expenses of agency, twelve thousand dollars.

For manufacture of stamped envelopes and newspaper wrappers, six hundred and three thousand dollars.

For pay of agent and assistants to distribute stamped envelopes and newspaper wrappers, and expenses of agency, seventeen thousand eight hundred dollars.

For manufacture of postal cards, one hundred and fifty-eight thousand dollars.

For pay of agent and assistants to distribute postal cards, and expenses of agency, seven thousand eight hundred dollars.

For registered-package, tag, official, and dead-letter envelopes, one hundred and one thousand dollars.

For ship, steamboat, and way letters, one thousand dollars.

For payment of limited indemnity for the loss of pieces of first-class registered matter, as provided for in the Act of Congress approved February twenty-seventh, eighteen hundred and ninety-seven, entitled "An Act to amend the postal laws providing limited indemnity for loss of registered mail matter," six thousand dollars.

For miscellaneous items, five hundred dollars.

OFFICE OF THE FOURTH ASSISTANT POSTMASTER-GENERAL.

For mail depredations and post-office inspectors, including salaries of fifteen inspectors in charge of divisions at two thousand five hundred dollars per annum without per diem, and fifteen inspectors at two thousand two hundred and fifty dollars per annum without per diem, and fifteen inspectors at two thousand dollars per annum without per

diem, and for salaries of post-office inspectors and clerks; and for per diem allowance of inspectors in the field while actually traveling on business for the Department, five hundred and fifty thousand dollars:

Provided, That the Postmaster-General may, in his discretion, allow post-office inspectors per diem while temporarily located at any place on duty away from home, or their designated domicile, for a period not exceeding twenty consecutive days at any one place, and may make rules and regulations governing the foregoing provisions relating to per diem: *And provided further*, That, of the amount herein appropriated, not to exceed two thousand dollars may be expended, in the discretion of the Postmaster-General, for the purpose of securing information concerning violations of the postal laws, and for services and information looking toward the apprehension of criminals.

For payment of rewards for the detection, arrest, and conviction of post-office burglars, robbers, and highway mail robbers, twenty-five thousand dollars.

For miscellaneous items, one thousand dollars.

SEC. 2. That the appropriations herein made for the officers, clerks, and persons employed in the postal service shall not be available for the compensation of any persons permanently incapacitated for performing such service. The establishment of a civil pension roll or an honorable service roll, or the exemption of any of the officers, clerks, and persons in the postal service from the existing laws respecting employment in such service, is hereby prohibited.

SEC. 3. That if the revenues of the Post-Office Department shall be insufficient to meet the appropriations made by this Act, a sum equal to such deficiency of the revenues of said Department is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to supply said deficiencies in the revenues for the Post-Office Department for the year ending June thirtieth, nineteen hundred and one.

SEC. 4. That the commission to investigate the question whether or not excessive prices are paid to the railroad companies for the transportation of the mails and as compensation for postal-car service, and all sources of revenue and all expenditures of the postal service, and rates of postage upon all postal matter, authorized by section five of the Act making appropriations for the service of the Post-Office Department for the fiscal year ending June thirtieth, eighteen hundred and ninety-nine, approved June thirteenth, eighteen hundred and ninety-eight, and by section four of the Act making appropriations for the service of the Post-Office Department for the fiscal year ending June thirtieth, nineteen hundred, approved March first, eighteen hundred and ninety-nine, be, and it is hereby, continued with all the powers and duties given by said Acts, and with directions to report to Congress on or before January first, nineteen hundred and one, and that the unexpended balance of the sums appropriated is hereby reappropriated and made available for the expenses of said commission: *Provided, however*, That one thousand copies of all testimony hitherto taken by said commission shall be at once printed, and that one thousand copies of all testimony hereafter taken shall also be printed from time to time for the use of Congress, of which eight hundred copies shall be for the use of the House of Representatives, and two hundred copies for the use of the Senate; and the necessary amount therefor is hereby appropriated.

Approved, June 2, 1900.

Proviso.
Per diem to inspectors.

Securing evidence, etc.

Rewards.

Miscellaneous.

Appropriations unavailable for incapacitated employees.

Civil pension roll, etc., forbidden.

Appropriation for deficiencies in revenues.

Congressional committee to investigate, etc., continued.

Vol. 30, pp. 445, 966.

Report.
Reappropriation of unexpended balance.

Proviso.
Copies of testimony ordered printed.

June 2, 1900.

CHAP. 614.—An Act To amend section forty-four hundred and fourteen, title fifty-two, Revised Statutes of the United States.

Toledo, Ohio.
Board of local in-
spectors of steam ves-
sels authorized at.
R. S., sec. 4414, p. 855
amended.
Vol. 28, pp. 699, 843.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section forty-four hundred and fourteen, title fifty-two, of the Revised Statutes of the United States, as amended by the Acts of Congress approved March first and second, eighteen hundred and ninety-five, be amended by inserting therein the words "Toledo, Ohio." after the words "Mobile, Alabama."

Approved, June 2, 1900.

June 2, 1900.

CHAP. 615.—An Act Requiring the disbursing clerk of the Census Office to file an additional bond, and for other purposes.

Census Office.
Disbursing clerk,
additional bond re-
quired of.

Vol. 30, p. 1014.

Proviso.
—limit continuance
of.

—salary increased.

When chief clerk to
be Acting Director.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Director of the Census be, and he hereby is, authorized and directed to require the disbursing clerk of the Census Office to give bond to the Secretary of the Treasury, in addition to that now required by law, in the penal sum of two hundred and fifty thousand dollars, which bond shall conform to the requirements of an Act entitled "An Act to provide for taking the Twelfth and subsequent censuses," approved March third, eighteen hundred and ninety-nine, in relation to the bond to be filed by the disbursing clerk of the Census Office: *Provided,* That the Director of the Census may dispense with such additional bond after June thirtieth, nineteen hundred and one.

SEC. 2. That the salary of the disbursing clerk of the Census Office is hereby increased for the year ending June thirtieth, nineteen hundred and one, in the sum of five hundred dollars, so that for the year commencing July first, nineteen hundred, and ending June thirtieth, nineteen hundred and one, the salary of said officer shall be three thousand dollars.

SEC. 3. That, in the absence of the Director and Assistant Director, the chief clerk shall serve as Acting Director.

Approved, June 2, 1900.

June 4, 1900.

CHAP. 619.—An Act Authorizing the construction of a bridge across the Red River of the North.

Cooper Pontoon
Bridge Company may
bridge Red River of
the North.

Location.

Toll.

To be lawful struc-
ture and post route.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Cooper Pontoon Bridge Company, of Walsh County, State of North Dakota, a corporation organized under the laws of the State of North Dakota, be, and is hereby, authorized to construct and maintain a pontoon bridge and approaches thereto across the Red River of the North between the State of Minnesota and the State of North Dakota, extending from a point on said river where the section line running east and west between sections eight and seventeen, township one hundred and fifty-seven north, of range fifty west, in Marshall County, State of Minnesota, intersects said river, to a point opposite in the State of North Dakota. Said bridge shall be constructed so as to provide for the passage of wagons and vehicles of all kinds, animals, and foot passengers, and for road travel, for such reasonable rates of toll and under such rules and regulations as may be prescribed by said corporation and approved from time to time by the Secretary of War.

SEC. 2. That any bridge built under this Act and subject to its limitations shall be a lawful structure, and shall be recognized and known as a post route, upon which also no higher charge shall be made for the

transmission over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for transportation over railroads or public highways leading to the said bridge; and it shall enjoy the rights and privileges of other post roads in the United States, and the United States shall have the right of way across said bridge and its approaches for postal-telegraph purposes. And equal rights as to constructing and maintaining their lines over said bridge shall be granted to all telephone and telegraph companies desiring to use the same.

Telegraph, etc.,
companies.

SEC. 3. That said bridge shall be constructed as a pontoon drawspan bridge, and shall contain a pontoon drawspan of such dimensions as the Secretary of War shall prescribe, which said drawspan shall be maintained on the main channel of the river at an accessible and navigable point; and the piers shall be parallel with, and the bridge itself at right angles to, the current of the river: *Provided*, That said draw shall be opened promptly, upon reasonable signal, for the passage of boats and rafts; and said corporation shall maintain at its own expense, from sunset to sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe. No bridge shall be constructed or maintained under the authority of this Act which shall at any time substantially or materially obstruct the free navigation of said river; and if any bridge erected under said authority shall, in the opinion of the Secretary of War, obstruct such navigation, he is hereby authorized to cause such change or alteration of said bridge to be made as will effectually obviate such obstruction, and all such alterations shall be made and all such obstructions be removed at the expense of the said corporation; and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river, caused or alleged to be caused by said bridge, suit may be brought in any circuit court of the United States for the circuit in which said bridge or any part thereof is located to remove or remedy the same: *Provided further*, That nothing in this Act shall be construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers, or to exempt this bridge from the operations of the same.

Draw.

Provided.
—opening of.

Lights.

Bridge not to ob-
struct navigation.

Litigation.

Existing law unaf-
fected.

SEC. 4. That any bridge authorized to be constructed under this Act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe; and to secure that object the said corporation shall submit to the Secretary of War, for his examination and approval, a design and drawings of the said bridge and a map of the location, giving, for the space of one-half mile above and one-half mile below the proposed location, the high and low water lines upon the banks of the river, the direction and strength of the current at all stages, with the soundings, accurately showing the bed of the stream, and the location of any other bridge or bridges, such map to be sufficiently in detail to enable the Secretary of War to judge of the proper location of said bridge, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until such plan and location of the bridge are approved by the Secretary of War the bridge shall not be built; and should any change be made in the plan of said bridge, during the progress of construction or after completion, such change shall be subject to the approval of the Secretary of War.

Secretary of War to
approve plans, etc.

—changes.

SEC. 5. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

SEC. 6. That this Act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date of the approval of this Act.

Commencement
and completion.

Approved, June 4, 1900.

June 4, 1900.

CHAP. 620.—An Act Permitting building a dam across New River.

F. H. Fries et al.
may dam New River,
Va.

Provisos.
—changes.

Passage of fish.

Litigation.

Commencement
and completion.

Amendment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to F. H. Fries and W. C. Ruffin, of the State of North Carolina, their successors and assigns, to erect, construct, and maintain across New River, in Grayson County, Virginia, at any point within two miles of the mouth of Stevens Creek, a dam and all other works necessarily incident thereto for water-power purposes: *Provided*, That the said F. H. Fries and W. C. Ruffin, their successors and assigns, shall make, at their own expense, such change and modification of the said dam as the Secretary of War may from time to time direct in the interests of the navigation of said river: *Provided further*, That ladders suitable for the passage of fish over the said dam shall be constructed and maintained by the said parties, their successors and assigns, as may from time to time be required by the United States Fish Commissioner: *Provided further*, That in case any litigation arises from the obstruction of the channel by the said dam, or works appurtenant thereto, that the same may be tried in the courts of the United States having proper jurisdiction.

SEC. 2. That this Act shall become null and void unless the dam herein authorized shall be commenced within two years and completed within five years of the date hereof.

SEC. 3. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 4, 1900.

June 4, 1900.

CHAP. 621.—An Act Authorizing and requiring certain extensions to be made to the lines of the Capital Traction Company and of the Anacostia and Potomac River Railroad Company of the District of Columbia.

District of Columbia.
Capital Traction
Company.
Extension of lines
authorized.

Route.

Proviso.
G street loop.

Anacostia and Poto-
mac River Railroad.
Extension of lines
authorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Capital Traction Company of the District of Columbia be, and it hereby is, authorized and required to construct the necessary tracks and to make the necessary connections for the purpose of operating its cars by the underground electric system and to operate the same over and along the following route, namely: Beginning at the intersection of First and C streets northwest, east on C street to Delaware avenue, and thence by a loop around square six hundred and eighty-six (bounded by Delaware avenue, B, First, and C streets northeast). Also, beginning at the intersection of Pennsylvania avenue and Seventeenth street northwest; south on Seventeenth street by double tracks to G street northwest; west on G street by single track to Twenty-fifth street; north on Twenty-fifth street by single track to Pennsylvania avenue. Also, beginning with the tracks at the corner of Seventeenth and G streets northwest; south on Seventeenth street by single track to F street northwest; west on F street by single track to Twenty-sixth street northwest; north on Twenty-sixth street by single track to Pennsylvania avenue: *Provided*, That for the purpose of furnishing a loop, for use when necessary, a single track may be extended along G street northwest from Twenty-fifth to Twenty-sixth streets, connecting with the single tracks in Twenty-fifth and Twenty-sixth streets northwest.

SEC. 2. That the Anacostia and Potomac River Railroad Company be, and it is hereby, authorized and required, within one year from the date of the approval of this Act, to extend the lines of its underground electric railroad from the intersection of First street east and E street south, north along First street to B street south; thence west along B street, connecting with its existing tracks between Second and Third streets west.

SEC. 3. That where the route provided for in this Act coincides with the routes of existing street railways one set of tracks shall be used in common, upon terms mutually agreed upon, or, in case of disagreement, upon terms determined by the supreme court of the District of Columbia, which is authorized and directed to give hearing to the interested parties and to fix the terms of joint trackage.

Joint trackage.

SEC. 4. That the extensions herein authorized shall be completed and cars operated over the same within one year from the date of the passage of this Act. The double tracks of the Capital Traction Company now in the south side of C street northwest, between First street and New Jersey avenue, shall also be removed within said time, and the space so vacated restored to proper condition in a manner satisfactory to the Commissioners of the District of Columbia.

Completion of construction, etc.

SEC. 5. That the extensions herein authorized shall be constructed in accordance with plans satisfactory to the Commissioners of the District of Columbia and approved by them.

Approval of plans.

SEC. 6. That the said Capital Traction Company and the Anacostia and Potomac River Railroad Company shall have, over and respecting the routes herein provided for, the same rights, powers, and privileges they respectively have or hereafter may have by law, over and respecting their other routes, and be subject in respect thereto to all the other provisions of their charters and of law.

Rights, etc.

SEC. 7. That Congress reserves the right to alter, amend, or repeal this Act.

Amendment.

Approved, June 4, 1900.

CHAP. 622.—An Act Authorizing the Secretary of the Interior to set aside certain described lands in San Juan County, Colorado, as a legal subdivision or lot, and authorizing the mayor of Silverton to enter said land for cemetery purposes.

June 4, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to set aside the following-described land as a legal subdivision or lot, namely: Beginning at corner numbered one, a post which is also the corner post of the fence of old cemetery, and marked "Cor. No. 1, Cemetery," whence United States locating monument "Silverton" bears north seventy-nine degrees twenty-four minutes west two thousand nine hundred and eighteen and nine-tenths feet, Bear Mountain bears south sixty-nine degrees fifty-seven minutes west, Sultan Mountain bears south fifty-one degrees fifty-six minutes west, Galena Mountain bears north seventy-nine degrees twenty-four minutes east; thence north fifty-seven degrees six minutes east five hundred and sixty-two feet to corner post of old cemetery, one thousand and ninety-one and three-tenths feet to corner numbered two, a post six inches in diameter, four and one-half feet long, scribed "2 X" and marked "Cemetery," and set in ground with mound of stones; thence north eighteen degrees forty minutes west five hundred and sixty-three and seven-tenths feet to corner numbered three, a post six inches in diameter, four and one-half feet long, scribed "3 X" and marked "Cemetery," and set in ground with mound of stones; whence a cross "X" and "B. T. 3 X," scribed on a small pine tree six inches in diameter, bears south forty-seven degrees fifty-nine minutes east eleven and five-tenths feet, Galena Mountain bears north eighty-two degrees seven minutes east, and Sultan Mountain bears south fifty-one degrees three minutes west; thence south seventy-two degrees thirteen minutes west six hundred and eighty-three feet to corner numbered four, a corner post of the fence of old cemetery, marked "Cor. No. 4, Cemetery;" thence south seventy-four degrees west five hundred and eighty-nine and eight-tenths feet to corner num-

Subdivision of land near Silverton, San Juan County, Colo., for cemetery authorized.
Boundaries.

bered five, a corner post of the fence of old cemetery, marked "Cor. No. 5, Cemetery;" thence south eight degrees four minutes east three hundred and seventy-six and one-tenth feet to corner numbered six, a corner post of the fence of old cemetery, marked "Cor. No. 6, Cemetery;" thence south forty-eight degrees thirteen minutes east five hundred and seventy-five feet to corner numbered one, the place of beginning. Magnetic variation fourteen degrees and two minutes east. All courses deflected from a true meridian, the above-described tract of land containing twenty and eight hundred and forty-one one-thousandths acres, all in San Juan County, Colorado, and near the town of Silverton in said county.

Payment, etc.

SEC. 2. That the mayor of the town of Silverton, Colorado, is hereby authorized to enter the above-described land at the proper land office, for cemetery purposes, subject to any legal, valid, and existing claims, by paying to the receiver of the proper land office one dollar and twenty-five cents per acre therefor, and all legal fees.

Approved, June 4, 1900.

June 4, 1900.

CHAP. 623.—An Act To establish Calais, in the State of Maine, as a subport of entry, and to extend the privileges of the Act approved June tenth, eighteen hundred and eighty, to the ports of Eastport and Calais, in the State of Maine.

Calais, Me., made
subport of entry.

Vol. 21, p. 174

Immediate trans-
portation privileges.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Calais, Maine, be, and is hereby, established as a subport of entry in the customs collection district of Passamaquoddy, Maine, and that the privileges of the Act approved June tenth, eighteen hundred and eighty, governing the immediate transportation of dutiable merchandise without appraisement, be, and are hereby, extended to said port and to the port of Eastport, in said district.

Approved, June 4, 1900.

June 5, 1900.

CHAP. 714.—An Act To extend the privilege of immediate transportation of dutiable goods to the port of Astoria, Oregon.

Astoria, Oreg.
Privilege of imme-
diate transportation
of dutiable goods ex-
tended to.
Vol. 21, p. 174.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the privilege of immediate transportation of dutiable goods, in accordance with the provisions of an Act entitled "An Act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," approved June tenth, eighteen hundred and eighty, and the amendments thereto, be, and the same is hereby, extended to the port of Astoria, Oregon.

Approved, June 5, 1900.

June 5, 1900.

CHAP. 715.—An Act To amend sections eight, nine, and fifteen of the Act entitled "An Act revising and amending the various Acts establishing and relating to the Reform School in the District of Columbia," approved May third, eighteen hundred and seventy-six.

District of Columbia.
Reform School.
Vol. 19, pp. 50, etc.,
amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections eight, nine, and fifteen of the Act entitled "An Act revising and amending the various Acts establishing and relating to the Reform School of the District of Columbia," approved May third, eighteen hundred and seventy-six, be, and they are hereby, amended as follows:

Amend section eight so that it shall read as follows:

"SEC. 8. That whenever any boy under the age of seventeen years shall be brought before any court of the District of Columbia, or any judge of such court, and shall be convicted of any crime or misdemeanor punishable by fine or imprisonment, other than imprisonment for life, such court or judge, in lieu of sentencing him to imprisonment in the county jail or fining him, may commit him to the Reform School, to remain until he shall arrive at the age of twenty-one years, unless sooner discharged by the board of trustees. And the judges of the criminal and police courts of the District of Columbia shall have power to commit to the Reform School, first, any boy under seventeen years of age who may be liable to punishment by imprisonment under any existing law of the District of Columbia, or any law that may be enacted and in force in said District; second, any boy under seventeen years of age, with the consent of his parent or guardian, against whom any charge of committing any crime or misdemeanor shall have been made, the punishment of which, on conviction, would be confinement in jail or prison; third, any boy under seventeen years of age who is destitute of a suitable home and adequate means of obtaining an honest living, or who is in danger of being brought up, or is brought up, to lead an idle or vicious life; fourth, any boy under seventeen years of age who is incorrigible, or habitually disregards the commands of his father or mother, or guardian, who leads a vagrant life, or resorts to immoral places or practices, or neglects or refuses to perform labor suitable to his years and condition, or to attend school. And the president of the board of trustees may also commit to the Reform School such boys as are mentioned in the foregoing third and fourth classes upon application or complaint, in writing, of a parent, or guardian, or relative having charge of such boy, and upon such testimony in regard to the facts stated as shall be satisfactory to him; and for taking testimony in such cases, he is hereby empowered to administer oaths."

Commitment of boys under 17.

—by whom made.

—in what cases.

Commitment by president of board of trustees.

Amend section nine so that it shall read as follows:

"SEC. 9. That every boy sent to the Reform School shall remain until he is twenty-one years of age, unless sooner discharged or bound as an apprentice."

Period of detention.

Amend section fifteen so that it shall read as follows:

"SEC. 15. That the board of trustees may make such by-laws, rules, and regulations for their own government and that of the institution, its officers, employees, and inmates, the employment, discipline, instruction, education, removal, and absolute, temporary, or conditional release of all boys committed to the school, as they may deem necessary and proper, and as are not contrary to the Constitution and to the laws of the District of Columbia."

By-laws.

Approved, June 5, 1900.

CHAP. 716.—An Act For the relief of the Colorado Cooperative Colony; to permit second homesteads in certain cases, and for other purposes.

June 5, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time for making final proof and payment for all lands located under the desert-land laws of the United States by members of the Colorado Cooperative Colony, namely: Number four hundred and ninety-four, George Douglass, section four, township forty-six north, range fifteen west; number four hundred and thirty-eight, Erskine Easton, section five, township forty-six north, range fifteen west; number four hundred and twenty-one, Ruth R. Miller, section five, township forty-six north, range fifteen west; number four hundred and sixty-six, Evelyn Winter, section five, township forty-six north, range fifteen west; number

Colorado Cooperative Colony.
Time extended to members of, for payment, etc., for lands located under desert-land laws, etc.

Colorado Cooperative Colony—Continued.

four hundred and sixty-nine, Charles A. Hastings, section five, township forty-six north, range fifteen west; number four hundred and eleven, Julia A. Howard, section six, township forty-six north, range fifteen west; number four hundred and twenty-two, Thomas M. Campbell, section six, township forty-six north, range fifteen west; number four hundred and thirty-nine, Edward L. Kittell, section six, township forty-six north, range fifteen west; number four hundred and sixty-seven, Robert L. Veach, section six, township forty-six north, range fifteen west; number four hundred and sixty-eight, Presly B. Veach, section six, township forty-six north, range fifteen west; number four hundred and sixty, Fred. C. Tawney, section six, township forty-six north, range fifteen west; number four hundred and twenty-three, Charles C. Goodrich, section six, township forty-six north, range fifteen west; number four hundred and thirty-seven, Melville J. Goodrich, section six, township forty-six north, range fifteen west; number four hundred and two, Olaf S. Petterson, section seven, township forty-six north, range fifteen west; number four hundred and three, Robert W. Crane, section seven, township forty-six north, range fifteen west; number four hundred and forty-five, Cornelius C. Langford, section seven, township forty-six north, range fifteen west; number four hundred and one, Hugh L. Shellabarger, section seven, township forty-six north, range fifteen west; number four hundred and thirteen, Cora G. Wartner, section seven, township forty-six north, range fifteen west; number four hundred and thirty-six, Nancy L. Bowen, section seven, township forty-six north, range fifteen west; number three hundred and ninety-five, George Slote, section eight, township forty-six north, range fifteen west; number four hundred and forty-eight, Cassius N. Gile, section eight, township forty-six north, range fifteen west; number three hundred and sixty-one, Ludelbert A. Lewis, section eight, township forty-six north, range fifteen west; number four hundred and eighty-seven, Clara L. Gile, section nine, township forty-six north, range fifteen west; number two hundred and twenty-eight, Edward L. Gallatin, section nine, township forty-six north, range fifteen west; number four hundred and eighty-four, Waldo Linnell, section nine, township forty-six north, range fifteen west; number four hundred and eighty-three, John H. Iverson, section nine, township forty-six north, range fifteen west; number three hundred and forty-eight, Reuben S. Riehl, section twelve, township forty-six north, range sixteen west; number four hundred and seventy-five, Frank C. Gibbs, section twelve, township forty-six north, range sixteen west; number three hundred and ninety-nine, George C. Wright, section twelve, township forty-six north, range sixteen west; number three hundred and thirty-nine, Charles Reed, section twenty-four, township forty-six north, range sixteen west; number three hundred and eighty-five, John F. Skees, section fourteen, township forty-seven north, range sixteen west; number four hundred and twenty-six, Emory C. Brooks, section fourteen, township forty-seven north, range sixteen west; number four hundred and fifty-one, Elmer C. Brooks, section fourteen, township forty-seven north, range sixteen west; number four hundred and sixty-four, James Cooper, section fifteen, township forty-seven north, range sixteen west; number three hundred and ninety-six, Frank E. Furry, section twenty-two, township forty-seven north, range sixteen west; number four hundred and twenty-nine, William B. Benny, section twenty-three, township forty-seven north, range sixteen west; number four hundred and thirty-five, William C. McGuire, section twenty-three, township forty-seven north, range sixteen west; number four hundred and thirty, John Doing, section twenty-three, township forty-seven north, range sixteen west; number four hundred and thirty-one, Arlie C. Coon, section twenty-three, township forty-seven north, range sixteen west; number four hundred and six, Fred

H. Brown, section twenty-four, township forty-seven north, range sixteen west; number three hundred and ninety-one, Uri H. Walker, section twenty-four, township forty-seven north, range sixteen west; number two hundred and forty, Georgena R. Smith, section twenty-five, township forty-seven north, range sixteen west; number four hundred and sixteen, Albert C. Snyder, section twenty-five, township forty-seven north, range sixteen west; number three hundred and fifty-two, Claus J. Jensen, section twenty-five, township forty-seven north, range sixteen west; number four hundred and eighty-two, M. B. Leap, section twenty-seven, township forty-seven north, range sixteen west; number four hundred and eighty-five, Gustav D. Hanman, section twenty-seven, township forty-seven north, range sixteen west; number three hundred and forty-eight, Chester C. Dunn, section thirty-five, township forty-seven north, range sixteen west; number two hundred and seventy-six, Hattie H. Chrisman, section thirty-five, township forty-seven north, range sixteen west; number four hundred and seventy-nine, Ligel M. Preston, section thirty-five, township forty-seven north, range sixteen west; number four hundred and five, Bertha Tarkoff, section thirty-six, township forty-seven north, range sixteen west; number four hundred and four, Friend D. Minor, section thirty-six, township forty-seven north, range sixteen west; number two hundred and seventy-eight, Hattie E. Wright, section thirty-six, township forty-seven north, range sixteen west; number two hundred and twenty-nine, Ada R. McElroy, section ten, township forty-six north, range fifteen west; number four hundred and seventy-one, Leroy M. Veach, section fifteen, township forty-six north, range fifteen west; number three hundred and fifty-four, Isaac Tarkoff, section sixteen, township forty-six north, range fifteen west; number four hundred and seventy-two, Handy R. Babcock, section sixteen, township forty-six north, range fifteen west; number four hundred and ten, Benj. L. Smith, section sixteen, township forty-six north, range fifteen west; number three hundred and ninety-seven, Samuel England, section sixteen, township forty-six north, range fifteen west; number three hundred and thirteen, Rockwood H. Blake, section thirty, township forty-six north, range fifteen west; number three hundred and forty-seven, John H. Dunmike, section thirty-six, township forty-six north, range fifteen west; number three hundred and forty-four, Clarence A. Wood, section thirty-six, township forty-six north, range fifteen west; number four hundred, May Schenck, section thirty, township forty-seven north, range fifteen west; number four hundred and forty-four, Ralph E. Chatfield, section thirty-one, township forty-seven north, range fifteen west; number four hundred and forty-one, Lida M. Brown, section thirty-one, township forty-seven north, range fifteen west; number two hundred and thirty, Hezekiah Epperson, section one, township forty-six north, range sixteen west; number four hundred and seven, William Liebenberg, section one, township forty-six north, range sixteen west; number three hundred and seventy-five, Julia W. Barnes, section one, township forty-six north, range sixteen west; number four hundred and eighty-one, Samuel M. Kerns, section one, township forty-six north, range sixteen west; number four hundred and thirty-two, Harry J. Langdon, section two, township forty-six north, range sixteen west; number four hundred and thirty-three, John O'Leary, section two, township forty-six north, range sixteen west; number three hundred and fifty-three, James Mahaffy, section four, township forty-six north, range sixteen west, all in Montrose County, Colorado, land district, shall be extended for a period of three years.

SEC. 2. That any person who has heretofore made entry under the homestead laws and commuted same under provisions of section twenty-three hundred and one of the Revised Statutes of the United States and the amendments thereto shall be entitled to the benefits of the

Colorado Coopera-
tive Colony—Con-
tinued.

Additional entry to
homesteaders com-
muting first entry, etc.
R. S., sec. 2301, p. 421.

homestead laws, as though such former entry had not been made, except that commutation under the provisions of section twenty-three hundred and one of the Revised Statutes shall not be allowed of an entry made under this section of this Act.

—for forfeiture.

Proviso.
Purchasers of Flat-
head Indian lands,
Montana, included.
Vol. 25, p. 871.

SEC. 3. That any person who prior to the passage of this Act, has made entry under the homestead laws, but from any cause has lost or forfeited the same shall be entitled to the benefits of the homestead laws as though such former entry had not been made: *Provided*, That persons who purchased land under and in accordance with the terms of an Act entitled "An Act to provide for the sale of lands patented to certain members of the Flathead band of Indians in the Territory of Montana, and for other purposes," approved March second, eighteen hundred and eighty-nine, shall not be held to have impaired or exhausted their homestead rights by or on account of any such purchase.

Approved, June 5, 1900.

June 5, 1900.

CHAP. 717.—An Act Relating to the allowance of exceptions.

United States courts.
Bills of exceptions.
R. S., sec. 953, p. 180,
amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section nine hundred and fifty-three of the Revised Statutes be so amended as to read as follows:

What is sufficient
authentication.

Inability of trial
judge to sign.

—other judges may
sign, etc.

"SEC. 953. That a bill of exceptions allowed in any cause shall be deemed sufficiently authenticated if signed by the judge of the court in which the cause was tried, or by the presiding judge thereof if more than one judge sat at the trial of the cause, without any seal of the court or judge annexed thereto. And in case the judge before whom the cause has heretofore been or may hereafter be tried is, by reason of death, sickness, or other disability, unable to hear and pass upon the motion for a new trial and allow and sign said bill of exceptions, then the judge who succeeds such trial judge, or any other judge of the court in which the cause was tried, holding such court thereafter, if the evidence in such cause has been or is taken in stenographic notes, or if the said judge is satisfied by any other means that he can pass upon such motion and allow a true bill of exceptions, shall pass upon said motion and allow and sign such bill of exceptions; and his ruling upon such motion and allowance and signing of such bill of exceptions shall be as valid as if such ruling and allowance and signing of such bill of exceptions had been made by the judge before whom such cause was tried; but in case said judge is satisfied that owing to the fact that he did not preside at the trial, or for any other cause, that he can not fairly pass upon said motion, and allow and sign said bill of exceptions, then he may in his discretion grant a new trial to the party moving therefor."

Pending cases in-
cluded.

SEC. 2. That this Act shall apply to all causes now pending, and to all causes pending for hearing upon motion for new trials, and to all causes pending for the allowance of a bill of exceptions.

Approved, June 5, 1900.

June 5, 1900.

CHAP. 718.—An Act Relating to certain railway corporations owning or operating street railways in the District of Columbia.

District of Columbia.
Certain street rail-
ways may contract
mutually for the use
of their respective
roads.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Anacostia and Potomac River Railroad Company, the Brightwood Railway Company of the District of Columbia, the Capital Railway Company, the City and Suburban Railway Company, the Columbia Railway Company, the

Georgetown and Tennallytown Railway Company, the Metropolitan Railroad Company of the District of Columbia, and the Washington and Great Falls Electric Railway Company may, under the authority of this Act, and the Washington and Rockville Railway Company, the Washington, Woodside and Forest Glen Railway and Power Company, and the Washington and Glen Echo Railroad Company may also, if not inconsistent with the laws of Maryland, from time to time, by their respective boards of directors, enter into contracts with each other, or with any of the others, for the use of their respective roads or routes, or any part thereof. No such contract shall take effect until the same shall have been approved by the written consent of the owners of record of at least three-fourths of the capital stock of each corporation, or by the vote of the owners of three-fourths of such capital stock represented at a special meeting called and held as prescribed by law: *Provided*, That in case any corporation enters into any such contract it is hereby authorized to change its corporate name to any other corporate name not then lawfully used by any existing corporation incorporated or organized in the said District. Such change may be made by a certificate signed and acknowledged by a majority of the directors of such corporation and filed with the recorder of deeds for the District of Columbia.

Stockholders to approve contract.

Proviso.
Change of corporate name.

SEC. 2. That the Washington and Great Falls Electric Railway Company may acquire and hold stock in any street railway corporation specifically named above with which it is authorized by the terms of this Act to enter into a contract for the use of its road or route, and may provide for payment for the same by issuing additional amounts of its own capital stock in such classes and with such preferences as it may determine, or by issuing its bonds, secured by mortgage or deed of trust upon its right of way, property, and franchises, or other obligations, or by issuing both such stock and bonds or other obligations to an amount not exceeding the amounts of the actual consideration paid or payable for the stock so acquired, and may also issue further amounts of its stock or bonds or other obligations not exceeding the amounts of the actual consideration paid, or to be paid, for any equipment or extensions of any such road or route or for electric power therefor: *Provided*, That the capital stock of said company shall at no time exceed fifteen million dollars. Whenever the said Washington and Great Falls Electric Railway Company shall have acquired a majority of all the stock issued by any such corporation, it shall have power to guarantee the bonds or other obligations of such corporation and to purchase such bonds or other obligations. The Washington and Great Falls Electric Railway Company may also agree with any corporation specifically named above with which it is authorized by this Act to enter into a contract for the use of its road or route for the purchase of the estate, property, rights, and franchises of such other corporation, and for payment for the same in cash or in the stock or bonds or other obligations of said Washington and Great Falls Electric Railway Company, to be issued in the manner and subject to the limitation hereinbefore provided; and each such corporation is hereby empowered, with the consent in writing of the owners of three-fourths of its capital stock, to enter into such contract of purchase and sale through its board of directors.

Washington and Great Falls Electric Railway may acquire stock in companies named.
—may issue bonds, etc., in payment.

Proviso.
Limit capital stock.
May guarantee bonds of acquired company.

—may purchase, etc.

Upon the execution of such contract of purchase and the payment or delivery of the consideration therein agreed upon the estate, property, rights, and franchises of the corporation selling the same shall vest in and be held and enjoyed by the Washington and Great Falls Electric Railway Company as fully and entirely, without change or diminution, as the same were before held and enjoyed by the company selling the same, and shall be managed and controlled by the board of directors of the said Washington and Great Falls Electric Railway Company in its

Control of purchased property.

Provisos.
Existing liabilities
unaffected.
Pending actions not
to abate.

Stockholders ap-
proval to contract of
sale; how given.

Filing certificate of
sale, etc.

Dissent of stock-
holder to contract of
sale.

—appraisal of his
shares.

—procedure.

—appraisers.

—refusal to accept
award, etc.

—failure of company
to pay award, etc.

corporate name or in such other name as it shall adopt by the filing of a certificate as hereinbefore authorized: *Provided*, That the existing liabilities of the selling corporation and the rights of its creditors shall not be affected thereby: *And provided further*, That no action or proceeding to which any corporation whose estate, property, rights, and franchises shall be acquired as herein provided is a party shall abate in consequence thereof, but the same may be continued in the name of the party by or against which the same was begun, unless the court shall order the said Washington and Great Falls Electric Railway Company to be substituted in its place.

The approval of stockholders herein provided for may be given by the consent in writing of the owners of record of three-fourths of the capital stock of each company, or by the vote of the owners of three-fourths of the capital stock of each company, represented at a special meeting called and held as prescribed by the by-laws of the respective companies or by law. Whenever a certificate shall be filed with the recorder of deeds for the District of Columbia, signed and acknowledged by a majority of the board of directors of each of the corporations to be affected thereby, showing that a contract of purchase and sale has been made and approved as herein provided, such certificate shall be presumptive evidence of the facts therein set forth. Upon the filing of such certificate a notice shall be mailed to each stockholder of record in such corporations, setting forth the time when and place where such certificate was filed, and if within thirty days after the mailing of such notice any stockholder of any of the companies affected thereby shall give notice in writing to the said Washington and Great Falls Electric Railway Company that he dissents from such contract, it shall be the duty of the said company, within sixty days after the filing of such certificate, to institute a proceeding for the appraisalment of the shares of such dissenting stockholder. If any stockholder shall omit to give such notice of dissent, he shall be deemed to have assented to such contract. Said proceeding for appraisalment may be begun by filing with the supreme court of the said District a petition praying for the appointment of three persons to appraise the value of such stock. The court shall thereupon appoint three such appraisers and designate the time and place of their first meeting. The court may fill any vacancy in the board of appraisers occurring by refusal or neglect to serve or otherwise. The appraisers shall meet at the time and place designated, and after being sworn honestly and faithfully to discharge their duties, shall appraise such stock at its full value, without regard to any appreciation or depreciation thereof in consequence of such contract of purchase and sale; and said award, when confirmed by the court, shall be final and conclusive on all parties. The charges and expenses of the appraisers shall be paid by the said Washington and Great Falls Electric Railway Company. If the person entitled to receive the amount of the award shall refuse to accept the same, or if for any reason it shall not be possible to make payment of the amount of the award to such person entitled to receive the same, without unreasonable delay, the court may direct the same to be deposited in court. When the said company shall have paid or deposited in court the amount fixed by the appraisers as the value of the shares of the dissenting stockholder, such stockholder shall cease to have any interest in said appraised stock or in the property or franchises represented thereby, and the said Washington and Great Falls Electric Railway Company shall receive back from the corporation whose estate, rights, property, and franchises it has acquired, that portion of the consideration for such sale, or of the proceeds thereof, which otherwise would have been distributed to such dissenting stockholder. If such payment or deposit is not made within thirty days from the confirmation of the appraisal, the amount of the award, with interest from the date of con-

firmation, shall be a judgment against the said Washington and Great Falls Electric Railway Company, and may be entered, docketed, and collected as other judgments in said court are by law collectible. If the said company shall omit to institute the proceeding hereinbefore required, within the time hereby limited, the stockholder giving such notice may institute such proceeding by a proper petition on his own behalf or, at the election of such stockholder, the estate, rights, property, and franchises of the selling corporation shall revert in such corporation, and the consideration received therefor shall be repaid to the said Washington and Great Falls Electric Railway Company.

—or to institute proceedings.

All obligations imposed by law upon the Washington and Great Falls Electric Railway Company in respect to the time and mode of constructing its railway, or the motive power to be employed, or the speed or frequency at which cars are to be run, or in respect to any other matter affecting the interests of the United States, or of the general public, or the people of the said District, except as such obligations are expressly modified or repealed by this Act, shall continue to be applicable to the road or route now belonging to said corporation, and shall be confined thereto: *Provided*, That the Washington and Great Falls Electric Railway Company, on the purchase of the property or franchises of any or all of said railroad companies as in this bill authorized, shall be empowered to charge over the said route or routes thus acquired the rates of fare now authorized by law to be charged thereon by the respective companies owning or operating the same, and no more: *And provided further*, That the right or privilege granted by section one of the Act approved July twenty-ninth, eighteen hundred and ninety-two, entitled "An Act to incorporate the Washington and Great Falls Electric Railway Company," by which said company is authorized to charge a fare of ten cents per passenger for transportation over the line of railway authorized and described by said Act, be, and the same hereby is, amended so as to limit the rate of fare on said line of railway to five cents per passenger, and said Washington and Great Falls Electric Railway Company is hereby required to sell tickets at the rate of six for twenty-five cents, each good for the transportation of one passenger over the whole or any part of its said line of railway authorized and described by said Act within the District of Columbia.

Existing obligations of company continued.

Provisions. Rate of fare.

Vol. 27, p. 326.

—six tickets for 25 cents.

All obligations imposed by law upon any corporation whose road or route is acquired in accordance with the provisions of this Act, except as the same may be expressly modified or repealed by this Act, shall continue to be applicable to such acquired road or route and shall be confined thereto, and such road or route shall be acquired subject to such obligations and with all the rights and powers possessed by the selling corporation.

Existing obligations of acquired road continued.

SEC. 3. That the Washington and Great Falls Electric Railway Company may acquire and hold shares of the capital stock or other securities of any company supplying or under contract to supply electric power in the operation of its railway to it or to any of the corporations whose shares of stock or whose property and franchises it is authorized to acquire under this Act; and as a part of any contract for the supply of said power the said Washington and Great Falls Electric Railway Company may exchange its stock and securities for the stock and securities of any such electric power company, and may guarantee the securities of any such power company, but in no event shall said railway corporation be authorized to receive a transfer of the property or franchises of such electric power company.

Company may acquire stock of electric power companies, etc.

SEC. 4. That the Washington and Great Falls Electric Railway Company is hereby authorized from time to time to make such changes in the number of its directors as its by-laws may provide, and also to limit and regulate in its by laws the times and conditions of the exam-

Changes in number of directors.

Examination of books by stockholders.

Proviso.
—stock and transfer
books.

Repeal.

Amendment.

ination of its books and records by stockholders: *Provided*, That the stock and transfer books shall at all times, during business hours, be open to the inspection of stockholders.

SEC. 5. That all Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed.

SEC. 6. That Congress reserves the power to alter, amend, or repeal this Act.

Approved, June 5, 1900.

June 6, 1900.

CHAP. 779.—An Act To amend an Act granting to the Muscle Shoals Power Company right to erect and construct canal and power stations at Muscle Shoals, Alabama.

Muscle Shoals
Power Company canal
and power stations.
Vol. 30, p. 1351.

Time extended to
complete work.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section two of an Act entitled "An Act granting to the Muscle Shoals Power Company right to erect and construct canal and power stations at Muscle Shoals, Alabama," approved March third, eighteen hundred and eighty-nine, be, and the same is hereby, amended so as to read as follows:

"SEC. 2. That unless the work herein authorized be commenced within two years, and completed within four years from the date hereof, the privileges hereby granted shall cease and be determined."

Approved, June 6, 1900.

June 6, 1900.

CHAP. 780.—An Act To create a commission to make settlement and adjustment with the Sioux City and Pacific Railroad Company of its indebtedness to the Government of the United States.

Sioux City and Pa-
cific Railroad.
Commission to ad-
just indebtedness of
to Government cre-
ated.

—powers.

Proviso.
—qualification, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury, the Secretary of the Interior, and the Attorney-General of the United States are hereby authorized and empowered to make settlement and adjustment of the Sioux City and Pacific Railroad Company's indebtedness to the Government of the United States; and to that end may receive and determine upon any proposition or propositions from said Sioux City and Pacific Railroad Company or from any other person or persons, corporation or corporations, and may sell or assign the mortgage given by said company to the United States and do any and all things proper and necessary to effect such settlement and adjustment and secure to the United States the largest sum possible in the payment of said indebtedness up to the full amount thereof: *Provided*, That they deem the same for the best interests of the Government; and when such settlement is approved by the President it shall become operative, and the Attorney-General shall make the necessary acquittances to said railroad company.

Approved, June 6, 1900.

June, 6, 1900.

CHAP. 781.—An Act Establishing terms of the United States circuit court at Newbern and Elizabeth City, North Carolina.

North Carolina east-
ern judicial district.
Terms of court at
Newbern and Eliza-
beth City.

Effect.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That terms of the circuit court of the United States for the eastern judicial district of North Carolina shall be held at Newbern and Elizabeth City, in said district, at the times now fixed by law for holding the terms of the district court of the United States at said places, Newbern and Elizabeth City.

SEC. 2. That this Act shall take effect and be in force from and after its passage.

Approved, June 6, 1900.

CHAP. 782.—An Act To authorize the construction of a railroad bridge across the Mississippi River at Saint Paul, Minnesota.

June 6, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the South Saint Paul Belt Railroad Company, a corporation duly organized and incorporated under the laws of the State of Minnesota, its successors and assigns, be, and is hereby, authorized to construct and maintain a bridge for the passage of railroad traffic, and also, at the option of the said railroad company, for the passage of vehicles of all kinds, animals, and foot passengers, across the Mississippi River at a point suitable to the interests of navigation, and between the crossing of the south line of section four of township twenty-eight, range twenty-two, and the crossing of the north and south center line of section five of the same township, and within the incorporated limits of the city of Saint Paul, Minnesota; that the location and plan of construction of said bridge shall be subject to the approval of the Secretary of War, and until decided by him to be such as will not materially affect the interests of navigation the said bridge shall not be built. And there shall be submitted to the Secretary of War, for his examination and approval, a plan of the proposed bridge and a map of the location thereof, giving, for a distance of a mile above and below the proposed location, the topography of the banks of the river, the shore line at high and low water, the direction of the current, and soundings accurately showing the bed of stream, and the location of any other bridge or bridges; and should any change be made in the plan of the said bridge during the progress of construction, such change shall be subject to the approval of the Secretary of War; and the said bridge shall at all times be so kept and maintained, and provided with protection piers and sheer booms, so as to offer reasonable and proper means for the passage of vessels and other floating craft through or under said structure; and for the safety of vessels passing at night there shall be displayed on said bridge, from the hours of sunset to sunrise, such lights as may be prescribed by the Light-House Board; and the said structure shall be changed, at the cost and expense of the owners thereof, from time to time, as the Secretary of War may direct, and as may be necessary to preserve the free and convenient navigation of said river. That said bridge shall not interfere with the free navigation of said river beyond what is necessary in order to carry into effect the rights and privileges hereby granted; and in case of any litigation arising from any obstruction, or alleged obstruction, to the said free navigation of said river, the cause may be tried before the circuit court of the United States in and for the district in which the said bridge is located: *Provided*, That nothing herein contained shall be construed as repealing or modifying any of the provisions of law now existing in reference to the protection of the navigation of rivers, or as exempting this bridge from the operations of the same.

South St. Paul Belt Railroad may bridge Mississippi River.

Location.

Secretary of War to approve plans.

Aids to navigation.

Lights.

Changes.

Not to obstruct navigation.

Litigation.

Proviso.
Existing provisions of law unchanged, etc.

Draw.

SEC. 2. That said bridge shall be constructed either as a high-level bridge without a drawspan, or a low-level bridge with a drawspan, as the said railroad company may elect. If constructed as a high-level bridge, the main span over the navigable channel of the river shall be of such length as will give a clear width of waterway at low-water level of not less than three hundred and fifty feet, and a clear headroom under the full length of said span of not less than fifty-five feet above extreme high-water level; if constructed as a low-level bridge, there shall be a drawspan with openings under each arm thereof, giving such clear widths of waterway, not less than one hundred and eighty feet each, as in the opinion of the Secretary of War are required by the interests of navigation; the remaining spans, if either of a high or low level bridge, shall each give a clear width of waterway not less than one hundred and fifty feet at the low-water level of the river, and a clear headroom not less than ten feet above extreme high-water mark.

Toll.

Proviso.
Rights of railroads
to use.

Commencement
and completion.

To be lawful struc-
ture and post route.

Amendment.

SEC. 3. That said South Saint Paul Railroad Company shall have the right to charge and collect a reasonable rate of toll for the passage across said bridge of all railroad and other vehicles, animals, and foot passengers, subject to approval of Secretary of War: *Provided*, That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of trains or cars over the same and over the approaches thereto upon the payment of a reasonable compensation for such use; and in case the owner or owners of such bridge and the several companies, or any one of them, desiring such use shall fail to agree upon the sum or sums to be paid, and upon the rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies.

SEC. 4. That this Act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years of the date of approval thereof.

SEC. 5. That the bridge built under this Act and subject to its limitations shall be a lawful structure, and shall be known and recognized as a post route upon which also no higher charge shall be made for the transportation over the same of the mail, the troops and munitions of war of the United States than the rates per mile paid for transportation over railroads or public highways leading to the said bridge, and it shall enjoy the rights and privileges of other post roads in the United States.

SEC. 6. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 6, 1900.

June 6, 1900.

CHAP. 783.—An Act To authorize the Alexandria and Pineville Bridge Company to build and maintain a traffic bridge across Red River at the town of Alexandria, in the parish of Rapides, State of Louisiana.

Alexandria and
Pineville Bridge Com-
pany may bridge Red
River at Alexandria,
La.

Transit.

Toll.

To be lawful struc-
ture and post route.

Telegraph, etc.,
companies.

Proviso.
Aids to navigation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Alexandria and Pineville Bridge Company, a corporation duly incorporated and existing under and by virtue of the laws of the State of Louisiana, be, and is hereby, authorized to construct and maintain a traffic bridge across Red River at a point suitable to the interest of navigation, within the corporate limits of the town of Alexandria, in the parish of Rapides, State of Louisiana. Said bridge shall be constructed to provide for the passage of vehicles, street-railway cars, foot passengers, stock, and such other traffic as may be desired, at such legal rates of toll as may be fixed by said company, and approved by the Secretary of War.

SEC. 2. That said bridge built under this Act, and subject to its limitations, shall be a lawful structure, and shall be recognized and known as a post route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and munitions of war of the United States than the rate paid for the transmission over the public highways leading to the said bridge, and shall enjoy the rights and privileges of other post roads in the United States; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies; and the United States shall have the right of way across said bridge and its approaches for postal-telegraph purposes: *Provided*, That the bridge herein authorized to be constructed shall be so kept and managed by the company owning or operating it as to afford proper ways and means for the passage through or under it of vessels, barges, or rafts at all times, both by

day and by night; and if said bridge be constructed as a drawbridge, the draw shall be opened promptly upon reasonable signal for the passage of boats; and upon whatever kind of bridge is built there shall be displayed from sunset to sunrise, at the expense of said company, such lights and signals as the Light-House Board shall prescribe.

SEC. 3. That if said bridge, erected and maintained under the authority of this Act, shall at any time substantially or materially obstruct the free navigation of said river, or shall, in the opinion of the Secretary of War, obstruct such navigation, he is hereby authorized to cause such change or alteration of said bridge to be made as will effectually obviate such obstruction; and such alteration shall be made and all such obstructions be removed at the expense of the owners or operators of said bridge; and in case of any litigation arising from the obstruction or alleged obstruction to the free navigation of said river, the case may be brought in the district court of the United States for the western district of Louisiana: *Provided*, That nothing in this Act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers, or to exempt said bridge from the operation of same.

SEC. 4. That the bridge authorized to be constructed under this Act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe; and to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawing of said bridge, and a map of the location, prepared with reference to known datum plane upon prescribed scales furnished by the engineer officer having supervision of said river, and giving, for the space of two miles above and two miles below the proposed location of the bridge, the topography of the banks of the river, with shore lines at high and low water, the direction and strength of the currents at all stages, and the soundings accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject. And until said plans and location of the bridge are approved by the Secretary of War the bridge shall not be built; and should any change be made in the plan of the said bridge during the process of construction, or after completion, such change shall be subject to the approval of the Secretary of War.

SEC. 5. That this Act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date of the approval hereof.

SEC. 6. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 6, 1900.

Draw

Lights

Changes.

Litigation.

Proviso.
Existing law unaffected.

Secretary of War to approve plans.

Commencement and completion.

Amendment.

CHAP. 784.—An Act To incorporate the American National Red Cross, and for other purposes.

June 6, 1900.

Whereas on the twenty-second of August, eighteen hundred and sixty-four, at Geneva, Switzerland, plenipotentiaries respectively representing Italy, Baden, Belgium, Denmark, Spain, Portugal, France, Prussia, Saxony, and Wurtemberg, and the Federal Council of Switzerland agreed upon ten articles of a treaty or convention for the purpose of mitigating the evils inseparable from war; of suppressing the needless severity and ameliorating the condition of soldiers wounded on the field of battle; and particularly providing, among other things, in effect, that persons employed in hospitals, and in affording relief to the sick and wounded, and supplies for this purpose, shall be deemed neutral

American National Red Cross incorporated.
Preamble.

and entitled to protection; and that a distinctive and uniform flag shall be adopted for hospitals and ambulances, and convoys of sick and wounded, and an arm badge for individuals neutralized; and

Whereas said treaty has been ratified by all of said nations, and by others subsequently, to the number of forty-three or more, including the United States of America; and

Whereas a permanent organization is an agency needed in every nation to carry out the purposes of said treaty, and especially to secure supplies and to execute the humane objects contemplated by said treaty, with the power to adopt and use the distinctive flag and arm badge specified by said treaty in article seven, on which shall be the sign of the Red Cross, for the purpose of cooperating with the "Comité International de Secours aux Militaires Blessés" (International Committee of Relief for the Wounded in War); and

Whereas, in accordance with the requirements and customs of said international body, such an association, adopting and using said insignia, was formed in the city of Washington, District of Columbia, in July, eighteen hundred and eighty-one, known as "The American National Association of the Red Cross," and reincorporated April seventeenth, eighteen hundred and ninety-three, under the laws of the District of Columbia; and

Whereas it is believed that the importance of the work demands a reincorporation by the Congress of the United States: Now, therefore,

Incorporators.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Clara Barton, George Kennan, Julian B. Hubbell, of the District of Columbia; Stephen E. Barton, of New York; William R. Day, of Ohio; Brainard H. Warner, Ellen Spencer Mussey, Alvey A. Adey, of the District of Columbia; Joseph Sheldon, of Connecticut; Charles F. Fairchild, William Letchworth, of New York City; Hiliary A. Herbert, of Alabama; Joseph Gardner, Enola Lee Gardner, of Bedford, Indiana; John W. Noble, of Saint Louis, Missouri; Richard Olney, of Boston, Massachusetts; Alexander W. Terrell, of Austin, Texas; Leslie M. Shaw, Benjamin Tillinghast, of Iowa; Abraham C. Kaufman, of Charleston, South Carolina; J. B. Vinet, of New Orleans, Louisiana; George Gray, of Delaware; Redfield Proctor, of Vermont; George F. Hoar, of Massachusetts; Charles A. Russell, of Connecticut; Robert W. Miers, of Indiana; George C. Boldt, William T. Wardwell, of New York; Daniel Hastings, J. Wilkes O'Neill, of Pennsylvania; Thomas F. Walsh, of Colorado; John G. Lemmon, of California; Charles C. Glover, Walter S. Woodward, Elizabeth Kibbey, Mabel T. Boardman, Walter Wyman, Sumner I. Kimball, of the District of Columbia; Edward Lowe, of Michigan; Harriette L. Reed, of Boston, Massachusetts; William H. Sears, of Lawrence, Kansas; John K. Elwell, of Vinland, Kansas; E. R. Ridgely, of Pittsburg, Kansas; James Tanner, John Hitz, S. W. Briggs, Corry Curry, Lizzie W. Calver, Mary A. Logan, Mary L. Barton, S. B. Hege, and Helena H. Mitchell, of Washington, District of Columbia; Emma L. Nichols, of Chillicothe, Ohio; Lenora Halsted, of Saint Louis, Missouri; P. V. DeGraw, of Philadelphia, Pennsylvania; Walter P. Phillips, of Bridgeport, Connecticut, and their associates and successors, are hereby created a body corporate and politic in the District of Columbia.

Name of corporation.

Powers.

SEC. 2. That the name of this corporation shall be "The American National Red Cross," and by that name it shall have perpetual succession, with the power to sue and be sued in courts of law and equity within the jurisdiction of the United States; to have and to hold such real and personal estate as shall be convenient and necessary to carry out the purposes of this corporation hereinafter set forth, such real estate to be limited to such quantity as may be necessary for official use or office buildings; to adopt a seal and the same to alter and destroy

at pleasure; and to have the right to have and to use, in carrying out its purposes hereinafter designated, as an emblem and badge, a Greek red cross on a white ground, as the same has been described in the treaty of Geneva, August twenty-second, eighteen hundred and sixty-four, and adopted by the several nations acceding thereto; to ordain and establish by-laws and regulations not inconsistent with the laws of the United States of America or any State thereof, and generally to do all such acts and things as may be necessary to carry into effect the provisions of this Act and promote the purposes of said organization; and the corporation hereby created is designated as the organization which is authorized to act in matters of relief under said treaty. In accordance with article seven, of the treaty, the delivery of the brassard allowed for individuals neutralized in time of war shall be left to military authority.

SEC. 3. That the purposes of this corporation are and shall be—

Purposes:

First. To furnish volunteer aid to the sick and wounded of armies in time of war, in accordance with the spirit and conditions of the conference of Geneva of October, eighteen hundred and sixty-three, and also of the treaty of the Red Cross, or the treaty of Geneva of August twenty-second, eighteen hundred and sixty-four, to which the United States of America gave its adhesion on March first, eighteen hundred and eighty-two.

Second. And for said purposes to perform all the duties devolved upon a national society by each nation which has acceded to said treaty.

Third. To succeed to all the rights and property which have been hitherto held and to all the duties which have heretofore been performed by the American National Red Cross as a corporation duly organized and existing under the laws of the United States relating to the District of Columbia, which organization is hereby dissolved.

Fourth. To act in matters of voluntary relief and in accordance with the military and naval authorities as a medium of communication between the people of the United States of America and their armies, and to act in such matters between similar national societies of other governments through the "Comité International de Secours" and the Government and the people and the armies of the United States of America.

Fifth. And to continue and carry on a system of national and international relief in time of peace and apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other great national calamities.

Sixth. And to devise and carry on measures for preventing the same, and generally to promote measures of humanity and the welfare of mankind.

SEC. 4. That from and after the passage of this Act it shall be unlawful for any person within the jurisdiction of the United States to falsely and fraudulently hold himself out as, or represent or pretend himself to be a member of or an agent for the American National Red Cross for the purpose of soliciting, collecting, or receiving money or material; or for any person to wear or display the sign of the red cross, or any insignia colored in imitation thereof, for the fraudulent purpose of inducing the belief that he is a member of or an agent for the American National Red Cross. If any person violates the provisions of this section he shall be guilty of a misdemeanor, and shall be liable to a fine of not less than one nor more than five hundred dollars, or imprisonment for a term not exceeding one year, or both, for each and every offense. The fine so collected shall be paid to the American National Red Cross. The appointment of the chief medical officer shall not be made without the approval in writing of the Secretary of War.

Use of insignia, etc.,
forbidden.

Penalty.

SEC. 5. That the said American National Red Cross shall, on the

Reports.

first day of January of each year, make and transmit to Congress a full, complete, and itemized report of all receipts and expenditures of whatever kind, and of its proceedings during the preceding year, and shall also give such information concerning its transactions and affairs as the Secretary of State may from time to time require, and, in respect of all business and proceedings in which it may be concerned in connection with the War and Navy Departments of the Government, shall make reports to the Secretary of War and to the Secretary of the Navy, respectively.

Amendment.

SEC. 6. That Congress shall have the right to repeal, alter, or amend this Act at any time.

Approved, June 6, 1900.

June 6, 1900.

CHAP. 785. An Act Making appropriations to supply deficiencies in the appropriations for the fiscal year ending June thirtieth, nineteen hundred, and for prior years, and for other purposes.

Deficiencies appro-
priations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in the appropriations for the fiscal year nineteen hundred, and for prior years, and for other objects hereinafter stated, namely:

Department of State.

DEPARTMENT OF STATE.

Contingent expen-
ses.

For contingent expenses, namely: To pay accounts set forth on page two of House Document Numbered Six hundred and forty-two of the present session, being for the fiscal year eighteen hundred and ninety-nine, two hundred and twenty-one dollars and fifty-four cents.

Foreign intercourse.

FOREIGN INTERCOURSE.

Foreign missions.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Contingent expenses, foreign missions," for the fiscal year eighteen hundred and ninety-nine, twenty-five thousand and fifty-three dollars and twenty-one cents.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Contingent expenses, foreign missions," for the fiscal year eighteen hundred and ninety-eight, thirty-four thousand nine hundred and sixty-eight dollars and ten cents.

Loss by exchange.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Loss by exchange, diplomatic service," for the fiscal year eighteen hundred and ninety-nine, two hundred and sixty-one dollars and ninety-eight cents.

Consulates.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Contingent expenses, United States consulates," for the fiscal year eighteen hundred and ninety-nine, twenty-four thousand four hundred and ninety-seven dollars and twenty-one cents.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Contingent expenses, United States consulates," for the fiscal year eighteen hundred and ninety-eight, five thousand one hundred and nineteen dollars and seventy-one cents.

Brooklyn Citizen.

For contingent expenses, United States consulates: To pay the Brooklyn Citizen for advertising death notice, being for the fiscal year eighteen hundred and ninety-seven, two dollars and sixty cents.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Inspection of embassies, legations, and consulates," for the fiscal year eighteen hundred and ninety-nine, seventy-six dollars and thirty-four cents.

Inspection of embassies, etc.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Publication of diplomatic, consular, and commercial reports," for the fiscal year eighteen hundred and ninety-nine, one hundred and thirty dollars and ninety-nine cents.

Reports.

To pay Edward Bedloe, late consul at Canton, China, the amount of salary still unpaid from December eighth, eighteen hundred and ninety-eight, to January fifteenth, nineteen hundred, at the rate of three thousand five hundred dollars per annum, three thousand and ninety-seven dollars and forty-one cents.

Edward Bedloe.
Payment to.

To enable the Secretary of State to carry into effect the Act approved August third, eighteen hundred and ninety-four, entitled "An Act for the disposal of the accretions of the Virginus indemnity fund," two thousand two hundred and eighty-eight dollars and three cents.

Virginus indemnity fund.
Vol. 23, p. 223.

TREASURY DEPARTMENT.

Treasury Department.

CONTINGENT EXPENSES.

Contingent expenses

For newspapers, law books, city directories, and other books of reference relating to the business of the Department, one hundred dollars.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Contingent expenses, Treasury Department: Newspapers and books," for the fiscal year nineteen hundred, fifty-one dollars and thirty-five cents.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Contingent expenses, Treasury Department: Freight, telegrams, and so forth," for the fiscal years as follows:

For the fiscal year nineteen hundred, one thousand four hundred and thirty-two dollars and eighty-two cents.

For the fiscal year eighteen hundred and ninety-nine, three thousand and fifty-two dollars and eighteen cents.

For the fiscal year eighteen hundred and ninety-eight, five hundred and thirty-six dollars and sixty-five cents.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Contingent expenses, Treasury Department: File holders and cases," for the fiscal year nineteen hundred, three thousand one hundred and fifty-two dollars and seventy-eight cents.

For purchase of file holders and file cases, five thousand dollars.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Contingent expenses, Treasury Department: Furniture," and so forth, for the fiscal year nineteen hundred, one thousand three hundred and seventy-one dollars and eighty cents.

For washing and hemming towels, for the purchase of awnings and fixtures, window shades and fixtures, alcohol, benzine, turpentine, varnish, baskets, belting, bellows, bowls, brooms, buckets, brushes, canvas, crash, cloth, chammois skins, cotton waste, door and window fasteners, dusters, flower garden, street, and engine hose, lace leather, lye, nails, oils, plants, picks, pitchers, powders, stencil plates, hand stamps, and repairs of same, stamp ink, spittoons, soap, matches, match safes, sponges, tacks, traps, thermometers, tools, towels, towel racks, tumblers, wire, zinc, and for blacksmithing, repairs of machinery, removal of rubbish, sharpening tools, advertising for proposals

and for sales at public auction in Washington, District of Columbia, of condemned property belonging to the Treasury Department, payment of auctioneer fees, and purchase of other absolutely necessary articles, five hundred dollars.

Numbering, etc.,
machines.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Numbering, adding, and other machines, Treasury Department," for the fiscal year nineteen hundred, twenty-two dollars and twenty cents.

Recoinage of silver
coins.

RECOINAGE OF SILVER COINS: To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Recoinage of silver coins" for the fiscal year eighteen hundred and ninety-nine, two hundred and seventy-five thousand four hundred and fifty-six dollars and twenty-eight cents.

Public buildings.
Heating apparatus.

HEATING APPARATUS FOR PUBLIC BUILDINGS: To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Heating apparatus for public buildings" for the fiscal years as follows:

For the fiscal year eighteen hundred and ninety-nine, six hundred and forty-nine dollars and forty-one cents.

For the fiscal year eighteen hundred and ninety-eight, six hundred and fifty-three dollars and thirty-five cents.

Vaults, safes, and
locks.

VAULTS, SAFES, AND LOCKS FOR PUBLIC BUILDINGS: For vaults, safes, and locks, and repairs to the same, for all public buildings under control of the Treasury Department, exclusive of personal services, except for work done by contract, two thousand five hundred dollars.

To supply a deficiency in the appropriation for "Vaults, safes, and locks for public buildings" for the fiscal year eighteen hundred and ninety-nine, one hundred and eighty-two dollars and fifty-five cents.

Furniture and re-
pairs.

FURNITURE AND REPAIRS OF SAME FOR PUBLIC BUILDINGS: For furniture and repairs of same, and carpets for all public buildings, marine hospitals included, under the control of the Treasury Department, and for furniture, carpets, chandeliers and gas fixtures for new buildings, exclusive of personal services, except for work done by contract, twenty-five thousand dollars. And all furniture now owned by the United States in other buildings shall be used, as far as practicable, whether it corresponds with the present regulation plan for furniture or not.

Collecting customs
revenue.

COLLECTING THE REVENUE FROM CUSTOMS: To defray the expenses of collecting the revenue from customs, being additional to the permanent appropriation for this purpose, for the fiscal year nineteen hundred, two hundred thousand dollars.

Local appraisers'
meetings.

EXPENSES OF LOCAL APPRAISERS' MEETINGS: For defraying the necessary expenses of local appraisers at annual meetings for the purpose of securing uniformity in the appraisement of dutiable goods at different ports of entry, five hundred dollars.

Compensation in
lieu of moieties.

COMPENSATION IN LIEU OF MOIETIES: To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Compensation in lieu of moieties," for the fiscal year eighteen hundred and ninety-nine, three thousand eight hundred and fifty-seven dollars and seventy-two cents.

Chinese exclusion.

ENFORCEMENT OF THE CHINESE EXCLUSION ACT: To prevent unlawful entry of Chinese into the United States, by the appointment of suitable officers to enforce the laws in relation thereto, and for expenses of returning to China all Chinese persons found to be unlawfully in the United States, including the cost of imprisonment and actual expense of conveyance of Chinese persons to the frontier or seaboard for deportation, and for enforcing the provisions of the Act approved May fifth, eighteen hundred and ninety-two, entitled "An Act to prohibit the coming of Chinese persons into the United States," twenty thousand dollars.

QUARANTINE SERVICE: For the maintenance and ordinary expenses, including pay of officers and employees of quarantine stations at Delaware Breakwater, Reedy Island, Cape Charles and supplemental station, Cape Fear, Savannah, South Atlantic, Brunswick, Gulf, Tortugas, San Diego, San Francisco, Columbia River, Port Townsend, and in Porto Rico and Hawaii, thirty-five thousand dollars. Quarantine service.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Quarantine service," for the fiscal years as follows:

For the fiscal year eighteen hundred and ninety-nine, one hundred and four dollars and seventy-eight cents;

For the fiscal year eighteen hundred and ninety-eight, one hundred and eight dollars and eighteen cents.

REFUND TO THOMAS ELLIS: To refund to the collector of customs for the district of Puget Sound, for payment by him to Thomas Ellis, of Penticton, British Columbia, as fully set forth on page five, House Document Numbered Six hundred and forty-two, of the present session, two thousand and five dollars and fifty cents. Refunds,
—to Thomas Ellis

REFUND TO JOHN HAMILTON: To refund to the collector of customs at Buffalo, New York, for payment by him to John Hamilton, as fully set forth on page five, House Document Numbered Six hundred and forty-two, of the present session, eight hundred and seventy-nine dollars and forty cents. —to John Hamilton.

REFUND OF FINE, STEAMER RAPID TRANSIT: To refund to Captain H. J. Gillespie that portion of a fine of one hundred dollars imposed in the case of the steamer Rapid Transit by the deputy collector of customs at Mary Island, Alaska, on or about June tenth, eighteen hundred and ninety-nine, for alleged violation of the Act of February fifteenth, eighteen hundred and ninety-three, since remitted by the Secretary of the Treasury, the original sum having been covered into the Treasury prior to the said remission, ninety dollars. —steamer Rapid Transit.

REFUND TO JOHN W. BERO: To refund to John W. Bero, deputy collector of customs, port of Plattsburg, New York, the amount of certain public moneys forwarded by him August first, eighteen hundred and ninety-nine, by registered mail from Hogansburg, New York, to Plattsburg, New York, which money was taken from the safe in the post-office at Rouse Point, New York, on the occasion of a burglary committed therein on the night of August second, eighteen hundred and ninety-nine, the sum so stolen having been made good to the United States by said John W. Bero, twenty-three dollars and sixty cents. —John W. Bero.

REFUND OF FINE, STEAMER PALATIA: To refund to the collector of customs at New York, New York, for payment by him to the person or persons entitled to receive the same, the sum of fifty dollars, being the amount of a fine imposed in the case of Scheine Glückmann, a passenger on the Hamburg-American steamer Palatia on or about January fourteenth, nineteen hundred, since remitted by the Secretary of the Treasury, the original amount having been covered into the Treasury prior to said remission. —steamer Palatia.

REIMBURSEMENT OF C. N. JORDAN: To reimburse C. N. Jordan, assistant treasurer of the United States, for certain losses of money value in his office, he having made the same good to the Treasury, and the said losses having occurred through no fault or negligence on his part, two thousand six hundred and forty-four dollars and seventy-five cents. Reimbursement of
C. N. Jordan.

PAYMENT TO CAPTAIN B. TELLEFSEN: To enable the Secretary of the Treasury to pay Captain B. Tellefsen, master of the Norwegian steamer Albert, for expenses incurred by him in consequence of a violation of article thirteen of the treaty of commerce and navigation of the year eighteen hundred and twenty-seven, between the United States of America and the Kingdom of Sweden and Norway by an officer of the Capt. B. Tellefsen.
Payment to.

city of Boston, Massachusetts, on the eighteenth day of July, eighteen hundred and ninety-two, nine hundred and ninety-eight dollars and ninety-six cents.

Owners of schooner
J. R. Carroll.

PAYMENT TO OWNERS OF SCHOONER J. R. CARROLL: For payment to the owner or owners of the schooner J. R. Carroll as compensation for damages sustained by said schooner in consequence of a collision with the steam launch attached to the United States steamer A. D. Bache in Eastern Bay on the night of October fourth and fifth, eighteen hundred and ninety-nine, one hundred dollars.

W. Louis George et
al.
Payment to.

To pay to W. Louis George, Wonder O. George, and Rebecca Samantha George, or to their legal representatives, the amount of a finding of the Southern Claims Commission made in eighteen hundred and seventy-nine in their favor as the minor children of W. L. George, of Coker, Alabama, four hundred and fifty dollars.

Cape Smythe Whal-
ing and Trading Com-
pany.
Payment to.

PAYMENT TO CAPE SMYTHE WHALING AND TRADING COMPANY: To pay the accounts of the Cape Smythe Whaling and Trading Company for supplies furnished and services rendered in rescuing, housing, feeding, clothing, and caring for shipwrecked whalers in the arctic seas in the years eighteen hundred and ninety-seven and eighteen hundred and ninety-eight, until they were taken charge of by officers of the Revenue-Cutter Service, the same having been adjusted and reported to Congress in House Document Numbered Three hundred and thirteen of this session, as required by the Act approved March third, eighteen hundred and ninety-nine, twenty-one thousand five hundred and fifty-six dollars and eleven cents.

Corps of Engineers.
Credit in accounts
of certain officers.

CREDIT IN ACCOUNTS OF CERTAIN OFFICERS, CORPS OF ENGINEERS: Authority is hereby granted to the proper accounting officers of the Treasury to allow and credit in the accounts of certain officers of the Corps of Engineers of the United States Army amounts standing against them on the books of the Treasury as follows: Captain William E. Craighill, sixteen dollars and thirty cents; Captain C. H. McKinstry, forty-five dollars; Captain H. C. Newcomer, two hundred and forty-six dollars and eighty-eight cents; Major Charles W. Raymond, sixty-one dollars and forty-eight cents; Major Thomas L. Casey, twenty-one dollars and thirty-two cents; Major H. M. Adams, two thousand six hundred and sixteen dollars and forty cents; Major E. H. Ruffner, forty dollars and eighty cents; Major R. L. Hoxie, forty-four dollars and sixty-seven cents; Major C. McD. Townsend, thirty-one dollars and ninety-two cents; Major W. H. Bixby, one hundred and sixty-eight dollars and fifty-six cents; Major Charles F. Powell, fifty-six dollars and thirty cents; Lieutenant-Colonel Charles J. Allen, nine dollars and eighty-eight cents; and Lieutenant-Colonel W. A. Jones, two hundred and eighty-eight dollars and fifty-one cents; in all, three thousand six hundred and forty-seven dollars and two cents.

Maj. Francis S.
Dodge.
Credit in accounts
of.

That the proper accounting officers, in settling the accounts of Major Francis S. Dodge, paymaster, United States Army, are hereby directed to credit the said Major Francis S. Dodge, paymaster, United States Army, with the sum of two hundred and five dollars, the amount of a shortage found to exist in a certain sealed box supposed to contain one thousand silver dollars, Government funds, shipped from New York City as a part of an amount designed for payment to the Cuban army, but which, upon being opened in the presence of witnesses, was found to contain only seven hundred and ninety-five dollars.

Internal Revenue.

COLLECTING INTERNAL REVENUE.

Salaries, collectors,
deputies, etc.
Vol. 24, p. 209.

For salaries and expenses of collectors and deputy collectors and surveyors, and clerks, including transportation of public funds, and also including expenses of enforcing the Act of August second, eighteen hundred and eighty-six, taxing oleomargarine, and the Act

Vol. 24, p. 218.

of August fourth, eighteen hundred and eighty-six, imposing upon the Government the expense of the inspection of tobacco exported; also the act of June sixth, eighteen hundred and ninety-six, imposing a tax on filled cheese, sixty-five thousand dollars.

Vol. 29, p. 253.

For salaries and expenses of agents, fees and expenses of gaugers, salaries and expenses of storekeepers and storekeeper-gaugers, and miscellaneous expenses, fifty thousand dollars.

Agents, gaugers, etc.

To refund to the Central New York Telegraph and Telephone Company the penalty assessed against them December first, eighteen hundred and ninety-eight, for failure to make their return within the time prescribed by the ninth paragraph under Schedule A of the war-revenue law of eighteen hundred and ninety-eight, ninety-three dollars and fifty-nine cents.

Central New York
Telegraph and Tele-
phone Company.
Refund.
Vol. 30, p. 458.

BUREAU OF ENGRAVING AND PRINTING.

Bureau of Engrav-
ing and Printing.

To pay amounts fund due by the accounting officers of the Treasury on account of the appropriation "Materials and miscellaneous expenses, Bureau of Engraving and Printing," for the fiscal year eighteen hundred and ninety-eight, one thousand nine hundred and twenty-one dollars and nineteen cents.

Materials, etc.

For rent of office now occupied by agent of the Post-Office Department to supervise the distribution of stamps of the Bureau of Engraving and Printing, at a rental of fifty dollars per month, six hundred dollars.

Rent.

REVENUE-CUTTER SERVICE.

Revenue-Cutter
Service.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Expenses of the Revenue-Cutter Service," for the fiscal year eighteen hundred and ninety-nine, one thousand two hundred and eighty-six dollars and ninety-five cents.

Expenses.

LIGHT-HOUSE ESTABLISHMENT.

Light-House Estab-
lishment.

The accounting officers of the Treasury are authorized and directed to allow and credit in the account of Lieutenant-Colonel William A. Jones, United States Army, engineer of the Fifth light-house district, for the quarter ended March thirty-first, eighteen hundred and ninety-nine, the amount of one thousand three hundred and twenty-one dollars, paid by him from the appropriation "Repairs, and so forth, of light-houses," eighteen hundred and ninety-nine, for repairs under the instruction of the Light-House Board and by the authority of the Treasury Department, the same not to involve the further payment of money from the Treasury.

Col. Wm. A. Jones,
U. S. A., credit in ac-
count of.

EXPENSES OF BUOYAGE, EIGHTEEN HUNDRED AND NINETY-NINE: For amount disallowed upon appeal from the Light-House Board, being for the actual necessary traveling expenses of Colonel Walter S. Franklin, the civilian member of the Light-House Board, from Baltimore, Maryland, to Washington, District of Columbia, to attend meeting of the Light-House Board, four dollars and ninety-two cents.

Buoyage.
Col. Walter S. Frank-
lin.
Traveling expenses.

MINTS AND ASSAY OFFICES.

Mints and assay
offices.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Contingent expenses, mint at New Orleans," for the fiscal year eighteen hundred and ninety-eight, two dollars and seventy-nine cents.

New Orleans.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Contingent expenses, mint at Carson," for the fiscal year eighteen hundred and ninety-eight, thirty-two dollars and forty-eight cents.

Carson.

Denver.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Contingent expenses, mint at Denver," for the fiscal year eighteen hundred and ninety-nine, forty-two dollars and thirty-eight cents.

Helena.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Contingent expenses, assay office at Helena," for the fiscal year eighteen hundred and ninety-eight, three dollars and ten cents.

Boise.

To supply a deficiency in the appropriation for "Contingent expenses, assay office at Boise," for the fiscal years as follows:

For the fiscal year eighteen hundred and ninety-nine, thirty-three dollars and twelve cents.

For the fiscal year eighteen hundred and ninety-eight, five dollars and fifty-six cents.

Seattle.

To pay amounts found due by the accounting officers of the Treasury, on account of the appropriation "Salaries and expenses, assay office at Seattle," one hundred and sixty dollars and eighty-eight cents.

Territories.

TERRITORIAL GOVERNMENTS.

Oklahoma.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Legislative expenses, Territory of Oklahoma," for the fiscal year eighteen hundred and ninety-nine, one dollar and forty cents.

Smithsonian Institution.

UNDER SMITHSONIAN INSTITUTION.

American ethnology.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "American Ethnology, Smithsonian Institution," for the fiscal year eighteen hundred and ninety-eight, thirty-four dollars and ninety-one cents.

John W. Morse, etc.
Reimbursement.

The Secretary of the Smithsonian Institution is hereby authorized to reimburse in the amount of two hundred and seven dollars and seventy-three cents, from the appropriation "National Zoological Park, nineteen hundred," the official account of John W. Morse, assistant paymaster, United States Navy, for expenditures incurred in the purchase, care, and forwarding of a collection of live animals for the National Zoological Park during the fiscal year ending June thirtieth, eighteen hundred and ninety-nine.

Public buildings.

PUBLIC BUILDINGS.

Asheville, N. C.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Court-house and post-office, Asheville, North Carolina," four dollars and sixty-two cents.

Camden, N. J.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Post-office, custom-house, and so forth, Camden, New Jersey," eleven dollars and fifty cents.

Sioux City, Iowa.

PUBLIC BUILDING, SIOUX CITY, IOWA: The sum of three thousand dollars of the unexpended balance of the appropriations for said building is hereby authorized to be used for the installation therein of a tower clock.

Los Angeles, Cal.

RENT OF BUILDING, LOS ANGELES, CALIFORNIA: For rental of temporary quarters for post-office, court-house, and so forth, at Los Angeles, California, and moving expenses incident thereto, to continue available during fiscal year nineteen hundred and one, eight thousand five hundred dollars.

Indianapolis, Ind.

RENT OF BUILDING, INDIANAPOLIS, INDIANA: For rent of quarters for use of the post-office and other Government officials at Indianapolis, Indiana, four thousand dollars.

REIMBURSEMENT OF W. S. Cox: For reimbursement of W. S. Cox for the installation of the National Pneumatic Water Works system in house numbered seventeen hundred and nine New York avenue, Washington, District of Columbia, four hundred and twenty-seven dollars.

W. S. Cox.
Reimbursement.

FISH COMMISSION.

Fish Commission.

For completion of the fish-cultural station of the United States Commission of Fish and Fisheries at Put in Bay, Ohio: For the extension of the hatchery building at said station, including construction of hatching batteries and purchase of equipment for same, three thousand dollars.

Put in Bay, Ohio.

For completion of the fish-cultural station of the United States Commission of Fish and Fisheries at Bullochville, Georgia, including construction of ponds, ten thousand dollars.

Bullochville, Ga.

For completion of the fish-cultural station of the United States Commission of Fish and Fisheries at Wytheville, Virginia, including construction of additional ponds, two thousand five hundred dollars.

Wytheville, Va.

For completion of the fish-cultural station of the United States Commission of Fish and Fisheries at Edenton, North Carolina, six thousand dollars.

Edenton, N. C.

For completion of the fish-cultural station of the United States Commission of Fish and Fisheries at Nashua, New Hampshire, two thousand five hundred dollars.

Nashua, N. H.

For completion of the fish-cultural station of the United States Commission of Fish and Fisheries at Spearfish, South Dakota, including the construction of ponds, three thousand five hundred dollars.

Spearfish, S. Dak.

For completion of the fish-cultural station of the United States Commission of Fish and Fisheries at Baker Lake, Washington, five thousand dollars.

Baker Lake, Wash.

For completion of the fish-cultural station of the United States Commission of Fish and Fisheries at Erwin, Tennessee, including construction of ponds on land recently acquired, five thousand dollars.

Erwin, Tenn.

For completion of repairs, construction of wharves, and improvement of grounds of the fish-cultural station of the United States Commission of Fish and Fisheries at Woods Hole, Massachusetts, two thousand dollars.

Woods Hole, Mass.

For increasing the water supply, including the purchase of land, for constructing necessary buildings, and for other purposes at the station of the United States Commission of Fish and Fisheries at Green Lake, Maine, three thousand dollars.

Green Lake, Me.

That the unexpended balance, amounting to one thousand two hundred and seventy-five dollars and seventeen cents, of the appropriation of one hundred and ninety-five thousand three hundred dollars for "Miscellaneous expenses, Fish Commission, eighteen hundred and ninety-nine," made in the sundry civil Act approved July first, eighteen hundred and ninety-eight, is hereby made available for payment of liabilities incurred during the fiscal year eighteen hundred and ninety-nine, without limitation as to the subheads of the appropriation, and that the unexpended balance of the appropriation of one hundred and eighty-seven thousand eight hundred dollars for "Miscellaneous expenses, Fish Commission, eighteen hundred and ninety-eight," made in the sundry civil Act approved June fourth, eighteen hundred and ninety-seven, is hereby made available for payment of liabilities incurred during the fiscal year eighteen hundred and ninety-eight, without limitation as to the subheads of the appropriation, and the accounting officers of the Treasury Department are authorized to settle the accounts of the disbursing agent of the United States Commission of Fish and Fisheries accordingly.

Unexpended balance for miscellaneous expenses made available.

Vol. 30, p. 609.

Vol. 30, p. 22.

San Marcos, Tex.

For repairing damage done to the San Marcos, Texas, station, by the overflow of the Blanco and San Marcos rivers during the month of April, nineteen hundred, and for the construction of a stone wall and such other improvements as may be necessary to protect the station against similar overflows, two thousand dollars.

District of Columbia.

DISTRICT OF COLUMBIA.

Coroner's office.

CORONER'S OFFICE: To pay the deputy coroner for services during the absence of the coroner, fiscal year eighteen hundred and ninety-nine, one hundred and fifty dollars.

Contingent expenses.

CONTINGENT AND MISCELLANEOUS EXPENSES: For general advertising, on account of fiscal years as follows:

For the fiscal year eighteen hundred and ninety-nine, seven hundred and seventy-two dollars and twelve cents.

For the fiscal year eighteen hundred and ninety-seven, sixteen dollars and eighty cents.

For judicial expenses, fiscal year eighteen hundred and ninety-three, twenty-five dollars.

To pay outstanding jurors' certificate, service of fiscal year eighteen hundred and ninety-seven, one dollar.

To pay the Hawley Down Draft Furnace Company for two Hawley down-draft furnaces installed in the municipal building, one thousand five hundred dollars.

For amount required to pay outstanding bills for the service of the fiscal year eighteen hundred and ninety-nine, as follows:

For coroner's office, twenty dollars.

For free public library, twenty-seven dollars and ninety-eight cents.

For contingent expenses, three hundred and fifty-four dollars and fifty cents.

Indexing laws, etc.

For completing an index of the laws affecting the municipal government of the District of Columbia, three hundred dollars.

Improvements and repairs.

H. H. Darneille.

Credit in accounts of.

IMPROVEMENTS AND REPAIRS, DISTRICT OF COLUMBIA: That the sum of nine hundred and thirteen dollars and eleven cents, paid the Cranford Paving Company for work on Seventh street, between E and G streets northwest, is hereby allowed, and the accounting officers of the United States Treasury are authorized and directed to credit the same in the settlement of the accounts of H. H. Darneille, late disbursing officer, District of Columbia.

Sewers.

SEWERS: For main and pipe sewers to pay retent under contract seventeen hundred and ninety-six (being for service of fiscal year eighteen hundred and ninety-four), principal, three hundred and seventy-eight dollars and fifty-two cents; and interest thereon, sixty-nine dollars and eight cents; in all, four hundred and forty-seven dollars and sixty cents.

Public schools.

PUBLIC SCHOOLS: For fuel, five thousand dollars.

For text-books and supplies, fiscal year eighteen hundred and ninety-nine, two hundred and thirty-five dollars and forty-six cents.

For manual training, fiscal year eighteen hundred and ninety-nine, two hundred and thirteen dollars and twenty-six cents.

For repairs to school buildings, fiscal year eighteen hundred and ninety-nine, four hundred and thirteen dollars and twenty-five cents.

For contingent expenses, fiscal year eighteen hundred and ninety-nine, five hundred and eleven dollars.

For text-books and supplies, fiscal year eighteen hundred and ninety-eight, sixty-four dollars.

For manual training, fiscal year eighteen hundred and ninety-eight, thirteen dollars and twenty cents.

W. B. Moses & Sons.
Payment to.

To pay W. B. Moses and Sons the difference in price between bill as rendered and paid, for blueboards for the Western High School, and that for which bill should have been rendered, one hundred and seventy-five dollars.

MILITIA: That authority is hereby given to pay the claim of S. S. Daish and Sons for thirty-three dollars and forty-five cents for coal furnished to the Naval Battalion of the District of Columbia Militia.

Militia.

METROPOLITAN POLICE: For contingent expenses for the fiscal years as follows:

Metropolitan police.

For the fiscal year nineteen hundred, two thousand five hundred dollars.

For the fiscal year eighteen hundred and ninety-nine, seven hundred and ninety-three dollars and eighty-six cents.

For repairs to stations, one thousand dollars.

FIRE DEPARTMENT: For contingent expenses for the fiscal years as follows:

Fire department.

For the fiscal year nineteen hundred, five hundred dollars.

For the fiscal year eighteen hundred and ninety-nine, one hundred and twenty-seven dollars and eighty-one cents.

For forage, fiscal year eighteen hundred and ninety-nine, ninety-four dollars and seventy-three cents.

For repairs to engine houses, fiscal year eighteen hundred and ninety-nine, twenty-eight dollars and twelve cents.

TELEGRAPH AND TELEPHONE SERVICE: For general expenses, two thousand three hundred and ninety-six dollars and five cents.

Telegraph and telephone service.

HEALTH DEPARTMENT: For disinfecting service, five hundred dollars.

Health department.

EMERGENCY FUND: That the sum of twenty-five dollars, paid J. Sprigg Poole, agent, being cost of the bond of the acting disbursing officer, District of Columbia, is hereby allowed, and the accounting officers of the United States Treasury are authorized and directed to credit the same in the settlement of the accounts of A. McKenzie, acting disbursing officer, District of Columbia.

A. McKenzie.
Credit in accounts of.

COURTS: To pay A. S. Taylor for services as judge, fiscal year eighteen hundred and ninety-nine, eighty dollars.

Judge A. S. Taylor.
Payment to.

JUDGMENTS: For the payments of judgments, including costs, against the District of Columbia, set forth on page nine, House Document Numbered Six hundred and forty-two, of this session, and on page three of Senate Document Numbered Four hundred and thirteen, ten thousand five hundred and ninety-three dollars and forty-eight cents, together with a further sum to pay the interest on said judgments, as provided by law, from the date the same became due until the date of payment.

Judgments.

NORTHERN LIBERTY MARKET CLAIMS: To pay John A. Frey the amount found due by the auditor of the supreme court of the District of Columbia, two hundred and seventy-five dollars, to be paid wholly from the revenues of the District of Columbia.

John A. Frey.
Payment to.

SUPPORT OF PRISONERS: For expenses for maintenance of the jail of the District of Columbia and for support of prisoners therein, to be expended under the direction of the Attorney-General, four thousand dollars.

Support of prisoners.

DEFENDING SUITS IN CLAIMS: For defending suits in the United States Court of Claims, one thousand dollars.

Defending suits in claims.

WRITS OF LUNACY: For amount required to pay the clerk of the supreme court of the District of Columbia fees in lunacy cases, one thousand five hundred dollars.

Writs of lunacy.

PAYMENT OF REFEREE: To pay Frank W. Hackett for services as referee in sundry cases in Court of Claims, two hundred dollars.

Frank W. Hackett.
Payment to.

REFORM SCHOOL FOR GIRLS: For amount required to complete building and inclose the grounds, nine thousand two hundred and eighty-six dollars and twenty-four cents.

Reform School for Girls.

WASHINGTON ASYLUM: For contingent expenses, fiscal year eighteen hundred and ninety-nine, two thousand eight hundred and fifty-five dollars and sixty-five cents.

Washington Asylum.

Freedmen's Hos-
pital.

FREEDMEN'S HOSPITAL AND ASYLUM: For contingent expenses, fiscal year eighteen hundred and ninety-seven, fifteen dollars and thirty-eight cents.

For repairs to buildings, three thousand five hundred dollars.

Board of Children's
Guardians.

BOARD OF CHILDREN'S GUARDIANS: For amount required by the Board of Children's Guardians for the service of the fiscal year nineteen hundred, nine thousand two hundred dollars; and authority to pay from this amount one thousand dollars, or so much as may be necessary, to the House of the Good Shepherd for Colored Girls, at Baltimore, and two hundred dollars, or so much thereof as may be necessary, to the Saint Rose Industrial School, District of Columbia, for the maintenance of wards of the board, is hereby granted.

Merchants' Parcel
Delivery Company.
Payment to.

WATER DEPARTMENT: Authority is hereby given to pay the Merchants' Parcel Delivery Company, in excess of contract rates for hauling extra-size water pipe, one hundred and ninety-one dollars and twenty-nine cents.

Columbia road,
grading, etc.

For grading and paving Columbia road east of Thirteenth street extended through square numbered twenty-three, ten thousand dollars, one-half to be paid from the revenues of the District of Columbia: *Provided*, That said street be first extended to its present width, so as to connect with Steuben street at Sherman avenue.

Proviso.
—width

Redemption of tax-
sale certificates.

REDEMPTION OF TAX-SALE CERTIFICATES: For redemption of one tax-sale certificate dated October fourteenth, eighteen hundred and seventy-two, and four tax-sale certificates dated June twenty-ninth, eighteen hundred and seventy-five, provided the amount hereby appropriated be accepted as a settlement in full, four hundred and fifteen dollars and twenty-six cents, to be paid wholly from the revenues of the District of Columbia.

Half appropriations
from District reve-
nues.

Except as otherwise herein provided, one-half of the foregoing amounts to meet deficiencies in the appropriations on account of the District of Columbia shall be paid from the revenues of the District of Columbia and one-half from any money in the Treasury not otherwise appropriated.

War Department.

WAR DEPARTMENT.

Advertising.

ADVERTISING: To enable the Secretary of War to pay the accounts, certified in House Document Numbered Three hundred and twenty-one of this session, due certain newspapers for publishing advertisements for recruits, fuel, horses, and so forth, for the Army, three hundred and nineteen dollars and fifteen cents.

C. B. Carlisle,
Repayment to.

REPAYMENT TO C. B. CARLISLE: For repayment of amount stopped from pay of Chaplain C. B. Carlisle, Second United States Volunteers, on account of subsistence stores erroneously distributed by him to Second United States Volunteers at Holguin, Cuba, in April, eighteen hundred and ninety-nine, one hundred and forty-seven dollars and one cent.

Maj. J. B. Bellinger.
Adjustment of ac-
counts of.

Vol 28, p. 205.

ADJUSTMENT OF ACCOUNTS OF MAJOR J. B. BELLINGER: On account of duties resulting from the war with Spain, the time prescribed by law, Act of July thirty-first, eighteen hundred and ninety-four, for the settlement of his accounts having expired, the accounting officers of the Treasury be, and they are hereby, authorized to reopen, adjust, and settle the accounts of Captain J. B. Bellinger, assistant quartermaster, United States Army, late disbursing officer of the Military Academy at West Point, New York, involving appropriations for the fiscal years eighteen hundred and ninety-five, eighteen hundred and ninety-six, and eighteen hundred and ninety-seven, on the principles of equity and justice, and to give credit for such disbursements as shall be shown to have been actually and honestly made in good faith and have accrued to the benefit of the Government: *Provided*, That the total credits allowed under the provisions of this Act shall not be more

Proviso.
—limited total cred-
its, etc.

than eleven thousand five hundred and eight dollars and seventy-two cents for the fiscal year eighteen hundred and ninety-five, two thousand two hundred and twenty-eight dollars and nine cents for the fiscal year eighteen hundred and ninety-six, and eleven thousand and fifty-five dollars and sixty-four cents for the fiscal year eighteen hundred and ninety-seven.

YELLOWSTONE NATIONAL PARK: For the repair and maintenance of existing roads and bridges, and improvement and protection of the Yellowstone National Park, to be expended by and under the direction of the Secretary of War, fiscal year eighteen hundred and ninety-eight, one hundred and sixty-two dollars and sixty-two cents.

Yellowstone National Park.

MILITARY ESTABLISHMENT.

Military establishment.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Army Medical Museum," for the fiscal year eighteen hundred and ninety-eight, seventy-five cents.

Medical museum.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Ammunition for morning and evening gun," for the fiscal year eighteen hundred and ninety-eight, twelve dollars and thirty-five cents.

Morning, etc., gun.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Improving Wicomico River, Maryland," eighteen dollars.

Wicomico River, Md.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Improvement of Yellowstone National Park," six dollars and ninety-five cents.

National parks.
—Yellowstone.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Battle lines and sites for tablets at Antietam," twenty cents.

—Antietam.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Transportation of the Army and its supplies," for the fiscal year eighteen hundred and ninety-eight, seven hundred and twenty dollars and ninety-six cents.

Transportation.

For the reimbursement of necessary transportation and traveling expenses, including railroad fare, sleeping-car fare, transfers, meals, and lodgings en route or during necessary delays, of nurses employed by the Medical Department of the Army since April thirtieth, eighteen hundred and ninety-eight, incurred in traveling upon public business from their homes to the places of service and subsequently on changes of station and return to their homes, whose claims may have heretofore been disallowed by the accounting officers of the Treasury on the ground that the terms of the written contracts made with the nurses did not entitle them to the allowances in question, excepting the two hundred and eighteen claims forwarded by the Quartermaster-General to the Auditor for the War Department on or about February twenty-seventh, eighteen hundred and ninety-nine, which have been otherwise provided for, four thousand dollars: *Provided*, That all other such claims now pending or that may hereafter be presented shall be allowed and paid from the regular appropriations applicable to the payment of transportation and traveling expenses of civilian employees of the Army, in like manner as if the terms of the written contracts entitled the nurses to such allowances; but the amounts allowed shall in no case exceed the amounts authorized by the War Department in regulations governing the matter, nor the amounts stipulated in the written contracts if the latter expressly provide therefor: *And provided further*, That disbursing officers of the Quartermaster's Department who have paid or shall hereafter pay accounts for such expenses shall be given credit for all such payments upon proper vouchers.

Nurses, Medical Department.
Traveling expenses, etc.

Proviso.
Pending claims.

Credit in accounts, officers Quartermaster's Department.

Maj. W. H. Comegys
may issue duplicate of
lost check.

That William H. Comegys, major and paymaster, United States Army, be, and he is hereby, authorized and instructed to issue to Howell P. Myton a duplicate of an original check issued by said William H. Comegys on the twenty-third day of February, eighteen hundred and ninety-nine, numbered nine hundred and sixty-six thousand five hundred and fifty-five, upon the assistant treasurer of the United States at New York City, New York, in favor of post exchange, Fort Duchesne, Utah, for the sum of three thousand two hundred and seventy-three dollars, in payment of final statements of discharged soldiers, which original check was subsequently indorsed by George P. White, lieutenant, Ninth Cavalry, post exchange officer, over to said Howell P. Myton, United States Indian agent at Whiterocks Agency, Whiterocks, Utah, and is alleged to have been lost in transmission through the United States mails: *Provided*, That such duplicate check shall be issued under such regulations in regard to its issue and payment as have been prescribed by the Secretary of the Treasury for the issue of duplicate checks under the provisions of section thirty-six hundred and forty-six, Revised Statutes of the United States, including an adequate bond of indemnity.

Proviso.
—regulations, indem-
nity bond.
R. S., sec. 3646, p. 717.

Military Academy.

MILITARY ACADEMY.

Cadets.

PERMANENT ESTABLISHMENT: For additional amount required to pay cadets, fifteen thousand two hundred and fifty dollars and eighty-eight cents;

Band.

MILITARY BAND: For two enlisted musicians, at twenty dollars per month, four hundred and eighty dollars;

For additional pay for length of service, one hundred and thirty-two dollars;

For clothing on discharge, sixty dollars;

General army service.

PAY OF GENERAL ARMY SERVICE: For sixteen privates, at fifteen dollars per month, two thousand four hundred and ninety-six dollars;

For additional pay for length of service, one thousand and eight dollars;

For clothing on discharge, four hundred and forty-eight dollars;

For twenty per centum increase on pay of enlisted men, thirteen thousand one hundred and seventy-four dollars and eighty cents; in all, thirty-three thousand and nineteen dollars and sixty-eight cents.

Buildings and grounds, District of Columbia.

BUILDINGS AND GROUNDS IN AND AROUND WASHINGTON.

Sherman statue. —reimbursement of sculptor.

For reimbursement of the sculptor for the Sherman statue for extra and unforeseen expenses connected with the subfoundation of said statue, of which the pedestal has already been completed in accordance with the contract therefor, nine thousand five hundred and fifty-five dollars and five cents, to be disbursed by the officer in charge of public buildings and grounds, under the direction of the Sherman statue commission.

—removal of fence.

For removal of present iron fence around the site of the Sherman statue and setting up of a substantial granite curb in place thereof, eight thousand dollars, or so much thereof as may be found necessary, to be expended by the officer in charge of public buildings and grounds, under the direction of the Sherman statue commission.

National Home for Disabled Volunteer Soldiers. Dayton.

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

CENTRAL BRANCH, AT DAYTON, OHIO: For repairs, namely: Pay of chief engineer, builders, blacksmiths, carpenters, cabinetmakers, coopers, painters, gas fitters, plumbers, tinsmiths, wire-workers, steam fitters, stone and brick masons, quarrymen, whitewashers, and

laborers, and for all appliances and materials used under this head; also for repair of roads and of other improvements of a permanent character, five thousand dollars.

NORTHWESTERN BRANCH, AT MILWAUKEE, WISCONSIN: For household, namely: Expenditures for furniture for officers' quarters; for bedsteads, bedding, bedding material, and all other articles required in the quarters of the members, and for their repair if they are not repaired by the Home; for fuel, including fuel for cooking, heat, and light; for engineers and firemen, bath-house keepers, hall cleaners, laundrymen, gas and soap makers, and privy watchmen, and for all labor, materials, and appliances required for household use, and for their repair, unless the repairs are made by the Home, two thousand five hundred dollars.

Milwaukee.

For addition to hospital, one thousand five hundred dollars.

SOUTHERN BRANCH, AT HAMPTON, VIRGINIA: For current expenses, namely: Pay of officers and noncommissioned officers of the Home, clerks, and orderlies, with such exceptions as are hereinafter noted; also payments for chaplains and religious instruction, printers, bookbinders, librarians, musicians, telegraph and telephone operators, guards, policemen, watchmen, and fire company; for all property and material purchased for their use, including repairs not done by the Home; for necessary expenditures for articles of amusement, boats, library books, magazines, papers, pictures, and musical instruments, and for repairs not done by the Home; and for stationery, advertising, legal advice, for payments due heirs of deceased members, and for such other expenditures as can not properly be included under other heads of expenditure, five hundred dollars.

Hampton.

For transportation, namely: For transportation of members of the Home, five hundred dollars.

WESTERN BRANCH AT LEAVENWORTH, KANSAS: For household, namely: Including the same objects specified under this head for the Northwestern Branch, ten thousand dollars.

Leavenworth.

MARION BRANCH, AT MARION, INDIANA: For current expenses, namely: Including the same objects specified under this head for the Southern Branch, two thousand dollars.

Marion.

For household, namely: Including the same objects specified under this head for the Northwestern Branch, eight hundred dollars.

For hospital, namely: Pay of assistant surgeons, matrons, druggists, hospital clerks and stewards, ward masters, nurses, cooks, waiters, readers, hospital-carriage drivers, hearse drivers, gravediggers, funeral escort, and for such other services as may be necessary for the care of the sick; for surgical instruments and appliances, medical books, medicines, liquors, fruits, and other necessities for the sick not on the regular ration; for bedsteads, bedding, and bedding material, and all other articles necessary for the wards; for hospital, kitchen, and dining-room furniture and appliances, including aprons, caps, and jackets for hospital, kitchen, and dining-room employees; for carriage, hearse, stretchers, coffins; for tools of gravediggers, and for all repairs to hospital furniture and appliances not done by the Home, one thousand nine hundred and seventy-five dollars.

For carpenter and paint shop, five hundred dollars.

For greenhouse, one thousand five hundred dollars.

For nurses' quarters, five hundred dollars.

For electric-light building, five thousand and twenty-three dollars and thirty-six cents.

For surgeons' quarters, nine hundred and thirty dollars and eighty-five cents.

For addition to electric-light plant, five thousand dollars.

AT THE DANVILLE BRANCH, DANVILLE, ILLINOIS: For current expenses, subsistence, household, hospital, transportation, repairs,

Danville.

and farm, including the same objects specified under these heads for the Central Branch in the appropriations made for the fiscal year nineteen hundred, ten thousand dollars.

That appropriations made for the fiscal year nineteen hundred, or that may hereafter be made, for the construction of buildings at any of the branches of the National Home for Disabled Volunteer Soldiers shall continue available until expended.

Navy Department.

NAVY DEPARTMENT.

Navy.

NAVAL ESTABLISHMENT.

Pay.
Subsistence certain
officers at Key West,
etc., authorized.

PAY OF THE NAVY.—For the payment of the following-named officers of the United States Navy, their heirs or legal representatives, the amounts hereinafter stated, for expenses of subsistence at Key West, or Havana, or both, between February fifteenth, eighteen hundred and ninety-eight, and May first, eighteen hundred and ninety-eight, checked, or directed to be checked, against their accounts: Captain Charles D. Sigsbee, one hundred and thirty-seven dollars and thirty-three cents; Commander Richard Wainwright, nine dollars; Lieutenant-Commander George F. W. Holman, ninety-two dollars and sixty-three cents; Lieutenant John Hood, one hundred and one dollars and thirty-three cents; Lieutenant Carl W. Jungen, ninety-five dollars; Lieutenant Frederic C. Bowers, one hundred and one dollars and thirty-three cents; Lieutenant George P. Blow, sixty-five dollars and thirty-three cents; Lieutenant Wilfrid V. Powelson, twenty-five dollars and ninety-three cents; Lieutenant John R. Morris, one hundred and one dollars and thirty-three cents; Ensign Frank H. Brumby, sixty-six dollars and sixty-seven cents; Ensign Jonas H. Holden, one hundred and forty dollars and seventy-six cents; Ensign Wat T. Cluverius, one hundred and forty dollars and seventy-six cents; Ensign Pope Washington, eighty-four dollars; Ensign Arthur Crenshaw, eighty-four dollars; Ensign Amon Bronson, one hundred and one dollars and thirty-three cents; Ensign David F. Boyd, ninety-eight dollars and thirty-three cents; Surgeon Lucien G. Heneberger, one hundred and forty-two dollars; Paymaster Charles M. Ray, one hundred and forty-two dollars; Chaplain John P. Chidwick, one hundred and forty dollars and seventy-six cents; Captain Albertus W. Catlin, United States Marine Corps, eighty-four dollars; Boatswain Francis E. Larkin, eighty-four dollars; Gunner Charles Morgan, eighty-five dollars and twenty cents; Gunner Joseph Hill, one hundred and seven dollars and thirty-three cents; Carpenter George Helms, one hundred and nine dollars and four cents; Pay Clerk Brent McCarthy, ninety-two dollars and thirty-three cents; Pay Inspector Arthur Burtis, eighty-four dollars (paid on account of Lieutenant John J. Blandin, deceased); the heirs or legal representatives of the late Charles P. Howell, commander, United States Navy, one hundred and forty dollars and seventy-six cents; in all, two thousand six hundred and fifty-six dollars and forty-eight cents: *Provided*, That from each of the said amounts there shall be deducted any amounts that may have been paid to the said officers respectively for the commutation of rations for the days on which the said expenses were incurred.

Proviso.
—deductions.

General account of
advances.

GENERAL ACCOUNT OF ADVANCES.

Vol. 20, p. 167.

To reimburse "General account of advances," created by the Act of June nineteenth, eighteen hundred and seventy-eight (Twentieth Statutes at Large, page one hundred and sixty-seven), for amounts advanced therefrom and expended on account of the several appropriations named in excess of the sums appropriated therefor, for the

fiscal year given, found to be due the "general account" on adjustment by the accounting officers, there is appropriated as follows:

For pay of the Navy, eighteen hundred and ninety-five, one hundred and two dollars and fourteen cents; Pay, Navy.

For pay, Marine Corps, eighteen hundred and ninety-four, sixty-six cents; —Marine Corps, etc.

For pay, Marine Corps, eighteen hundred and ninety-five, twelve dollars;

For pay, Marine Corps, eighteen hundred and ninety-six, five dollars and twenty-three cents;

For provisions, Marine Corps, eighteen hundred and ninety-eight, five hundred and fourteen dollars and thirty-five cents;

For transportation, recruiting, and contingent, Bureau of Navigation, nineteen hundred, three thousand and forty-six dollars and forty-five cents; Bureau of Navigation.

For outfits for naval apprentices, Bureau of Navigation, eighteen hundred and ninety-eight, four thousand four hundred and sixty-eight dollars and thirty-one cents;

For outfits for naval apprentices, Bureau of Navigation, eighteen hundred and ninety-eight and eighteen hundred and ninety-nine, eight thousand one hundred and fifty-three dollars and ninety-eight cents;

For ocean and lake surveys, Bureau of Navigation, eighteen hundred and ninety-eight, one hundred and forty-five dollars and seventy-four cents;

For contingent, Bureau of Ordnance, eighteen hundred and ninety-seven, twenty-eight dollars and sixty-seven cents; Bureau of Ordnance.

For contingent, Bureau of Ordnance, eighteen hundred and ninety-eight and eighteen hundred and ninety-nine, five hundred and twenty-eight dollars;

For contingent, Bureau of Medicine and Surgery, eighteen hundred and ninety-eight, four hundred and eleven dollars and fifty-five cents; Bureau of Medicine and Surgery.

For repairs of barracks, Marine Corps, eighteen hundred and ninety-eight and eighteen hundred and ninety-nine, two hundred and ninety-two dollars and fifty-one cents; Marine Corps.

For provisions, Navy, Bureau of Supplies and Accounts, eighteen hundred and ninety-seven, thirty-nine dollars and sixty cents; in all, seventeen thousand seven hundred and forty-nine dollars and nineteen cents. Bureau of Supplies and Accounts.

BUREAU OF MEDICINE AND SURGERY.

Bureau of Medicine and Surgery.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Contingent, Bureau of Medicine and Surgery," fiscal year eighteen hundred and ninety-eight, two hundred and twenty-four dollars and fourteen cents.

BUREAU OF NAVIGATION.

Bureau of Navigation.

For expenses of recruiting for the naval service; rent of rendezvous and expenses of maintaining the same; advertising for men and boys, and all other expenses attending the recruiting for the naval service, and for the transportation of enlisted men and boys at home and abroad; for heating apparatus for receiving and training ships, and extra expenses thereof; for freight, telegraphing on public business, postage on letters sent abroad, ferriage, ice, apprehension of deserters and stragglers, continuous-service certificates, discharges, good-conduct badges and medals for boys, schoolbooks for training ships, packing boxes and materials, and other contingent expenses and emergencies arising under cognizance of the Bureau of Navigation unforeseen and impossible to classify, for the service of the current fiscal year, thirty thousand dollars.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Transportation, recruiting, and contingent, Bureau of Navigation," four thousand eight hundred and nineteen dollars and seventy-seven cents.

Bureau of Ordnance.

BUREAU OF ORDNANCE.

For miscellaneous items, namely: Freight to foreign and home stations, advertising, cartage, and express charges, repairs to fire engines, gas and water pipes, gas and water tax at magazines, tolls, ferriage, foreign postage and telegrams to and from the Bureau, technical books, and incidental expenses attending inspection of ordnance material, fifty thousand dollars.

Bureau of Equipment.

BUREAU OF EQUIPMENT.

For purchase of coal for steamers and ships' use, including expenses of transportation, storage, and handling the same; hemp, wire, iron, and other materials for the manufacture of cordage, anchors, cables, galleys, and chains; canvas for the manufacture of sails, awnings, hammocks, and other work; water for all purposes on board naval vessels, including the expenses of transportation and storage of the same; stationery for commanding and navigating officers of ships, equipment officers on shore and afloat, and for the use of courts-martial on board ship, and for the purchase of all other articles of equipment at home and abroad, and for the payment of labor in equipping vessels and manufacture of equipment articles in the several navy-yards; foreign and local pilotage and towage of ships of war; services and materials in repairing, correcting, adjusting, and testing compasses on shore and on board ship; nautical and astronomical instruments, and repairs to same; libraries for ships of war; professional books and papers, and drawings and engravings for signal books; naval signals and apparatus, namely, signals, lights, lanterns, rockets, running lights, compass fittings, including binnacles, tripods, and other appendages of ships' compasses; logs and other appliances for measuring the ship's way, and leads and other appliances for sounding; lanterns and lamps, and their appendages, for general use on board ship for illuminating purposes, and oil and candles used in connection therewith; bunting and other materials for making and repairing flags of all kinds; photographic instruments and materials; musical instruments and music; and installing and maintaining electric lights and interior communications on board vessels of war, one hundred thousand dollars.

Boston Woven Hose and Rubber Company.

To pay bill of the Boston Woven Hose and Rubber Company for four hundred and fifty feet upper deck fire hose purchased on requisition approved October eleventh, eighteen hundred and ninety-five, for the fiscal year eighteen hundred and ninety-six, two hundred and ninety-two dollars and fifty cents.

To pay bill of the Boston Woven Hose and Rubber Company for one hundred and fifty feet upper deck fire hose purchased on requisition approved February sixteenth, eighteen hundred and ninety-five, for the fiscal year eighteen hundred and ninety-five, ninety-seven dollars and fifty cents.

Bureau of Medicine and Surgery.

BUREAU OF MEDICINE AND SURGERY.

Payment to railroad.

To pay Baltimore and Ohio Railroad Company for transportation of insane patient, fiscal year eighteen hundred and ninety-eight, thirty-five dollars.

To pay Pennsylvania Railroad Company for transportation of insane patients, fiscal year eighteen hundred and ninety-eight, fifty-nine dollars and fifty cents.

NAVY-YARDS AND STATIONS.

Navy-yards and sta-
tions.

The Secretary of the Navy is authorized to pay to P. F. Dundon, of San Francisco, California, out of the balance of the appropriation for "Dry Dock, Puget Sound, Washington, two steel tanks," Act of June tenth, eighteen hundred and ninety-six, the sum of three hundred and thirty-eight dollars and twenty-three cents for extra material furnished and work done by him upon said two steel tanks under his contract for the construction of the same, three hundred and thirty-eight dollars and twenty-three cents.

P. F. Dundon.
Payment to.
Vol. 29, p. 368.

MISCELLANEOUS, NAVY.

Miscellaneous.

To compensate the city of Charleston, South Carolina, for damages to quarantine wharf, caused by French steamer Manoubia under the command of a prize crew, three hundred and twenty-five dollars.

To compensate the owners of the brig Mary Gibbs for damages sustained while unloading coal, one hundred and thirty-eight dollars.

To compensate the owners of the tug William A. Beach for damages sustained by collision with the United States steamship Wompatuck and tow, fifty dollars.

To compensate the owners of the lighter Dora for damages sustained by collision with the United States steamship Wompatuck, two hundred dollars.

To compensate the Norfolk and Washington (District of Columbia) Steamboat Company for damages to its wharf at Alexandria, Virginia, by the United States steamship Tecumseh, forty-nine dollars and fifty cents.

To compensate owners of Chinese sampan sunk in collision with the United States steamship Monocacy, eighty dollars.

To pay to the Cleveland Steamship Company damages done to the merchant steamer M. A. Hanna by the United States steamer Michigan, on October fifteenth, eighteen hundred and ninety-nine, by means of a collision with said steamer, six hundred and twenty-seven dollars and fifty-seven cents.

To reimburse Theodore J. Arms, assistant paymaster in the United States Navy, for the loss which occurred by reason of the robbery of his safe at the United States naval station, San Juan, Porto Rico, March tenth, eighteen hundred and ninety-nine, he having made the same good to the United States, and the said loss having occurred through no fault or negligence on his part, two thousand four hundred and seventy-nine dollars and three cents.

DEPARTMENT OF THE INTERIOR.

Interior Depart-
ment.

REPAIRS OF BUILDINGS, INTERIOR DEPARTMENT: For repairs of Interior Department and Pension buildings, and of the old Post-Office Department building occupied by the Interior Department, three thousand dollars.

Repairs of build-
ings, etc.

For removal of offices of the Interior Department to the old Post-Office Department building, five hundred dollars.

CONTINGENT EXPENSES, INTERIOR DEPARTMENT: For postage stamps for the Department of the Interior and its bureaus, as required under the Postal Union, to prepay postage on matter addressed to Postal Union countries, six hundred and twenty-nine dollars.

Contingent expenses.

REIMBURSEMENT OF GEORGE W. EVANS: To reimburse George W. Evans, disbursing clerk, Department of the Interior, the amount disallowed in the settlement of his account Repairs of Buildings, Department of the Interior, eighteen hundred and ninety-nine, quarter ended March thirty-first, eighteen hundred and ninety-nine, on account of

George W. Evans.
Reimbursement of

Capitol.
Cranford Paving
Company.
Payment to.
Chandeliers, Senate
wing.

payments made by him by direction of the Secretary of the Interior, for cleaning snow from the sidewalks around the several buildings of the Interior Department during the winter of eighteen hundred and ninety-nine, one hundred and sixty-six dollars and seventy-five cents.

ANNUAL REPAIRS, CAPITOL: To pay the Cranford Paving Company for special repairs to roof of terrace, occasioned by severe weather, fiscal year nineteen hundred, three thousand five hundred dollars.

To pay for electric chandeliers for the corridors and committee rooms of the Senate wing to replace worn-out and obsolete gas fixtures, one thousand five hundred dollars.

Marble Room

To pay for mahogany doors for the Marble Room, the President's Room, and room of Committee on Finance, nine hundred and forty-nine dollars.

Otis Elevator Com-
pany.
Payment to.

STEAM HEATING AND MACHINERY, SENATE WING: To pay the Otis Elevator Company for special repairs to Senate elevators, two hundred and two dollars.

Lighting.

LIGHTING CAPITOL GROUNDS: To pay the Westinghouse Electric and Manufacturing Company for additions and repairs to the switchboard dynamo rooms of the Senate and House, one thousand seven hundred and sixteen dollars and twenty-four cents.

To pay the Washington Gaslight Company for gas service during the months of March, April, May, and June, eighteen hundred and ninety-nine, three hundred and sixty dollars and ten cents.

Improving grounds.

IMPROVING THE CAPITOL GROUNDS: For continuing the work of the improvement of the Capitol grounds and for care of the grounds, one clerk, and the pay of mechanics, gardeners, and laborers; for repairs to artificial pavement, walls, and roadways, eight hundred and fifty dollars.

Government Hos-
pital for the Insane.

GOVERNMENT HOSPITAL FOR THE INSANE.

Maintenance.

GOVERNMENT HOSPITAL FOR THE INSANE: For current expenses of the Government Hospital for the Insane: For support, clothing, and treatment in the Government Hospital for the Insane of the insane from the Army and Navy, Marine Corps, Revenue-Cutter Service, and inmates of the National Home for Disabled Volunteer Soldiers, persons charged with or convicted of crimes against the United States, who are insane, all persons who have become insane since their entry into the military or naval service of the United States, who have been admitted to the hospital and who are indigent, fiscal year eighteen hundred and ninety-nine, two thousand two hundred and seventy-six dollars and fifty-three cents.

Public lands serv-
ice.

PUBLIC LAND SERVICE.

Salaries of registers
and receivers.

For salaries and commissions of registers of land offices and receivers of public moneys at district land offices, at not exceeding three thousand dollars each, twenty thousand dollars.

Incidental expenses.

For clerk hire, rent, and other incidental expenses of the district land offices, eight thousand dollars.

Albert F. Easley.
Payment to.

To pay to Albert F. Easley, deputy surveyor, for surveying and establishing the exterior and connecting lines of the "Galisteo grant allotments" in Santa Fe County, New Mexico, under contract of November twenty-eighth, eighteen hundred and ninety-six, ninety-six dollars and eighty-eight cents.

Clinton F. Pulsifer.
Payment to.

That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to Clinton F. Pulsifer, of the State of Washington, the sum of two hundred and seventy-six dollars and fifty-two cents, for surveys and resurveys of public lands, section and township lines,

in township numbered fourteen north, range numbered nine west, Willamette base and meridian, duly accepted by the United States but not heretofore paid for.

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John O'Keane, of the State of Washington, the sum of forty-five dollars, as balance of salary due him for services as a farmer in charge of Tulalip Indian Agency, Washington Territory, for the month of October, eighteen hundred and eighty-two, and not heretofore paid to him.

John O'Keane.
Payment to.

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Joshua T. Roberts, of the State of Washington, the sum of eight hundred and eighty-four dollars and eighty-two cents, as the balance due him from the United States for making survey numbered four hundred and twenty-five, in the State of Washington, and not heretofore paid to him.

Joshua T. Roberts.

For payment to Howard B. Carpenter, United States deputy surveyor, for surveys and resurveys executed by him in the State of Wyoming, necessary to complete the surveys under his contract numbered two hundred and sixty-six A, approved by the Commissioner of the General Land Office under date of June thirtieth, eighteen hundred and ninety-seven, as per account rendered, being the amount found due by the Commissioner of the General Land Office in accordance with the rates authorized in the Act making appropriation for the survey and resurvey of public lands for the fiscal year of eighteen hundred and ninety-seven, two thousand five hundred and seventy-four dollars and ninety-four cents.

Howard B. Carpenter.

Vol. 29, p. 434.

For payment to J. T. Breckon, for surveying in excess of contract, three hundred and sixty-seven dollars and ten cents.

J. T. Breckon.

For publication of the monthly reports filed by mineral-land commissioners in the office of the register and receiver of the Bozeman, Helena, and Missoula land districts, in the State of Montana, and the Cœur d'Alene land district, in the State of Idaho, two hundred and seventy-seven dollars and forty cents.

Monthly reports,
publication.

To pay to George E. Boos, manager of the Missoula Publishing Company, Missoula, Montana, for publishing advertisements of three mineral-land lists in thirty issues of said journal from June seventh to July twelfth, eighteen hundred and ninety-eight, this amount having been heretofore suspended, but now allowed, four hundred and fifty dollars and twenty cents;

George E. Boos, etc.

For payment to John McMurray, manager of the Recorder, a newspaper published at Anaconda, Montana, as additional allowance for publishing lists of classified mineral lands, such additional allowance being based upon the rates provided for by Departmental Circular of April thirteenth, eighteen hundred and ninety-five, one hundred and twenty-six dollars and thirty-four cents;

John McMurray, etc.

To pay the twelve members of the boards of mineral land commissioners for the States of Montana and Idaho the balance due them for services during the month of October, eighteen hundred and ninety-nine, two hundred and sixteen dollars and sixty-seven cents each; in all, two thousand six hundred dollars and four cents.

Boards of mineral
land commissioners,
Montana and Idaho.

For payments and reimbursements to the parties named, and in the amounts specified, respectively, on pages six and seven of House Document Numbered Three hundred and sixty-one of the present session, under the title, "General Land Office," three hundred and twenty-seven dollars and seven cents.

Payments, etc.,
"General Land Of-
fice."

To reimburse William A. Richards, late United States surveyor-general for Wyoming, for losses incurred by him through a cloud-burst upon July sixth, eighteen hundred and ninety-one, near Fort Washakie, upon the Shoshone Indian Reservation, in the State of Wyoming, while in the discharge of his duties as surveyor-general

William A. Rich-
ards.
Reimbursement of.

examining a public survey, under section twenty-two hundred and twenty-three of the Revised Statutes of the United States and the special instructions of the Commissioner of the General Land Office, three hundred and eighteen dollars.

Surveyor-general's
office, Utah.

For expense and clerk hire in the office of the surveyor-general in the State of Utah for the fiscal year ending June thirtieth, nineteen hundred, and the fiscal year ending June thirtieth, nineteen hundred and one, in addition to appropriation previously made, two thousand dollars.

Abandoned military
reservations.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Appraisal and sale of abandoned military reservations" for the fiscal year eighteen hundred and ninety-eight, twenty-five dollars and nine cents.

Geological Survey.

GEOLOGICAL SURVEY.

To supply a deficiency in the following appropriations of the Geological Survey for the fiscal years ending June thirtieth, eighteen hundred and ninety-seven, eighteen hundred and ninety-eight, eighteen hundred and ninety-nine, and nineteen hundred, required to pay vouchers which were not received until after the appropriations were exhausted, as follows, namely:

Gauging streams.

For gauging the streams, and so forth, fiscal years eighteen hundred and ninety-seven and eighteen hundred and ninety-nine, three hundred and two dollars and twenty-six cents.

Surveys.

For topographical surveys in various portions of the United States, fiscal years eighteen hundred and ninety-seven and eighteen hundred and ninety-eight, one hundred and forty dollars and eighty-one cents.

Report, mineral re-
sources.

For preparation of the report of the mineral resources of the United States, fiscal year eighteen hundred and ninety-eight, thirty-eight dollars and sixty-two cents.

Library.

For purchase of necessary books for the library, fiscal year eighteen hundred and ninety-nine, eighteen dollars and sixty-five cents.

Alaska, maps.

For maps of Alaska, eighteen dollars and fifty cents.

Gila River and
Queens Creek investi-
gations.

For irrigation investigations, Gila River and Queens Creek, Arizona, one hundred and nineteen dollars and ninety-five cents.

Smithsonian ex-
change.

For payment for transmission of public documents through the Smithsonian exchange, for the fiscal year nineteen hundred, four thousand nine hundred and twelve dollars and forty-four cents.

Indian Affairs.

INDIAN AFFAIRS.

Superintendent of
schools, etc.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Traveling expenses, Indian school superintendent," for the fiscal years as follows:

For the fiscal year nineteen hundred, one dollar and sixty-six cents.

For the fiscal year eighteen hundred and ninety-nine, sixty-six dollars and forty-four cents.

For the fiscal year eighteen hundred and ninety-eight, two dollars and fifty cents.

Supplies.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Telegraphing, and purchase of Indian supplies," for the fiscal years as follows:

For the fiscal year nineteen hundred, two thousand one hundred and twenty-nine dollars and nine cents.

For the fiscal year eighteen hundred and ninety-nine, three thousand two hundred and twelve dollars and seventy-three cents.

For the fiscal year eighteen hundred and ninety-eight, one thousand and twenty-five dollars and eighty-six cents.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Buildings at agencies, and repairs," for the fiscal year eighteen hundred and ninety-nine, six hundred and seventy-six dollars and ninety-one cents.

Buildings, etc., at agencies.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Vaccination of Indians," fifty-eight dollars.

Vaccination.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Support of Quapaws, education," twelve dollars.

Quapaws.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Support of Crows: employees, and so forth," for the fiscal year eighteen hundred and ninety-eight, eight dollars and twenty-two cents.

Crows.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Support of Cheyennes and Arapahoes: subsistence and civilization," for the fiscal year eighteen hundred and ninety-eight, twenty-four dollars and seven cents.

Cheyennes and Arapahoes.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Indian School, Carlisle, Pennsylvania," for the fiscal years as follows:

Schools. Carlisle.

For the fiscal year eighteen hundred and ninety-nine, five hundred and fifteen dollars and seventeen cents.

For the fiscal year eighteen hundred and ninety-eight, seventeen dollars and ninety-three cents.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Indian School, Fort Mojave, Arizona," for the fiscal year eighteen hundred and ninety-nine, eighty-seven dollars and fifty-three cents.

Fort Mojave, Ariz.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Indian School, Flandreau, South Dakota," for the fiscal year eighteen hundred and ninety-nine, one thousand six hundred and fifty-four dollars and eighteen cents.

Flandreau, S. Dak.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Indian School, Lawrence, Kansas," for the fiscal year eighteen hundred and ninety-nine, ninety dollars.

Lawrence, Kans.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Indian School, Perris, California," for the fiscal year eighteen hundred and ninety-nine, thirteen dollars and sixty cents.

Perris, Cal.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Incidentals in Utah, including support and civilization," being for the fiscal year eighteen hundred and ninety-eight, twelve dollars and forty cents.

Utah, incidentals, etc.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Surveying a portion of Blackfeet Reservation in Montana," being for the fiscal year eighteen hundred and ninety-eight, one hundred and thirty-one dollars and ten cents.

Blackfeet Reservation, Mont.

To pay to the estate of Hopiahtubby, deceased, the amount of claim allowed as indemnity under treaty with the Choctaws and Chickasaws of eighteen hundred and fifty-five on account of horses stolen by Comanche Indians in eighteen hundred and sixty-six, as per award of the Secretary of the Interior and Commissioner of Indian Affairs, and decision of the Comptroller of the Treasury, dated November second, eighteen hundred and ninety-nine, two thousand and eighty-one dollars and twenty-five cents.

Hopiahtubby. Payment to estate of.

This amount to be paid John Q. Abbott, late clerk to the Commission to the Uncompahgre and Uintah Band of Utes for per diem and actual expenses in going from his home—McConnellsville, Ohio—to

John Q. Abbott. Payment to.

Crow, Flathead, etc.
commission.
Continuance of.
Vol. 29, p. 341.

post of duty at Fort Duchesne, Utah, one hundred and sixty-nine dollars and fifty-five cents.

For continuing, after the passage of this Act and during the fiscal year nineteen hundred and one, the work of the commission under the Act of Congress approved June tenth, eighteen hundred and ninety-six, to negotiate with the Crow, Flathead, and other Indians, fifteen thousand dollars, and the members of said commission shall perform such duties as may be required of them by the Secretary of the Interior.

Bureau of Catholic
Indian Missions.
Reimbursement.

To reimburse the Bureau of Catholic Indian Missions for expenses incurred on account of and in returning to their home from Washington a delegation of Colville Indians, one hundred and eighty-six dollars and fifty cents.

Flandreau school.

For the following as fully set forth in House Document Numbered Six hundred and seventy-seven of the present session, namely:

To pay for water rent at the Indian school, Flandreau, South Dakota, two hundred and fifty dollars.

Commission to Five
Civilized Tribes.
Accounts of disburs-
ing agent readjusted.

The proper accounting officers of the Treasury are hereby authorized to readjust the accounts of the special disbursing agent of the Commission to the Five Civilized Tribes for the first fractional third quarter, eighteen hundred and ninety-nine, and allow so much of voucher numbered thirty-one in said quarter as may have been paid for advertising, not to exceed fifty-three dollars and seventeen cents.

Makahs, Washing-
ton.

For support and civilization of the Makah Indians, Washington, including pay of employees, six hundred dollars.

Klamath Agency,
Oreg.

For support, civilization, and instruction of the Klamaths, Modocs, and other Indians of the Klamath Agency, Oregon, including pay of employees, one thousand dollars.

Indians, middle
Oregon.

For support and civilization of the confederated tribes and bands in middle Oregon, and for pay of employees, five hundred dollars.

Walla Walla, Cay-
use, etc., Indians.

For support and civilization of the Walla Walla, Cayuse, and Umatilla tribes, Oregon, including pay of employees, two hundred dollars.

Yakima Agency.

For support and civilization of the Yakimas and other Indians at said agency, including pay of employees, three hundred and fifty dollars.

Utah, expenses.

For general incidental expenses of the Indian service in Utah, including traveling expenses of agents, support and civilization of Indians at the Uintah Valley and Ouray agencies, eight hundred dollars.

Seminoles, Florida.

To pay for lands purchased for Seminoles in Florida, two hundred and sixty-five dollars and seventy-five cents, to be paid from a balance on the books of the Treasury, under the title of "Homesteads for Seminoles in Florida."

Payment of scouts,
etc., who served in
war against Nez
Perces, etc.

To pay those Indians who served the United States under General O. O. Howard in the late war with Joseph's band of the Nez Perces tribe of Indians as scouts, couriers, and messengers, referred to in article ten of the agreement of May tenth, eighteen hundred and ninety-three, with the Nez Perces Indians, ratified by the Act of Congress approved August fifteenth, eighteen hundred and ninety-four, which claims are fully enumerated in House Document Numbered Five hundred and fifty-two, Fifty-sixth Congress, first session, four thousand seven hundred and fifty-two dollars.

Vol. 28, p. 331.

Twelfth Census.

TWELFTH CENSUS.

Allowance in ac-
counts of disbursing
clerk.

The accounting officers of the Treasury are hereby directed to credit and allow in the accounts of Edward McCauley, disbursing clerk of the Census Office, the sum of eleven dollars, being the amount paid by him for two directories of the city of Washington, District of Columbia, and one manual of the State of Kentucky.

To pay Mrs. Ella M. Shell, widow of G. W. Shell, deceased, for services rendered by her husband as census supervisor for the fourth census district of South Carolina, five hundred dollars.

Mrs. Ella M. Shell.
Payment to.

DEPARTMENT OF JUSTICE.

Department of Justice.

For books for law library of the Department, for the fiscal years as follows:

Library.

For the fiscal year nineteen hundred, five hundred dollars.

For the fiscal year eighteen hundred and ninety-nine, two hundred and twenty-eight dollars and fifty cents.

For official transportation, including purchase, keep, and shoeing of animals, and purchase and repairs of wagons and harness, for the fiscal years as follows:

Wagons, etc.

For the fiscal year nineteen hundred, one thousand six hundred dollars.

For the fiscal year eighteen hundred and ninety-nine, two hundred and two dollars and fifty cents.

For miscellaneous expenditures, including telegraphing, fuel, lights, foreign postage, labor, repairs of building and care of grounds, and other necessities, directly ordered by the Attorney-General, one thousand dollars.

Miscellaneous.

For city directories and books of reference, seventy-five dollars.

To reimburse Henry Rechtin, disbursing clerk, Department of Justice, money paid for dictionary, city directories, and atlases, for the official use of the Department of Justice for the fiscal year eighteen hundred and ninety-nine, eighty-three dollars and fifty-three cents.

Henry Rechtin.
Reimbursement of

MISCELLANEOUS.

Miscellaneous.

For the payment of the salary of the United States district judge for the Territory of Hawaii, two hundred and thirty-three dollars and fifty-two cents.

Hawaii.
District judge.

For the payment of the salary of the additional United States district judge in the State of New York, six hundred and eighty-six dollars and eighty-three cents.

New York.
District judge.

For the payment of the salary of the clerk of the United States district court of the Territory of Hawaii, one hundred and forty dollars and eleven cents.

Hawaii.
Clerk, etc., district court.

For the payment of the salary of the reporter of the United States district court for the Territory of Hawaii, fifty-six dollars and four cents.

TRAVELING EXPENSES, TERRITORY OF ALASKA: For the actual and necessary expenses of the judge, clerk, marshal, and attorney, when traveling in the discharge of their official duties, for the fiscal years as follows:

Alaska.
Traveling expenses, etc.

For the fiscal year nineteen hundred, one thousand seven hundred and thirty dollars and ninety cents.

For the fiscal year eighteen hundred and ninety-nine, one hundred and twenty-two dollars.

RENT AND INCIDENTAL EXPENSES, TERRITORY OF ALASKA: For rent of offices for the marshal, district attorney, and commissioners; furniture, fuel, books, stationery, and other incidental expenses, and for necessary clerk hire in the United States marshal's office, the amount thereof to be fixed by the Attorney-General, for the fiscal years as follows:

—rent, etc.

For the fiscal year nineteen hundred, one thousand five hundred dollars.

For the fiscal year eighteen hundred and ninety-nine, two thousand six hundred and seventy-five dollars and sixty cents.

For the fiscal year eighteen hundred and ninety-eight, seventy-two dollars and fifty cents.

Defending suits in claims.

DEFENDING SUITS IN CLAIMS AGAINST THE UNITED STATES: For defraying the necessary expenses incurred in the examination of witnesses and procuring of evidence in the matter of claims against the United States, and in defending suits in the Court of Claims, including the payment of such expenses as in the discretion of the Attorney-General shall be necessary for making proper defense for the United States in the matter of French spoliation claims, to be expended under the direction of the Attorney-General, for the fiscal years as follows:

For the fiscal year eighteen hundred and ninety-nine, eight hundred and forty-nine dollars and six cents.

For the fiscal year eighteen hundred and ninety-seven, thirty-two dollars and twenty cents.

Townsley v. United States.

Compromise of suit.

COMPROMISE OF SUIT: To enable the Attorney-General to make settlement of a suit of T. F. Townsley against the United States pending in the circuit court for the district of Washington for damages claimed for alleged breach of contract for carrying reindeer between certain Siberian and Alaskan ports, one thousand seven hundred and eighteen dollars and eighty-eight cents, or so much thereof as may be necessary.

Indian depredation claims.

DEFENSE IN INDIAN DEPREDAATION CLAIMS: For salaries and expenses in defense of the Indian depredation claims for the fiscal years as follows:

For the fiscal year nineteen hundred, three thousand five hundred dollars.

For the fiscal year eighteen hundred and ninety-nine, eight hundred and eight dollars and twenty-six cents.

Circuit courts of appeals.

Payment for legal services in.

PAYMENT FOR LEGAL SERVICES IN CIRCUIT COURTS OF APPEALS: For the payment, upon accounts approved by the Attorney-General, of claims for compensation on account of legal services rendered and expenses incurred in cases before the United States circuit courts of appeals, the amount of said compensation to be determined by the Attorney-General, one hundred and fifty dollars and seventy-one cents: *Provided*, That so much of section six of the Act approved May twenty-sixth, eighteen hundred and ninety-six, as provides that the salaries paid to United States district attorneys shall cover and include compensation for services rendered by them in the circuit courts of appeals is hereby made applicable to the United States district attorney for the southern district of New York.

Frank D. Allen.
Payment to.

To pay Frank D. Allen, late United States district attorney for the district of Massachusetts, for services rendered the United States in the United States circuit court of appeals, one thousand nine hundred dollars.

Court of appeals,
District of Columbia.
Reporter.

COURT OF APPEALS, DISTRICT OF COLUMBIA: For additional amount as salary of the reporter of said court, five hundred dollars, one-half of which shall be paid from the revenues of the District of Columbia.

Weil and La Abra cases.
Additional compensation to counsel.

WEIL AND LA ABRA CASES: To enable the Attorney-General to give any additional compensation he may deem proper to counsel for services in the cause of the United States against La Abra Silver Mining Company, finally determined by the Supreme Court of the United States at the present term of said court, and for all compensation of counsel and fees and expenses in the prosecution to final conclusion of the suit of the United States against Alice Weil and others, in which an appeal has been allowed by the Court of Claims to the Supreme Court of the United States from the judgment of that court in favor of the United States, ten thousand dollars, the said suits having been brought in obedience to two Acts of Congress approved, respectively, on December twenty-eighth, eighteen hundred and ninety-two, and entitled, respectively, "An Act to amend and enlarge the Act approved June eighteenth, eighteen hundred and seventy-eight,

entitled 'An Act to provide for the distribution of the awards made under the convention between the United States of America and the Republic of Mexico, concluded on the fourth day of July, eighteen hundred and sixty-eight.'"

Vol. 20, p. 144.

PUNISHING VIOLATIONS OF THE INTERCOURSE ACTS AND FRAUDS: For detecting and punishing violations of the intercourse Acts of Congress and frauds committed in the Indian service, the same to be expended by the Attorney-General in allowing such fees and compensation of witnesses, jurors, marshals and deputies, and agents, and in collecting evidence, and in defraying such other expenses as may be necessary for this purpose, for the fiscal year eighteen hundred and ninety-six, fifty dollars.

Punishing violations of intercourse acts.

COUNSEL FOR MISSION INDIANS OF SOUTHERN CALIFORNIA: For the payment of certain expenses incurred in the discharge of his official duties by the special attorney for the Mission Indians of Southern California:

Mission Indians.
Payment of counsel for.

For the fiscal year eighteen hundred and ninety-six, eight dollars and forty cents.

For the fiscal year eighteen hundred and ninety-seven, one hundred and fifty-nine dollars and forty-five cents.

SPECIAL PAYMENTS: To reimburse E. D. Winney, late United States marshal for the eastern district of Michigan, for the payment by him to the appellant, in accordance with the mandate of the Supreme Court of the United States, of the costs in the case of Thomas Cosgrove against Eugene D. Winney, seventy dollars and seventy-five cents.

Special payments.
E. D. Winney.

For payment to J. H. G. Weaver for legal services rendered by request of the United States attorney for the western district of Wisconsin in taking the deposition of I. F. Calkins, a material witness for the Government in the case of the United States against George E. Desmond, ten dollars.

J. H. G. Weaver.

For payment to Charles Bucher the amount fixed and allowed by the United States circuit court for the district of Kansas for his services and expenses from July nineteenth, eighteen hundred and ninety-four, to December twenty-sixth, eighteen hundred and ninety-seven, as special master in chancery, under appointment by the court, in the case of the United States against Missouri, Kansas and Texas Railway Company and others, ten thousand five hundred and seventy-eight dollars and fifty-eight cents.

Charles Bucher.

For payment to W. W. Dewhurst for expenses incurred and legal services rendered to the Government in the case of Mitchell against Furman, in the Supreme Court of the United States, six hundred and eight dollars and thirty-four cents.

W. W. Dewhurst.

For payment to William J. Brown for legal services rendered the United States in the proceedings for the condemnation of certain lands in Jamestown, Rhode Island, for the construction of fortifications, two hundred and fifty dollars.

William J. Brown.

To pay J. N. Whittaker for clerical services in the office of the United States attorney for the eastern district of Virginia from January first to eleventh, eighteen hundred and ninety-eight, forty-five dollars and eighty-seven cents.

J. N. Whittaker.

To pay George T. Hammock for service rendered as a United States deputy marshal for the western district of Arkansas in the case of the United States against William Patton and L. P. Patton, twenty-one dollars and fifty-two cents.

George T. Hammock.

To pay accounts of L. B. Shephard, United States commissioner at Saint Michael, Alaska, as follows:

L. B. Shephard.

For expenses in connection with the coroner's inquest concerning the death of Robert Patterson, being the expenses incurred by one Wallace W. Blain in recovering the body of Patterson, under the

W. W. Blain.

direction of Commissioner Shephard, one thousand and twenty-two dollars and thirty-five cents;

Commissioner Shephard.

For expenses incurred by Commissioner Shephard on trip to Cape Nome district to hold court, one thousand one hundred and seventy-three dollars and fifty cents; in all, two thousand one hundred and ninety-five dollars and eighty-five cents.

United States courts.

UNITED STATES COURTS.

Thomas S. and
Charles A. Watts.
Payment to.

The accounting officers of the Treasury are hereby authorized and directed to audit and settle the claims submitted on account of services rendered and expenses incurred by Thomas S. Watts and Charles A. Watts, acting as United States deputy marshals in the northern district of New York, during the quarter beginning July first and ending September thirtieth, eighteen hundred and ninety-eight, in the same manner as if said persons had taken the oath of office as prescribed by law.

Salaries, etc., United
States attorneys.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Salaries and expenses of district attorneys, United States courts," for the fiscal year eighteen hundred and ninety-eight, one hundred and ninety-three dollars and four cents.

—Southern district of
New York.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Fees of district attorney for southern district of New York, United States courts," two thousand four hundred and forty-one dollars and twenty-four cents.

Support of prisoners,
et c.

For support of United States prisoners, including necessary clothing and medical aid, and transportation to place of conviction or place of bona fide residence in the United States, and including support of prisoners becoming insane during imprisonment, as well before as after conviction, and continuing insane after expiration of sentence, who have no friends to whom they can be sent, fifty thousand dollars.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Support of prisoners, United States courts," fiscal year eighteen hundred and ninety-nine, thirty thousand eight hundred and seventy-one dollars and seventy-one cents.

Bailiffs and criers.

For pay of bailiffs and criers, not exceeding three bailiffs and one crier in each court, except in the southern district of New York: *Provided*, That all persons employed under section seven hundred and fifteen of the Revised Statutes shall be deemed to be in actual attendance when they attend upon the order of the courts: *And provided*

Provisos.
Attendance.
R. S., sec. 715, p. 136.

Vacation.
Expenses of judges.

further, That no such person shall be employed during vacation; of reasonable expenses for travel and attendance of district judges directed to hold court outside of their districts, not to exceed ten dollars per day each, to be paid on written certificates of the judges, and such payments shall be allowed the marshal in the settlement of his accounts with the United States; expenses of judges of the circuit courts of appeals; of meals and lodgings for jurors in United States cases, and of bailiffs in attendance upon the same, when ordered by the court; and of compensation for jury commissioners, five dollars per day, not exceeding three days for any one term of court, ten thousand dollars.

Meals for jurors,
etc.

Jury commission-
ers.

Rent.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for rent of rooms for the United States courts and judicial officers, fiscal year eighteen hundred and ninety-nine, three thousand six hundred dollars.

Miscellaneous ex-
penses.

For payment of such miscellaneous expenses as may be authorized by the Attorney-General, for the United States courts and their officers, including the furnishing and collecting of evidence where the

United States is or may be a party in interest, and moving of records, fifteen thousand dollars.

For the support of the United States Penitentiary at Fort Leavenworth, Kansas: For subsistence, including supplies for prisoners, warden, deputy warden, and superintendent of industries, tobacco for prisoners, kitchen and dining-room furniture and utensils; and for farm and garden seeds and implements, and for purchase of ice if necessary, one thousand dollars.

United States penitentiary, Fort Leavenworth, Kans.

POST-OFFICE DEPARTMENT.

Post-Office Department.

To pay Edgar J. Hulse for repairs, and so forth, to the skylight and screens over the working room of the city post-office building, Washington, District of Columbia, one thousand three hundred and eighteen dollars.

Edgar J. Hulse.
Payment to.

To reimburse the postal revenues the amount of a judgment obtained in the United States district court for the western district of Arkansas against Robert Johnson, one of the sureties on the bond of Joseph G. Bell, as contractor on postal route numbered fifteen thousand three hundred and ninety-seven, the proceeds of which having been erroneously covered into the Treasury as a "miscellaneous receipt" instead of to the credit of "postal revenues," one hundred and twenty-two dollars and seventy-five cents.

Reimbursement
postal revenues, etc.

To reimburse W. J. Vickery, post-office inspector, for expenses incurred in the line of his official duty, eighty-five dollars and sixty-two cents.

W. J. Vickery.

To pay the heirs of William B. Cudlip, formerly a clerk of Class D in this Department, the amount due him at the date of his death, twenty-two dollars and one cent.

William B. Cudlip

For miscellaneous items, three thousand dollars.

Miscellaneous.

For publication of copies of the Official Postal Guide, two thousand five hundred dollars.

Official Postal
Guide.

For plumbing and light fixtures, five hundred dollars.

Plumbing, etc.

For telegraphing, fiscal year eighteen hundred and ninety-nine, four thousand four hundred and sixty-four dollars and ninety-two cents.

Telegraphing.

For gas and electric lights, fiscal year eighteen hundred and ninety-nine, four hundred and fifty-nine dollars.

Gas, etc.

OUT OF THE POSTAL REVENUES.

Postal service.

For wrapping paper, ten thousand dollars.

Wrapping paper.

For the manufacture of adhesive postage and special-delivery stamps, for the fiscal years, as follows:

Stamps.

For the fiscal year nineteen hundred, ten thousand dollars.

For the fiscal year eighteen hundred and ninety-nine, sixty cents.

MAIL TRANSPORTATION: For inland transportation by steamboat routes, for the fiscal years, as follows:

Mail transportation.

For the fiscal year nineteen hundred, fifteen thousand dollars.

For the fiscal year eighteen hundred and ninety-nine, ten thousand five hundred and seventy-four dollars and one cent.

For inland transportation by star routes, thirty-five thousand dollars.

For transportation of foreign mails: To pay the amount due the Royal Mail Steamship Company for services rendered by that company from July first, eighteen hundred and eighty-seven, to June thirtieth, eighteen hundred and ninety-seven, under the terms of the Universal Postal Convention, thirty-five thousand two hundred and seventy-seven dollars and sixty-three cents.

Foreign mails.

For post-office cars: To pay amounts set forth on page sixteen,

Post-office cars.

House Document Numbered Six hundred and forty-two, of the present session, fiscal year eighteen hundred and ninety-nine, two thousand eight hundred and eighty-two dollars.

Inland transportation.

For inland mail transportation by railroad routes, to pay amounts set forth in House Document Numbered Six hundred and forty-two, of the present session, for the fiscal years, as follows:

For the fiscal year eighteen hundred and ninety-nine, sixty-four thousand and thirteen dollars and seventy-one cents.

For the fiscal year eighteen hundred and ninety-eight, twenty-nine dollars and thirty cents.

Free delivery.

FREE DELIVERY: To pay the amounts set forth in House Document Numbered Six hundred and forty-two and Senate Document Numbered Four hundred and thirteen, of this session, for free-delivery service for the fiscal years, as follows:

For the fiscal year eighteen hundred and ninety-nine, one hundred and fifty-nine thousand and sixty-one dollars and three cents.

For the fiscal year eighteen hundred and ninety-eight, thirty-eight dollars and eighty-three cents.

For rural free delivery, fiscal year eighteen hundred and ninety-nine, sixty-five dollars and ninety-four cents.

Advertising.

ADVERTISING: To pay amounts for advertising, first and second class offices, set forth in House Document Numbered Six hundred and forty-two, of this session, fiscal year eighteen hundred and ninety-eight, forty-six dollars and forty-two cents.

Money-order service.

MONEY-ORDER SERVICE: To pay amounts for stationery and miscellaneous, set forth in House Document Numbered Six hundred and forty-two, of this session, fiscal year eighteen hundred and ninety-nine, one hundred and fourteen dollars and ninety-nine cents.

Military service.

MILITARY POSTAL SERVICE: To pay amounts set forth in House Document Numbered Six hundred and forty-two and Senate Document Numbered Four hundred and thirteen, of this session, fiscal year eighteen hundred and ninety-nine, forty-seven thousand eight hundred and thirty-three dollars and forty-one cents.

Miscellaneous.

MISCELLANEOUS: To pay amounts set forth in House Document Numbered Six hundred and forty-two and Senate Document Numbered Four hundred and thirteen, of this session, to reimburse the postal revenue of the fiscal year eighteen hundred and ninety-nine, being amounts paid by postmasters in excess of the appropriation for miscellaneous, office of the First Assistant Postmaster-General, six thousand one hundred and two dollars and forty-three cents.

Postmasters' compensation.

COMPENSATION OF POSTMASTERS: For amounts to reimburse the postal revenues, being the amount retained by postmasters in excess of the appropriations, including the amounts set forth in House Document Numbered Six hundred and forty-two and Senate Document Numbered Four hundred and thirteen, of this session, for the fiscal years, as follows:

For the fiscal year eighteen hundred and ninety-nine, one million four hundred and seventy-eight thousand five hundred and thirty-two dollars and seventy-seven cents.

For the fiscal year eighteen hundred and ninety-eight, one thousand and seventy-two dollars and eighty-five cents.

Department of Agriculture.

DEPARTMENT OF AGRICULTURE.

Rent.

For additional amount for rent of building occupied by the Bureau of Animal Industry, six hundred dollars.

For additional amount for rent of building occupied by the Division of Chemistry, one thousand three hundred dollars.

LEGISLATIVE.

Legislative.

SENATE.

Senate.

To reimburse Nathan B. Scott, a Senator from the State of West Virginia, as full and final compensation for all expenses necessarily incurred by him in defense of his title to his seat in the Senate, two thousand eight hundred and fifty dollars.

Payment to N. B. Scott.

To reimburse John T. McGraw and other remonstrants contesting the seat of Nathan B. Scott, as a Senator from the State of West Virginia, for all expenses in full and final payment thereof incurred by them in such contest, two thousand eight hundred and fifty dollars.

John T. McGraw.

To pay Mrs. Jennie Pelton Hayward, widow of the late Honorable Monroe L. Hayward, Senator-elect from the State of Nebraska, five thousand dollars.

Mrs. Jennie Pelton Hayward.

To pay Horace C. Reed, clerk to the Committee on Rules of the Senate, for preparing, under the resolution of the Senate of March second, eighteen hundred and ninety-nine, an edition of the Senate Manual, one thousand dollars.

Horace C. Reed.

To enable the Secretary of the Senate to pay the persons who performed the work of preparing and arranging the indexes to all the reports of the Secretaries of the Senate, under resolution of March third, eighteen hundred and ninety-nine, two thousand dollars, which sum may be expended as additional pay or compensation to any officer or employee of the United States, and to be paid only upon vouchers to be approved by the chairman of the Committee to Audit and Control the Contingent Expenses of the Senate.

Indexers, etc., reports of Secretaries of the Senate.

To pay for services rendered to the Committee on Pacific Islands and Porto Rico in preparing the document entitled "Organic Acts for the Territories of the United States, with notes thereon, also appendices comprising other matters relating to the government of the Territories," compiled by direction of said committee and authorized by Senate resolution of February second, nineteen hundred, three hundred dollars, to be paid to the persons designated by the chairman of said committee to do said work.

"Organic Acts for the Territories of the United States," etc., payment for preparing.

To pay Hawkins Taylor, assistant clerk to the Committee on Foreign Relations, for extra services, including compilation of the reports of said committee, five hundred dollars.

Hawkins Taylor.

To pay Charles G. Phelps for preparing for publication and indexing the civil report of General John R. Brooke, military governor of Cuba, authorized by Concurrent Resolution Numbered Eleven, passed February twelfth, nineteen hundred, one hundred and twenty-five dollars.

Charles G. Phelps.

The Secretary of the Senate is hereby authorized to pay to William Hayward, as clerk to Honorable M. L. Hayward, deceased, late a Senator from the State of Nebraska, from March ninth to December fifth, eighteen hundred and ninety-nine, from the appropriations for salaries of officers, clerks, and employees of the Senate for the fiscal years eighteen hundred and ninety-nine and nineteen hundred.

William Hayward.

The Secretary of the Senate is hereby authorized to pay to William T. Bauskett, as clerk to Honorable James P. Taliaferro, a Senator from the State of Florida, from April twenty-fifth to December third, eighteen hundred and ninety-nine, from the appropriations for salaries of officers, clerks, and employees of the Senate for the fiscal years eighteen hundred and ninety-nine and nineteen hundred.

William T. Bauskett.

To reimburse the official reporters of the proceedings and debates of the Senate for expenses incurred from March fourth, eighteen hundred and ninety-nine, to March fourth, nineteen hundred, for clerk hire and other extra clerical services, three thousand nine hundred and ninety dollars.

Official reporters. Payment to, for extra services.

Indexers, etc., pri-
vate claims, etc.
Payment to.

To pay to the persons who performed the work of arranging and preparing the Index of Private Claims introduced during the Fifty-second, Fifty-third, Fifty-fourth, and Fifty-fifth Congresses, under Senate resolution of June tenth, eighteen hundred and ninety-eight, three thousand six hundred and sixty dollars, being the balance due under said resolution, to be paid only upon vouchers signed by the chairman of the Committee on Claims of the Senate of the Fifty-fifth Congress.

Senate employees.
Payment to.

To enable the Secretary of the Senate to pay to the officers and employees of the Senate who were borne on the rolls of the Senate, including the police rolls, December thirty-first, eighteen hundred and ninety-nine, and who were not borne on said rolls at the close of the first session of the Fifty-sixth Congress, at the same or a larger rate or pay or salary, a sum equal to one month's pay at the rate of compensation paid to them at the time of their resignation or discharge, and a sufficient sum for this purpose is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated: *Provided*, That no payment shall be made hereunder to any officer or employee who was reemployed at the same or a larger rate or pay or salary in the service of the Senate within the period named.

Proviso.
—qualification.

Congressional em-
ployees.
Payment for extra
services.

To enable the Secretary of the Senate and the Clerk of the House of Representatives to pay to the officers and employees of the Senate and House borne on the annual and session rolls on the first day of June, nineteen hundred, including the Capitol police, the official reporters of the Senate and of the House, and W. A. Smith, Congressional Record clerk, for extra services during the Fifty-sixth Congress, a sum equal to one month's pay at the compensation then paid them by law, the same to be immediately available: *Provided*, That this section shall not apply to any employee included in the preceding section.

Proviso.
—section limited.

Miscellaneous.

For miscellaneous items, exclusive of labor, for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight, thirty-four dollars and ninety-five cents.

For miscellaneous items, exclusive of labor, for the fiscal year ending June thirtieth, eighteen hundred and ninety-nine, two thousand dollars.

Folding.

For miscellaneous items, exclusive of labor, ten thousand dollars.

For folding speeches and pamphlets, at a rate not exceeding one dollar per thousand, one thousand dollars.

A. H. Davenport.

To pay A. H. Davenport for repairing and furnishing Senate committee rooms, four thousand seven hundred and nine dollars.

L. P. Seibold.

To reimburse L. P. Seibold, custom-house broker, for money expended by him in withdrawing from the custom-house at Washington, District of Columbia, the picture of Pocahontas, which was subsequently presented to and accepted by the Senate of the United States, eleven dollars.

Dennis M. Kerr.
John H. Walker.

To pay Dennis M. Kerr for extra services as assistant to the Committee on Pensions, and John H. Walker, clerk to the Committee on Pensions, for extra services, each seven hundred and fifty dollars.

J. H. Jones.

To pay J. H. Jones for extra services in the care of the Senate chronometer and for the work in connection therewith, two hundred dollars for the first, second, and third sessions of the Fifty-fifth Congress and the first session of the Fifty-sixth Congress.

House of Represen-
tatives.

HOUSE OF REPRESENTATIVES.

Compensation of
Members.

For compensation of Members of the House of Representatives and Delegates from Territories, ten thousand dollars.

Miscellaneous, etc.

For miscellaneous items and expenses of special and select committees, ten thousand dollars.

For stationery for members of the House of Representatives, six hundred and twenty-five dollars. Stationery.

To pay the widow of S. T. Baird, late a Representative in Congress from the State of Louisiana, four thousand four hundred and twenty-one dollars and twenty-three cents; Payment to widow of S. T. Baird.

To pay the widow of R. P. Bland, late a Representative in Congress from the State of Missouri, five thousand dollars; —of R. P. Bland.

To pay the widow of C. A. Chickering, late a Representative in Congress from the State of New York, five thousand dollars; —of C. A. Chickering.

To pay the widow of L. Danford, late a Representative in Congress from the State of Ohio, five thousand dollars; —of L. Danford.

To pay the widow of S. P. Epes, late a Representative in Congress from the State of Virginia, five thousand dollars; —of S. P. Epes.

To pay the widow of D. Ermentrout, late a Representative in Congress from the State of Pennsylvania, five thousand dollars; —of D. Ermentrout.

To pay the widow of W. L. Green, late a Representative in Congress from the State of Nebraska, three thousand eight hundred and forty-five dollars and eighty-nine cents; —of W. L. Green.

To pay the widow of A. C. Harmer, late a Representative in Congress from the State of Pennsylvania, four thousand nine hundred and fifty-eight dollars and ninety cents; —of A. C. Harmer.

To pay the widow of E. E. Settle, late a Representative in Congress from the State of Kentucky, five thousand dollars; —of E. E. Settle.

To pay the legal heirs of Dennis Hurley, late a Representative in the Fifty-fifth Congress from the State of New York, balance of allowance for clerk hire accrued and due at the date of his death, ninety-two dollars and eighty-four cents; —heirs of Dennis Hurley.

To pay the widow of Nelson Dingley, late a Representative-elect to the Fifty-sixth Congress from the State of Maine, five thousand dollars; —widow of Nelson Dingley.

To pay Ovid Bell for services as clerk to the late Representative R. P. Bland to and including June fifteenth, eighteen hundred and ninety-nine, fifty dollars; Ovid Bell. Payment to.

To pay the legal representatives of James Gill amount due him for services as clerk to the late Representative Evan E. Settle from November first to November sixteenth, eighteen hundred and ninety-nine, fifty-two dollars and seventeen cents. James Gill, etc.

To pay Alexander McDowell, Clerk of the House of Representatives, the amount due for service in compiling, arranging for the printer, reading of proof, indexing of testimony, supervision of the work, and expenses incurred in the contested elections to the Fifty-sixth Congress, as authorized by an Act entitled "An Act relating to contested elections," approved March second, eighteen hundred and eighty-seven, the sum of two thousand two hundred and forty-seven dollars and seventy-five cents, and an additional sum of one thousand six hundred dollars to such persons as were actually engaged in the work designated by the said Alexander McDowell, and in such proportion as he may deem just for assistance rendered in the work; in all, three thousand eight hundred and forty-seven dollars and seventy-five cents. Alexander McDowell. Payment to, for work on contested elections. Vol. 24, p. 445.

For allowances to the following contestants and contestees for expenses incurred by them in contested-election cases, as audited and recommended by the Committees on Elections: Payments contested-election cases.

To Vincent Boreing, two thousand dollars;

To J. D. White, two thousand dollars;

To R. A. Wise, two thousand dollars;

To W. A. Young, two thousand dollars;

To Richmond Pearson, two thousand dollars;

To W. T. Crawford, two thousand dollars;

To William F. Aldrich, two thousand dollars;

To G. A. Robbins, two thousand dollars;

To George M. Davidson, two thousand dollars;
 To G. G. Gilbert, two thousand dollars;
 To Oscar Turner, two thousand dollars;
 To Walter Evans, one thousand eight hundred and fifty-five dollars and seventy-six cents;

To James A. Walker, two thousand dollars;
 To W. F. Rhea, two thousand dollars;
 To T. C. Catchings, two thousand dollars;
 To C. J. Jones, two thousand dollars;
 To W. J. Talbert, one thousand five hundred dollars;
 To John D. Bellamy, two thousand dollars;
 To A. C. Latimer, two thousand dollars;
 To R. R. Tolbert, junior, two thousand dollars;

To A. Gaston, two thousand dollars; in all, forty-one thousand three hundred and fifty-five dollars and seventy-six cents.

Brigham H. Roberts.
 Salary, etc.

To pay Brigham H. Roberts in full satisfaction of salary, mileage, and expenses incurred by him, under and by virtue of his certificate of election as a Representative from the State of Utah, two thousand dollars.

H. F. Dodge.

To pay H. F. Dodge for reporting hearings before the Committee on Post-Offices and Post-Roads January twenty-third, nineteen hundred, sixty-three dollars and fifty cents.

D. S. Porter.

To pay D. S. Porter for extra services as assistant clerk to the Committee on Pensions, five hundred dollars.

Official reporters.
 Payment to, for
 extra services.

To reimburse the official reporters of the proceedings and debates and the two senior official stenographers to committees of the House of Representatives for moneys actually paid by them from March fourth, eighteen hundred and ninety-nine, to March fourth, nineteen hundred, for clerical hire and extra clerical services, seven hundred and fifty dollars each; and to John J. Cameron, two hundred and forty dollars; in all, five thousand four hundred and ninety dollars.

Kendal Lee.

Charles Carter.

To pay Kendal Lee for caring for room of Committee on Accounts, one hundred dollars, and Charles Carter for caring for subcommittee room of the Committee on Appropriations, one hundred dollars, first session of the Fifty-sixth Congress; in all, two hundred dollars.

Herman Gauss.

To pay Herman Gauss for extra services as assistant clerk to the Committee on Invalid Pensions, seven hundred and fifty dollars.

Charles McCartee.

To pay Charles McCartee for extra services as stenographer to the Committee on Invalid Pensions, three hundred dollars.

M. C. Butler.

To pay Marcellus C. Butler for caring for the room of the Committee on Invalid Pensions, one hundred dollars.

R. M. Dale.

To pay Ralph M. Dale the difference between the amount received by him and the rate of twelve hundred dollars per annum, as conductor of the elevator of the House wing, from July first, eighteen hundred and ninety-six, to May seventeenth, eighteen hundred and ninety-seven, eighty-eight dollars and thirty cents.

To pay the following, which have been audited and recommended by the Committee on Accounts, namely:

Charles N. Thomas.

To pay Charles N. Thomas for extra services in the office of the disbursing clerk, three hundred dollars.

H. D. Pritchard.

To pay Howard D. Pritchard the difference between seven hundred and twenty dollars and one thousand dollars per annum, from January first, nineteen hundred, to June thirtieth, nineteen hundred, one hundred and forty dollars.

Joseph H. Johnson.

To pay Joseph H. Johnson the difference between the pay of a folder at seventy-five dollars per month and that of a clerk in the folding room at one hundred and fifty dollars per month, from February seventh, nineteen hundred, to April sixth, nineteen hundred, inclusive, one hundred and fifty dollars.

To pay George F. Evers and James F. English for extra services rendered as acting deputies to the Sergeant-at-Arms of the House in the arrangement of pairs, five hundred dollars each; in all, one thousand dollars.

George F. Evers and
James F. English.

To pay to J. J. Constantine the difference between the rate of nine hundred dollars per annum, received by him, and the rate of one thousand two hundred dollars per annum, as telegraph operator in the House lobby, from July first, eighteen hundred and ninety-six, to June thirtieth, nineteen hundred, one thousand two hundred dollars.

J. J. Constantine.

To pay Walter P. Scott the difference between seven hundred and twenty dollars and one thousand dollars per annum, from the first day of July, eighteen hundred and ninety-nine, to the first day of January, nineteen hundred, one hundred and forty dollars.

Walter P. Scott.

To pay John H. Hollingworth for services performed under the Doorkeeper of the House, from July first, eighteen hundred and ninety-nine, to December thirty-first, eighteen hundred and ninety-nine, at the rate of seventy-five dollars per month, four hundred and sixty dollars.

J. H. Hollingworth.

To pay the conductors of the elevators in the House wing of the Capitol the difference between the amounts received by them and the rate of one thousand two hundred dollars per annum, from July first, eighteen hundred and ninety-eight, to June thirtieth, nineteen hundred, inclusive, each as follows: L. B. Cook, two hundred dollars; George Winters, two hundred dollars; John S. Logan, one hundred and sixty-eight dollars and thirty-four cents, and M. F. O'Donnell, two hundred dollars; in all, seven hundred and sixty-eight dollars and thirty-four cents.

Conductors House
elevators.

To pay W. H. Mitchell for services as a folder, from July first, eighteen hundred and ninety-nine, to January first, nineteen hundred, inclusive, at the rate of seventy-five dollars per month, five hundred and twenty-five dollars.

W. H. Mitchell.

To pay William Gardner for services as a folder, from May first, eighteen hundred and ninety-nine, to November thirtieth, eighteen hundred and ninety-nine, inclusive, at the rate of seventy-five dollars per month, five hundred and twenty-five dollars.

William Gardner.

To pay Don C. Walters the difference between the pay of a folder and that of a messenger at the rate of three dollars and sixty cents per day, from July first, eighteen hundred and ninety-nine, to June thirtieth, nineteen hundred, five hundred and ninety-four dollars.

Don C. Walters.

To pay Harris A. Walters the difference between the pay of a folder and that of a messenger at the rate of three dollars and sixty cents per day, from July first, eighteen hundred and ninety-nine, to June thirtieth, nineteen hundred, five hundred and ninety-four dollars.

H. A. Walters.

To pay George C. Randall the difference between the pay of a folder and that of assistant clerk, at the rate of one thousand two hundred dollars per annum, from March first, eighteen hundred and ninety-nine, to December thirty-first, eighteen hundred and ninety-nine, two hundred and fifty dollars.

George C. Randall.

To pay H. A. Dumont for services performed in the folding room as shipping clerk, under the direction of the Doorkeeper, from June first, eighteen hundred and ninety-nine, to December third, eighteen hundred and ninety-nine, at the rate of seventy-five dollars per month, four hundred and fifty-seven dollars and fifty cents.

H. A. Dumont.

To pay Guy Underwood for services in the hall library, one thousand and eighty dollars.

Guy Underwood.

To pay E. H. Sharp the difference between his pay as a folder at seventy-five dollars per month and that of a messenger at one thousand two hundred dollars per annum, from July first, eighteen hundred and ninety-nine, to June thirtieth, nineteen hundred, three hundred dollars.

E. H. Sharp.

Thomas F. Tracy.

To pay Thomas F. Tracy the difference between the amount paid him as a folder and that of a messenger at one thousand two hundred dollars per annum, during the fiscal year nineteen hundred, two hundred and seven dollars and eight cents.

Charles O. Houk.

To pay Charles O. Houk the difference between the pay of a folder at eight hundred and forty dollars per annum and that of a messenger at one thousand two hundred dollars per annum from February first, nineteen hundred, to June thirtieth, nineteen hundred, one hundred and fifty dollars.

Henry G. Disch.

To pay Henry G. Disch the difference between the pay of a folder at eight hundred and forty dollars per annum and that of a messenger at three dollars and sixty cents per day from December first, eighteen hundred and ninety-nine, to June thirtieth, nineteen hundred, two hundred and eighty-three dollars and twenty cents.

Samuel Leavitt.

To pay Samuel Leavitt the difference between the rate of seven hundred and twenty dollars per annum and the rate of one thousand dollars per annum for services in the Clerk's document room from March first, nineteen hundred, to June thirtieth, nineteen hundred, inclusive, ninety-three dollars and thirty-three cents.

John B. Fletcher.

To pay John B. Fletcher the difference between his salary as a messenger at the rate of nine hundred dollars per annum and the rate of one thousand two hundred dollars per annum from December first, eighteen hundred and ninety-nine, to June thirtieth, nineteen hundred, one hundred and seventy-five dollars.

Thomas Mahoney.

To pay Thomas Mahoney the difference between the pay of a folder at seven hundred and twenty dollars per annum and that of a messenger at one thousand two hundred dollars per annum from December fourth, eighteen hundred and ninety-nine, to June thirtieth, nineteen hundred, two hundred and ninety-four dollars.

William A. Forbis.

To pay William A. Forbis the difference between his salary as a messenger at the rate of one thousand dollars per annum and the rate of one thousand two hundred dollars per annum from December first, eighteen hundred and ninety-nine, to June thirtieth, nineteen hundred, inclusive, one hundred and sixteen dollars and sixty-six cents.

Index to Government publications.

INDEX TO GOVERNMENT PUBLICATIONS.

John G. Ames.
Payment to.

To pay to John G. Ames the amount found due to him by the Auditor for the State and other Departments for preparing an index to the documents of the Forty-seventh and Forty-eighth Congresses, as provided for by the joint resolution approved March third, eighteen hundred and ninety-seven, one thousand dollars.

Library of Congress.

LIBRARY OF CONGRESS.

Credit in accounts of superintendent, etc.

The accounting officers of the Treasury are directed to credit Bernard R. Green, superintendent Library building and grounds, with the following amounts disallowed in their settlement of his accounts, namely:

Voucher numbered fourteen, January, eighteen hundred and ninety-nine, "Fuel, lights, and so forth, eighteen hundred and ninety-nine," one city directory, five dollars.

Voucher numbered one, February, eighteen hundred and ninety-nine, "Improving Botanic Garden, eighteen hundred and ninety-eight," one typewriter, ninety dollars.

Payments from appropriation "Improving Botanic Garden," etc.

And to allow the payment of the following bills from the appropriation for "Improving Botanic Garden, eighteen hundred and ninety-nine" and "nineteen hundred:"

Easton and Rupp, stationery, "eighteen hundred and ninety-nine," fifty-five dollars and sixty cents.

C. B. Robinson, veterinary service and horse medicine, "nineteen hundred," seven dollars and fifty cents.

OFFICE OF PUBLIC PRINTER.

Public Printer.

To pay Samuel Robinson, William Madden, and Joseph De Fontes, messengers on night duty during the first session of the present Congress, for extra services, three hundred and fifty dollars each; in all, one thousand and fifty dollars.

Payment to Samuel Robinson, etc.

PUBLIC PRINTING AND BINDING.

For printing and binding for the Supreme Court of the United States, two thousand five hundred dollars.

Printing, etc., for Supreme Court, United States.

JUDGMENTS IN INDIAN DEPREDAATION CLAIMS.

Judgments, Indian depredation claims.

For payment of judgments rendered by the Court of Claims in Indian depredation cases, certified to Congress at its present session in House Document Numbered Six hundred and seventy-six and Senate Document Numbered Four hundred and sixteen, four hundred and sixty-six thousand three hundred and seventy-nine dollars; said judgments to be paid after the deductions required to be made under the provisions of section six of the Act approved March third, eighteen hundred and ninety-one, entitled "An Act to provide for the adjustment and payment of claims arising from Indian depredations," shall have been ascertained and duly certified by the Secretary of the Interior to the Secretary of the Treasury, which certification shall be made as soon as practicable after the passage of this Act, and such deductions shall be made according to the discretion of the Secretary of the Interior, having due regard to the educational and other necessary requirements of the tribe or tribes affected; and the amounts paid shall be reimbursed to the United States at such times and in such proportions as the Secretary of the Interior may decide to be for the interests of the Indian service: *Provided*, That no one of said judgments provided in this paragraph shall be paid until the Attorney-General shall have certified to the Secretary of the Treasury that there exists no grounds sufficient, in his opinion, to support a motion for a new trial or an appeal of said cause.

Deductions.
Vol. 26, p. 853.*Proviso.*
Certificate of lack of ground for new trial.

JUDGMENTS, UNITED STATES COURTS.

Judgments, United States Courts.

Vol. 24, p. 505.

For payment of the final judgments and decrees, including costs of suit, which have been rendered under the provisions of the Act of March third, eighteen hundred and eighty-seven, entitled "An Act to provide for the bringing of suits against the Government of the United States," certified to Congress at its present session by the Attorney-General, in House Document Numbered Six hundred and sixty-seven and Senate Document Numbered Four hundred and seventeen, and which have not been appealed, twenty-seven thousand and two dollars and eighty-nine cents, together with such additional sum as may be necessary to pay interest on the respective judgments at the rate of four per centum per annum from the date thereof until the time this appropriation is made: *Provided*, That none of the judgments herein provided for shall be paid until the right of appeal shall have expired.

Proviso.
Appeal.

JUDGMENTS, COURT OF CLAIMS.

Judgments, Court of Claims.

For the payment of the judgments rendered by the Court of Claims, reported to Congress at its present session in House Document Numbered Six hundred and thirty-eight and Senate Document Numbered

*Proviso.
Appeal.*

Four hundred and fourteen, one hundred and eighty-one thousand seven hundred and thirty-four dollars and ninety-two cents: *Provided*, That none of the judgments herein provided for shall be paid until the right of appeal shall have expired.

Vol. 18, p. 110.

SEC. 2. That for the payment of the following claims certified to be due by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section five of the Act of June twentieth, eighteen hundred and seventy-four, and under appropriations heretofore treated as permanent, being for the service of the fiscal year eighteen hundred and ninety-seven, and prior years, unless otherwise stated, and which have been certified to Congress under section two of the Act of July seventh, eighteen hundred and eighty-four, as fully set forth in House Document Numbered Six hundred and thirty-four, Fifty-sixth Congress, first session, there is appropriated as follows:

Vol. 23, p. 254.

Claims allowed by
the Auditor for the
Treasury Department.

CLAIMS ALLOWED BY THE AUDITOR FOR THE TREASURY DEPARTMENT.

Contingent.	For contingent expenses, Treasury Department: Freight, telegrams, and so forth, two hundred and sixty-five dollars and sixty-three cents.
Public buildings.	For pay of assistant custodians and janitors, one hundred and thirty-two dollars and eighty-one cents. For furniture and repairs of same for public buildings, one hundred and ninety dollars and ninety-two cents. For heating apparatus for public buildings, two hundred and thirty-seven dollars and six cents. For vaults, safes, and locks for public buildings, nineteen dollars and fifty-one cents.
Suppressing counterfeiting.	For suppressing counterfeiting and other crimes, one dollar and five cents.
Public buildings.	For repairs and preservation of public buildings, forty-six dollars and fifty-eight cents.
Independent Treasury.	For contingent expenses, Independent Treasury, ten cents.
Director of the Mint.	For contingent expenses, office of Director of the Mint, sixty cents.
Mint at Carson.	For contingent expenses, mint at Carson, three dollars and twenty-four cents.
—Denver.	For contingent expenses, mint at Denver, five dollars and eighteen cents.
—San Francisco.	For contingent expenses, mint at San Francisco, twenty-three dollars and seventeen cents.
Assay offices.	For contingent expenses, assay office at Boise, seven dollars and forty-four cents.
—Boise.	
—Helena.	For contingent expenses, assay office at Helena, one dollar and thirty-seven cents.
Chinese exclusion.	For enforcement of Chinese exclusion act, thirty-two dollars and twenty-eight cents.
Internal revenue.	For repayment to importers, excess of deposits, three hundred and twenty-three dollars and sixty-one cents. For refunding penalties or charges erroneously exacted, eleven dollars and eighty-eight cents.
Revenue-Cutter Service.	For expenses of Revenue-Cutter Service, fifty-six dollars and sixty-eight cents. For refuge station, Point Barrow, Alaska, one hundred and six dollars and sixty-seven cents.
Life-Saving Service.	For Life-Saving Service, seven hundred and ninety-six dollars and forty-four cents.
Light-houses, etc.	For supplies of light-houses, nine hundred and twenty-two dollars and thirty-three cents.

For repairs and incidental expenses of light-houses, one hundred dollars and forty cents.

For expenses of buoyage, twenty-four cents.

For salaries and expenses of agents and subordinate officers of internal revenue, four hundred and forty dollars and eighteen cents.

Internal revenue.

For refunding moneys erroneously received and covered, three hundred dollars.

CLAIMS ALLOWED BY THE AUDITOR FOR THE WAR DEPARTMENT.

Claims allowed by the Auditor for the War Department.

For contingent expenses, War Department, five dollars and eighty-eight cents.

Contingent.

For pay, and so forth, of the Army, seven thousand six hundred and twenty-two dollars and forty-seven cents.

Pay, Army.

For pay of volunteers, fifty-five dollars and seventy cents.

For contingencies of the Army, two dollars and eighty-six cents.

Contingencies.

For subsistence of the Army, twelve dollars and fifty cents.

Subsistence.

For regular supplies, Quartermaster's Department, three hundred and sixty-five dollars and twenty-one cents.

For incidental expenses, Quartermaster's Department, five hundred and forty-three dollars and two cents.

Quartermaster's Department.

For transportation of the Army and its supplies, seven hundred and seventy-two dollars and four cents.

For barracks and quarters, one hundred and sixty dollars.

For headstones for graves of soldiers, two hundred and twenty-eight dollars and seventy-two cents.

Headstones for graves.

For Medical and Hospital Department, three hundred and eighteen dollars and ninety-three cents.

Medical Department.

For ordnance stores, ammunition, three dollars and five cents.

Ordnance stores.

For current and ordinary expenses, Military Academy, eighteen hundred and ninety-seven, two thousand seven hundred and forty-five dollars and seventy-nine cents.

Military Academy.

For contingencies of fortifications, fifty-four dollars and seventy-nine cents.

Fortifications.

For military posts, thirty thousand and forty-eight dollars.

Military posts.

For National Home for Disabled Volunteer Soldiers, Pacific Branch, one dollar and ninety-one cents.

Soldiers' Home.

For National Home for Disabled Volunteer Soldiers, clothing, twenty-three dollars and thirty-two cents.

For horses and other property lost in the military service, one hundred and fifty dollars.

Lost property.

For pay, transportation, services, and supplies of Oregon and Washington volunteers in eighteen hundred and fifty-five and eighteen hundred and fifty-six, one hundred and thirty-five dollars and sixty-six cents.

Oregon and Washington volunteers.

For twenty per centum additional compensation, war, sixty dollars.

Twenty per cent increase.

CLAIMS ALLOWED BY THE AUDITOR FOR THE NAVY DEPARTMENT.

Claims allowed by the Auditor for the Navy Department.

For pay of the Navy, six thousand eight hundred and eleven dollars and ninety-five cents.

Pay, Navy.

For pay of the Marine Corps, one thousand and twenty-four dollars and nine cents.

Marine Corps.

For contingent, Marine Corps, five dollars and twenty cents.

For provisions, Navy, Bureau of Supplies and Accounts, two thousand and seventeen dollars and thirty-eight cents:

Bureau of Supplies and Accounts.

Provided, That no part or any one of the claims allowed by the Auditor for the Navy Department in this bill to which this appropriation is

Proviso.
Limitations, claims.

applicable shall be paid therefrom which accrued more than six years prior to the filing of the petition in the Court of Claims upon which the judgment was rendered, which, being affirmed by the Supreme Court, has been adopted by the accounting officers as the basis for the allowance of said claim.

Bureau of Construction and Repair.

For construction and repair, Bureau of Construction and Repair, sixty cents.

For indemnity for lost clothing, two thousand and fifty-two dollars and ninety-six cents.

For destruction of clothing and bedding for sanitary reasons, fifty dollars and eighty-four cents.

For bounty for destruction of enemies' vessels, one hundred and twenty-three dollars and seventy-six cents.

For enlistment bounties to seamen, one thousand eight hundred and thirteen dollars and eighty-seven cents.

Claims allowed by the Auditor for the Interior Department.

CLAIMS ALLOWED BY THE AUDITOR FOR THE INTERIOR DEPARTMENT.

Contingent.

For contingent expenses, Department of the Interior, forty-nine dollars and fifty-eight cents.

Surveys, etc.

For surveying the public lands, fifty-one thousand eight hundred and fifty-seven dollars and eighty cents.

For surveying private land claims, two hundred and thirty dollars and sixty-six cents.

Reimbursement of receivers.

For reimbursement to receivers of public moneys, excess of deposits, thirty-three dollars and fifteen cents.

G. W. Currey.
Payment to.

For payment to G. W. Currey, reward for information resulting in the conviction of one Hardy Tracy for defacing monument on line of survey of public lands in the Indian Territory, Act of June tenth, eighteen hundred and ninety-six, twenty-five dollars.

Indian agents.

For pay of Indian agents, four hundred and ninety-three dollars and sixty-three cents.

Supplies.

For telegraphing and purchase of Indian supplies, twenty dollars and eighty-eight cents.

Crows.

For support of Crows—employees, and so forth, two hundred and seventeen dollars.

For support of Crows—subsistence, three thousand three hundred and eighty-one dollars and sixty-one cents.

Kickapoos.

For support of Kickapoos, forty-two dollars and twenty cents.

Schools.

For Indian schools—support, forty-five dollars and sixty cents.

Montana.

For incidentals in Montana, fifteen dollars and forty cents.

Irrigation.

For irrigation, Indian reservations, four dollars.

Eastern Band of
Cherokees.

For removal and subsistence of Eastern Band of Cherokees, one hundred and fifty-nine dollars and ninety-nine cents.

Pensions.

For army pensions, two hundred and eighty dollars and thirty-five cents.

Fees, examining
surgeons.

For fees of examining surgeons, pensions, fourteen dollars.

Claims allowed by the Auditor for the State, etc., Departments.

CLAIMS ALLOWED BY THE AUDITOR FOR THE STATE AND OTHER DEPARTMENTS.

Department of State.

DEPARTMENT OF STATE.

Salaries, secretaries
of embassies, etc.

For salaries, secretaries of embassies and legations, twenty-two dollars and fourteen cents.

For salaries, secretaries of legations, one dollar and nine cents.

Foreign missions.

For contingent expenses, foreign missions, sixty-three dollars and sixty-one cents.

For salaries, consular service, two thousand six hundred and three dollars and thirty-three cents.	Consular service.
For loss by exchange, diplomatic service, twenty-five dollars and eighty-two cents.	Loss by exchange.
For contingent expenses, United States consulates, four hundred and ninety-seven dollars and thirteen cents.	Consulates.
For fees and costs in extradition cases, fourteen dollars and fifty cents.	Extradition fees.
For relief and protection of American seamen, nineteen dollars and seventy-six cents.	Protecting American seamen.

DEPARTMENT OF AGRICULTURE.

For collecting agricultural statistics, one dollar.	Department of Agriculture.
For entomological investigations, seventy-two cents.	Statistics, etc.
For general expenses, Weather Bureau, eleven dollars and eighty cents.	Investigations.
	Weather Bureau.

DEPARTMENT OF JUSTICE.

For prosecution of crimes, seven dollars and fifty cents.	Department of Justice.
For expenses of litigation, Eastern Band of North Carolina Cherokees, sixty cents.	Prosecuting crimes.
For fees and expenses of marshals, United States courts, seventy-three dollars and fourteen cents.	Eastern Band of North Carolina Cherokees.
For fees of clerks, United States courts, two dollars and seventy cents.	United States Courts.
For fees of commissioners, United States courts, four hundred and eighteen dollars and sixty cents.	Marshals.
For fees of jurors, United States courts, twenty-eight dollars and five cents.	Clerks.
For fees of witnesses, United States courts, three hundred and thirty-two dollars and thirty cents.	Commissioners.
For miscellaneous expenses, United States courts, one thousand one hundred dollars.	Jurors.
	Witnesses.
	Miscellaneous.

CLAIMS ALLOWED BY THE AUDITOR FOR THE POST-OFFICE DEPARTMENT.

For miscellaneous, First Assistant Postmaster-General, two hundred and seventy-eight dollars and eleven cents.	Claims allowed by the Auditor for the Post-Office Department.
For inland mail transportation, railroads, two hundred and eighty-eight dollars and four cents.	Miscellaneous.
For rewards, two thousand and fifty dollars.	Transportation.
For star transportation, six thousand and fifty-six dollars and ninety-six cents.	Rewards.
For steamboat transportation, two hundred and fifty-four dollars and eighty-five cents.	Star routes.
For wagon service, seven hundred and ninety-two dollars and eighty cents.	Steamboats.
For clerk hire, nine hundred and eighty-five dollars.	Wagon service.
For special-delivery service, two hundred and thirty-seven dollars and twenty-eight cents.	Clerk hire.
For rent, light, and fuel, four hundred and sixty-seven dollars and fifty-two cents.	Special delivery.
For free-delivery service, seventy-two dollars and forty-nine cents.	Rent.
For compensation of postmaster, thirteen dollars and forty cents.	Free delivery.
Sec. 3. That for the payment of the following claims certified to be due by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or	Postmaster.

Vol. 18, p. 110.

Vol. 23, p. 254.

carried to the surplus fund under the provisions of section five of the Act of June twentieth, eighteen hundred and seventy-four, and under appropriations heretofore treated as permanent, being for the service of the fiscal year eighteen hundred and ninety-seven, and prior years, unless otherwise stated, and which have been certified to Congress under section two of the Act of July seventh, eighteen hundred and eighty-four, as fully set forth in Senate Document Numbered Four hundred and fifteen, Fifty-sixth Congress, first session, there is appropriated as follows:

Claims allowed by
the Auditor for the
Treasury Department.
Contingent.

CLAIMS ALLOWED BY THE AUDITOR FOR THE TREASURY DEPARTMENT.

For contingent expenses, Treasury Department: Freight, telegrams, and so forth, thirty-four dollars and eleven cents.

For contingent expenses, Treasury Department: Stationery, fiscal year eighteen hundred and ninety-eight, one thousand one hundred and seventeen dollars and forty-one cents.

Frauds, customs
revenue.

For detection and prevention of frauds upon the customs revenue, fifty-two cents.

Repayment excess
of deposits.

For repayment to importers, excess of deposits, four dollars and twenty cents.

Revenue-Cutter
Service.

For expenses of Revenue-Cutter Service, twenty-eight cents.

Life-Saving Service.

For Life-Saving Service, six cents.

Light-houses.

For repairs and incidental expenses of light-houses, three hundred and ninety dollars.

Claims allowed by
the Auditor for the
War Department.
Pay, Army.

CLAIMS ALLOWED BY THE AUDITOR FOR THE WAR DEPARTMENT.

For pay, and so forth, of the Army, one thousand and forty-eight dollars and sixty-nine cents.

For pay of two and three year volunteers, three hundred and eighty-one dollars and fifty-one cents.

Bounties.

For bounties to volunteers, their widows, and legal heirs, four hundred and twenty-one dollars and sixty-seven cents.

For bounty under act of July twenty-eighth, eighteen hundred and sixty-six, two hundred dollars.

For bounty under act of July eleventh, eighteen hundred and sixty-two, one hundred dollars.

Pay, volunteers.

For pay of volunteers, eighty-five dollars and eighty-six cents.

Contingencies.

For contingencies of the Army, sixty-eight dollars and eighteen cents.

Quartermaster's De-
partment.

For incidental expenses, Quartermaster's Department, one thousand one hundred and thirty-two dollars and eighty cents.

Headstones.

For headstones for graves of soldiers, twenty-eight dollars and thirty-three cents.

Military posts.

For construction of military posts on the Yellowstone and Muscleshell rivers, twenty-five dollars and twenty-three cents

Claims allowed by
the Auditor for the
Navy Department.
Pay, Navy.

CLAIMS ALLOWED BY THE AUDITOR FOR THE NAVY DEPARTMENT.

For pay of the Navy, five hundred and forty-seven dollars and eighty cents.

Marine Corps.

For pay of the Marine Corps, one dollar and ninety-two cents.

For contingent, Marine Corps, fifteen dollars and sixty-five cents.

Bureau of Ordnance.

For contingent, Bureau of Ordnance, five dollars.

Bureau of Supplies
and Accounts.

For provisions, Navy, Bureau of Supplies and Accounts, nine dollars and ninety cents.

Bounty.

For bounty for destruction of enemies' vessels, one dollar and sixty-three cents.

Lost clothing, etc.

For indemnity for lost clothing, two thousand nine hundred and sixty-five dollars and fifty-six cents.

For destruction of clothing and bedding for sanitary reasons, one hundred and thirty-two dollars and forty-two cents.

CLAIMS ALLOWED BY THE AUDITOR FOR THE INTERIOR DEPARTMENT.

Claims allowed by the Auditor for the Interior, Department. Land offices.

For contingent expenses of land offices, twelve dollars and sixty-five cents.

For surveying the public lands, thirteen thousand and seven dollars and eighty-three cents.

Surveying.

Indians: For surveying and allotting Indian reservations, twenty-nine dollars and seventy-three cents.

—Indians.

For surveying a portion of Blackfeet Reservation in Montana, ten dollars.

Pensions: For Army pensions, thirty dollars.

Pensions.

CLAIMS ALLOWED BY THE AUDITOR FOR THE STATE AND OTHER DEPARTMENTS.

Claims allowed by the Auditor for the State, etc., Departments.

DEPARTMENT OF STATE.

Department of State.

For salaries, consular service, thirty-two dollars and fifty cents.

Consular service.

For relief and protection of American seamen, sixteen dollars and thirty cents.

Protecting seamen.

DEPARTMENT OF AGRICULTURE.

Department of Agriculture.

For salaries and expenses, Bureau of Animal Industry, one dollar and nine cents.

Bureau of Animal Industry.

DEPARTMENT OF JUSTICE.

Department of Justice.

For pay of bailiffs, and so forth, United States courts, eighteen dollars.

Bailiffs.

CLAIMS ALLOWED BY THE AUDITOR FOR THE POST-OFFICE DEPARTMENT.

Claims allowed by the Auditor for the Post-Office Department. Clerk hire.

For clerk hire, thirty-seven dollars and fifty cents.

Approved, June 6, 1900.

CHAP. 786.—An Act Making further provision for a civil government for Alaska, and for other purposes.

June 6, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I.

CHAPTER ONE.

SEC. 1. That the territory ceded to the United States by Russia by the treaty of March thirtieth, eighteen hundred and sixty-seven, and known as Alaska, shall constitute a civil and judicial district, the government of which shall be organized and administered as hereinafter provided. The temporary seat of government of said district is hereby established at Juneau: *Provided*, That the seat of government shall remain at Sitka until suitable grounds and buildings thereon shall be obtained by purchase or otherwise at Juneau.

Alaska. Provisions for civil government. Civil and judicial district. Vol. 23, p. 24, etc. Seat of government at Juneau. *Proviso.*—to remain temporarily at Sitka.

SEC. 2. There shall be appointed for the district a governor, who shall reside therein during his term of office and be charged with the

Governor to be appointed.

—powers, etc.

interests of the United States Government within the district. To the end aforesaid he shall have authority to see that the laws enacted for the district are enforced and to require the faithful discharge of their duties by the officials appointed to administer the same. He may also grant reprieves for offenses committed against the laws of the district or of the United States until the decision of the President thereon shall be made known. He shall be ex officio commander in chief of the militia of the district, and shall have power to call out the same when necessary to the due execution of the laws and to preserve the peace, and to cause all able-bodied citizens of the United States in the district to enroll and serve as such when the public exigency demands; and he shall perform generally in and over said district such acts as pertain to the office of governor of a Territory, so far as the same may be made or become applicable thereto.

—care of insane.

He shall, subject to the direction and approval of the Secretary of the Interior, advertise for and receive bids and, in behalf of the United States, contract from year to year with the responsible asylum or sanitarium west of the main range of the Rocky Mountains submitting the lowest bid for the care and custody of persons legally adjudged insane in said district of Alaska; the cost of advertising for bids, executing the contract, and caring for the insane to be paid, until otherwise provided by law, by the Secretary of the Treasury, out of any money in the Treasury not otherwise appropriated, on accounts and vouchers duly approved by the governor and the Secretary of the Interior.

Inquiry as to seal-killing operations.

The governor shall from time to time inquire into the operations of any person, company, association, or corporation authorized by the United States, by contract or otherwise, to kill seal or other fur-bearing animals in the district, and any and all violations by such person, company, association, or corporation of the agreement with the United States under which the operations are being conducted, and shall annually report to Congress the result of such inquiries.

Report of governor.

He shall make an annual report, on the first day of October in each year, to the President of the United States, of his official acts and doings, and of the condition of the district, with reference to its resources, industries, population, and the administration of the civil government thereof. And the President of the United States shall have power to review and to confirm or annul any reprieves granted or other acts done by him.

Notaries public.

The governor may appoint and commission one or more notaries public for the district, and appointments of notaries public heretofore made by him are hereby legalized, and all acts performed by them by virtue of their notarial commissions shall be for all purposes as valid as though the governor had at the time full and complete legal authority to appoint and commission them.

Surveyor-general to be ex officio secretary.

—duties, etc.

SEC. 3. The surveyor-general of the district shall be ex officio secretary thereof, and as such shall be custodian of the district seal, which shall be provided by the Attorney-General. The surveyor-general, as ex officio secretary of the district, shall perform the official duties required by law to be performed by the secretary of a Territory of the United States, in so far as applicable to said district, and such other duties as may be required by law.

District court.

—jurisdiction.

—judges.

SEC. 4. There is hereby established a district court for the district, which shall be a court of general jurisdiction in civil, criminal, equity, and admiralty causes; and three district judges shall be appointed for the district, who shall, during their terms of office, reside in the divisions of the district to which they may be respectively assigned by the President.

Divisions of court.—terms.

The court shall consist of three divisions. The judge designated to preside over division numbered one shall, during his term of office, reside at Juneau, and shall hold at least four terms of court in the

district each year, two at Juneau and two at Skagway, and the judge shall, as near January first as practicable, designate the time of holding the terms during the current year.

The judge designated to preside over division numbered two shall reside at Saint Michaels during his term of office, and shall hold at least one term of court each year at Saint Michaels, in the district, beginning the third Monday in June.

The judge designated to preside over division numbered three shall reside at Eagle City during his term of office, and shall hold at least one term of court each year at Eagle City, in the district, beginning on the first Monday in July: *Provided*, The Attorney-General may for cause change the place of residence of the judge of either division of the court.

Proviso.
Change of place of residence of judge.

Each of the judges is authorized and directed to hold such special terms of court as may be necessary for the public welfare or for the dispatch of the business of the court, at such times and places in the district as they or any of them, respectively, may deem expedient or as the Attorney-General may direct; and each shall have authority to employ interpreters and to make allowances for the necessary expenses of his court, and to employ an official court stenographer under the same terms and conditions as are, or may be, provided for district courts of the United States. At least thirty days' notice shall be given by the judge or the clerk of the time and place of holding special terms of the court.

Special terms of court.

—notice.

SEC. 5. The jurisdiction of each division of the court shall extend over the district of Alaska, but the court in which the action is pending may, on motion, change the place of trial in any action, civil or criminal, from one place to another place in the same division or to a designated place in another division in either of the following cases:

Jurisdiction of divisions, etc.
When place of trial may be changed.

First. When there is reason to believe that an impartial trial can not be had therein;

Second. When the convenience of witnesses and the ends of justice would be promoted by the change;

Third. When from any cause the judge is disqualified from acting; but in such event, if the judge of another division will appear and try the action, no change of place of trial must be made;

Fourth. By the court, on its own motion, when, considering available means of travel, it appears that the defendant will be put to unnecessary expense and inconvenience if summoned to defend in the place or division in which the action has been commenced; and when it appears to the satisfaction of the court, or judge thereof, that an action has been commenced in a place or division remote from the residence of the defendant for the purpose of causing unnecessary expense or inconvenience, the place of trial shall be changed at the cost of the plaintiff, and such costs shall not be recovered from the defendant.

In any criminal prosecution the court shall change the place of trial where it appears to the satisfaction of the court that the defendant will not be prejudiced thereby and that the United States will be put to unnecessary expense in such criminal prosecution if the transfer is not made.

SEC. 6. The respective judges of the court shall appoint, and at pleasure remove, clerks and commissioners in and for the district, who shall have the jurisdiction conferred by law in any part thereof, but who shall, during their terms of office, each reside at the place in the district designated in the respective orders of appointment.

Appointment, etc., of clerks and commissioners.

The commissioners shall be ex officio justices of the peace, recorders, and probate judges, and shall perform all the duties and exercise all the powers, civil and criminal, imposed or conferred on the United States commissioners by the general laws of the United States and the special laws applicable to the district.

Duties of commissioners, etc.

They shall also have power to grant writs of habeas corpus for the purpose of inquiring into the cause of restraint of liberty, which writs shall be made returnable before a district judge, and like proceedings shall be had thereon as if the same had been granted by the judge under the general laws of the United States in such cases. The commissioners shall also have the powers of notaries public, and shall keep a memorandum of all deeds and other instruments, of writing acknowledged before them and relating to the title to or transfer of property within the district, which memorandum shall be subject to public inspection. And all records of instruments of writing hitherto made by any United States commissioner in the district of Alaska are hereby declared to be public records of such district and shall have the same force and effect as if recorded in conformity with the provisions of this Act.

—records of

The commissioners shall also keep a record of all fines and forfeitures received by them, and shall pay over the same quarterly to the clerk of the division of the district court in which they were appointed.

Clerks of courts.

SEC. 7. Three clerks shall be appointed for the court, one of whom shall be assigned to each division thereof, and during his term of office reside at the place designated for the residence of the judge of such division. Each clerk shall, in his division of the district, perform the duties required or authorized by law to be performed by clerks of United States courts in other districts, and such other duties as may be prescribed by the laws of the United States relating to the district of Alaska. He shall preserve copies of all laws applicable to the district and shall preserve all records and record all proceedings and official acts of his division of the court. He shall also receive all moneys collected from licenses, fines, forfeitures, or in any other case, except from violations of the customs laws, and shall apply the same to the incidental expenses of the proper division of the district court and the allowance thereof as directed by the judge, and shall account for the same in detail and for any balances on account thereof quarterly to and under the direction of the Secretary of the Treasury. He shall be ex officio recorder of instruments, as hereinafter provided, and also register of wills for the district, and shall establish secure offices where terms of his division of the court are held for the safe-keeping of his official records.

—duties.

District attorneys.

SEC. 8. Three district attorneys shall be appointed for the district, to be assigned to the divisions thereof, who shall reside during their respective terms of office at the place designated as the residence of the judge of the division of the court to which each of the district attorneys shall be assigned. They shall each perform the duties required to be performed by United States district attorneys in other districts, and such other duties as may be required by law.

Duties.

Assistants.

Each district attorney may, subject to the approval of the Attorney-General, appoint and at pleasure remove one or more assistant district attorneys, who shall receive such compensation as the Attorney-General may fix, to be paid as other assistant United States district attorneys are paid. In case of the death or disability of a district attorney the judge may appoint a suitable person to fill the office until his successor is appointed and qualified or until the disability is removed.

Marshal.
Deputies.

SEC. 9. A marshal shall be appointed for each division of the district, and each marshal shall have authority and be required to appoint, subject to the approval of the Attorney-General, such deputy marshals as he may deem necessary for the efficient execution of the law and the orders of the court and of the commissioners appointed as herein provided.

Office deputies,
clerical assistance,
etc.

That when in the opinion of the Attorney-General the public interest requires it, he may, on the recommendation of the marshal, which recommendation shall state the facts as distinguished from conclusions, showing necessity for the same, allow the marshals to employ necessary office

deputies and clerical assistance, upon salaries to be fixed by the Attorney-General, from time to time, and paid as other officers of the court are paid. When any of such office deputies is engaged in the service or attempted service of any writ, process, subpoena, or other order of the court, or when necessarily absent from the place of his regular employment upon official business, he shall be allowed his actual traveling expenses only, and his necessary and actual expenses for lodging and subsistence, not to exceed four dollars per day, and the necessary actual expenses in transporting prisoners, including necessary guard hire; and he shall make and render accounts thereof as provided for.

Each marshal shall have the general authority and powers and be subject to the obligations of United States marshals in the States and Territories. He shall be the executive officer of the court, and charged with the execution of all processes thereof and with the transportation and custody of prisoners and insane persons, and he shall be ex officio keeper of the jails and penitentiaries of the division of the district to which he may be assigned, and shall be responsible on his official bond for the acts of all deputy marshals appointed by him. In case of the death of a marshal the district judge shall appoint a suitable person to fill the vacancy until his successor is appointed and qualified. The persons so appointed shall give such bonds as the court may require.

Powers, etc., of marshals.

The marshal shall deliver persons duly adjudged insane in the district to the authorities of such asylum or sanitarium as the governor, with the approval of the Secretary of the Interior, may designate, and for the service of process in connection with and the guarding and transportation of the insane he shall be compensated as in the case of prisoners.

—care of insane.

The deputy marshals shall be ex officio constables and executive officers of the commissioners herein provided for, and shall have the powers and discharge the duties of United States deputy marshals, and also those of constables, under the laws of the United States applicable to said district.

Powers of deputy marshals.

SEC. 10. The governor, surveyor-general, attorneys, judges, and the marshals provided for in this Act shall be appointed by the President, by and with the advice and consent of the Senate, and shall hold their respective offices for the term of four years and until their successors are appointed and qualified, unless sooner removed by the President for cause.

Appointment of officers, terms, etc.

The officers so appointed shall severally be entitled to receive annual compensation as follows:

The governor, the sum of five thousand dollars; the surveyor-general and ex officio secretary of the district, as full compensation, four thousand dollars; the judges, each the sum of five thousand dollars; each marshal, the sum of four thousand dollars; the clerks, each the sum of three thousand five hundred dollars; the district attorneys, each three thousand dollars, the salaries payable from the Treasury of the United States, as like officers are paid in other districts.

Compensation of officers.

Each clerk shall collect all money arising from the fees of his office or on any other account authorized by law to be paid to or collected by him, and shall report the same and the disposition thereof in detail, under oath, quarterly, or more frequently if required, to the court, the Attorney-General, and the Secretary of the Treasury, and all public money received by him and his deputies for fees or on any other account shall be paid out by the clerk on the order of the court, duly made and signed by the judge, and any balance remaining in his hands after all payments ordered by the court shall have been made shall be by him covered into the Treasury of the United States at such times and under such rules and regulations as the Secretary of the Treasury may prescribe. The clerk may employ necessary clerical help with the approval and at compensation to be fixed by the court to

Clerks' fees.

Clerical help

aid him in the expeditious discharge of the business of his office. Any person so employed shall be paid by the clerk on the order of the court, as other court expenses are paid.

Traveling expenses.

The governor, surveyor-general, marshals, judges, clerks of court, and district attorneys shall, in addition to their salaries, be paid their actual traveling and subsistence expenses when traveling in the discharge of their official duties. Accounts for such expenses shall be rendered and paid as are accounts of judges, marshals, clerks, and district attorneys for like expenses in other districts.

Surveyor-general to act in absence of governor.

In case of the death, removal, resignation, or absence of the governor from the district, the surveyor-general as ex officio secretary of the district shall have, and he is hereby authorized and required to execute and perform, all the powers and duties of the governor during such vacancy or absence, or until another governor shall be appointed to fill such vacancy.

Accounts of commissioners and deputy marshals.

SEC. 11. An accurate detailed account of all fees received and disbursements made by commissioners and deputy marshals shall be filed quarterly with the clerk for the proper division of the district court and approved by the judge thereof, if found to be in accordance with law; and all net fees received in excess of the sum of three thousand dollars per annum by any commissioner or deputy marshal shall be annually paid to the clerk of the proper division of the court and by him paid into the Treasury of the United States, such payment to be accompanied by a verified detailed statement of such deputy or commissioner.

Clerks' bonds.

SEC. 12. The clerks of the court shall each, before entering upon the duties of his office, execute a bond, with sufficient sureties, to be approved by the Secretary of the Treasury, or the court or a judge thereof, in the penalty of twenty thousand dollars, for the faithful performance of his official duties, and file the same with the Attorney-General; and each commissioner shall, before entering upon the duties of his office, execute a bond, with sufficient sureties, to be approved by the court, or a judge thereof, in the penalty of one thousand dollars, for the faithful performance of his official duties, and file the same with the clerk, who shall send a certified copy thereof to the Attorney-General.

District divided into three recording divisions.

SEC. 13. The judges of the district, or a majority of them, shall, as soon as practicable after their appointment, meet, and by appropriate order, to be thereafter entered in each division of the court, divide the district into three recording divisions, designate the division of the court to supervise each, and also define the boundaries thereof by reference to natural objects and permanent landmarks or monuments, in such manner that the boundaries of each recording division can be readily determined and become generally known from such description, which order shall be given publicity in such manner by posting, publication, or otherwise as the judges or any division of the court may direct, the necessary expense of the publication of such order and description of the recording divisions to be allowed and paid as other court expenses.

Recording districts.

At any regular or special term an order may be made by the court establishing one or more recording districts within the recording division under the supervision of such division of the court and defining the boundaries thereof by reference to natural objects and permanent landmarks or monuments, in such manner that the boundaries thereof can be readily determined.

—recorder.

The order establishing a recording district shall designate a commissioner to be ex officio recorder thereof, and shall also designate the place where the commissioner shall keep his recording office within the recording district:

Provided, The clerk of the court shall be ex officio recorder of all that portion of the recording division under the supervision of his division of the court not embraced within the limits of a recording district established, bounded, and described therein as authorized by this Act, and when any part of the division for which a clerk has been recording shall be embraced in a recording district, such clerk shall transcribe that portion of his records appertaining to such district and deliver the same to the commissioner designated as recorder thereof.

Proviso.
—of what clerk of the court shall be ex officio recorder.

Whenever it appears to the satisfaction of the court that the public interests demand, or that the convenience of the people require, the court may change or modify the boundaries or discontinue a recording district or change the location of the recording office, or remove the commissioner acting as ex officio recorder, and appoint another commissioner to fill the office.

Change of districts, etc.

SEC. 14. The clerk as ex officio recorder must procure such books for records as the business of his office requires and such as may be required by the respective commissioners designated as recorders in his division of the court, but orders for the same must first be obtained from the court or the judge thereof. The respective officers acting as ex officio recorders shall have the custody and must keep all the books, records, maps, and papers deposited in their respective offices, and where a recorder is removed or from any cause becomes unable to act, or a recording district is discontinued, the records and all books, papers, and property relating thereto shall be delivered to the clerk or such officer or person as the court or judge thereof may direct.

Record books, etc.

The record books procured by the clerk, as herein provided, shall be paid for by him, on the order of the court, out of any moneys in his hands, as other court expenses are paid.

SEC. 15. The respective recorders shall, upon the payment of the fees for the same prescribed by the Attorney-General, record separately, in large and well-bound separate books, in fair hand:

What recorded.

First. Deeds, grants, transfers, contracts to sell or convey real estate and mortgages of real estate, releases of mortgages, powers of attorney, leases which have been acknowledged or proved, mortgages upon personal property;

Second. Certificates of marriage and marriage contracts and births and deaths;

Third. Wills devising real estate admitted to probate;

Fourth. Official bonds;

Fifth. Transcripts of judgments which by law are made liens upon real estate;

Sixth. All orders and judgments made by the district court or the commissioners in probate matters affecting real estate which are required to be recorded;

Seventh. Notices and declaration of water rights;

Eighth. Assignments for the benefit of creditors;

Ninth. Affidavits of annual work done on mining claims;

Tenth. Notices of mining location and declaratory statements;

Eleventh. Such other writings as are required or permitted by law to be recorded, including the liens of mechanics, laborers, and others:

Provided, Notices of location of mining claims shall be filed for record within ninety days from the date of the discovery of the claim described in the notice, and all instruments shall be recorded in the recording district in which the property or subject-matter affected by the instrument is situated, and where the property or subject-matter is not situated in any established recording district the instrument affecting the same shall be recorded in the office of the clerk of the division of the court having supervision over the recording division in which such property or subject-matter is situated.

Proviso.
Mining claims.

Where instruments recorded

Accounting for fees
for unrecorded instru-
ments.

—penalty.

Proviso.
Miners' regulations
for recording, etc.

—recorder.

Records at Dyea,
etc., legalized.

Notaries public.
—residence.

—terms.

—duties.

SEC. 16. Any clerk or commissioner authorized to record any instrument who having collected fees for so doing fails to record such instrument shall account to his successor in office, or to such person as the court may direct, for all the fees received by him for recording any instrument on file and unrecorded at the expiration of his official term, or at the time he is required to transfer his records to another officer under the direction of the court. And any clerk or commissioner who fails, neglects, or refuses to so account for fees received and not actually earned by the recording of instrument shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than one hundred dollars nor more than one thousand dollars, and imprisoned for not more than one year, or until the fees received and unearned as aforesaid shall have been properly accounted for and paid over by him, as hereinbefore provided. And in addition such fees may be recovered from such clerk or commissioner or the bondsmen of either, in a civil action which shall be brought by the district attorney, in the name of the United States, to recover the same; and the amount when recovered shall be by the court transferred to the successor in office of such recorder, who shall thereupon proceed to record the unrecorded instruments: *Provided*, Miners in any organized mining district may make rules and regulations governing the recording of notices of location of mining claims, water rights, flumes and ditches, mill sites and affidavits of labor, not in conflict with this Act or the general laws of the United States; and nothing in this Act shall be construed so as to prevent the miners in any regularly organized mining district not within any recording district established by the court from electing their own mining recorder to act as such until a recorder therefor is appointed by the court: *Provided further*, All records heretofore regularly made by the United States commissioner at Dyea, Skagway, and the recorder at Douglas City, not in conflict with any records regularly made with the United States commissioner at Juneau, are hereby legalized. And all records heretofore made in good faith in any regularly organized mining district are hereby made public records, and the same shall be delivered to the recorder for the recording district including such mining district within six months from the passage of this Act.

SEC. 17. Every person appointed as a notary public must at the time of his appointment be a resident of the district and must continue to reside therein during his term of office. Removal from the district vacates his office and is equivalent to resignation.

The term of office of a notary public shall be four years from and after the date of his commission, but he may be sooner removed by the governor for misconduct in office.

SEC. 18. It shall be the duty of a notary public—

First. When requested, to demand acceptance and payment of foreign, domestic, and inland bills of exchange, or promissory notes, and protest the same for nonacceptance and nonpayment, and to exercise such other powers and duties as by the law of nations and according to commercial usages or by the laws of any State, government, or country may be performed by notaries, and keep a record of such acts.

Second. To take acknowledgment or proof of powers of attorney, deeds, mortgages, grants, transfers, and other instruments of writing executed by any person and to give a certificate of such proof or acknowledgment indorsed or attached to the instrument.

Third. To take depositions and affidavits and administer oaths and affirmations in all matters incident to the duties of the office or to be used before any court, judge, or officer.

Fourth. When requested and upon payment of his fees therefor to make and give a certified copy of any record in his office.

Fifth. To provide and keep an official seal, upon which must be engraved the name of the district and the words "Notary Public," with the surname of the notary and at least the initials of his Christian name.

SEC. 19. The protest of a notary public under his hand and seal of a bill of exchange or promissory note for nonacceptance or nonpayment, stating the presentment for acceptance or payment and the nonacceptance or nonpayment thereof, the service of notice on any and all parties to such bill of exchange or promissory note and specifying the mode of giving such notice and the reputed place of residence of the party to such bill of exchange or promissory note and of the party to whom same was given and the post-office nearest thereto is prima facie evidence of the facts contained therein.

Protests of notaries of bills, etc., weight as evidence.

SEC. 20. It shall be the duty of every notary public, on his resignation or removal from office or at the expiration of his term and in case of his death of his legal representative, to forthwith deposit all the records kept by him in the office of the clerk of the division of the district court in which he resides, and on failure to do so the person so offending is liable in damages to any person injured thereby.

Notaries' records to be deposited with clerk of court.

SEC. 21. It shall be the duty of each clerk aforesaid to receive and safely keep all records and papers of the notary in each case above named and to give attested copies of them under his seal, for which he may demand such fees as by law may be allowed to the notaries, and such copies shall have the same effect as if certified by the notary.

—duty of clerk.

SEC. 22. Each notary must execute an official bond in the sum of one thousand dollars, which bond must be approved by the clerk of the division of the district court located nearest his residence.

Bond of notaries.

SEC. 23. Each notary public, upon approval of his official bond, so soon as he has taken his official oath, must transmit such bond and oath, signed by him with his own proper signature to the office of the secretary of the district, whereupon the governor must issue a commission.

—filing, etc.

SEC. 24. For the official misconduct or neglect of a notary public, he and sureties on his official bond are liable to the parties injured thereby for all damages sustained.

Liability of notary for misconduct.

SEC. 25. The officers properly qualified and actually discharging official duties in the district at the time of the approval of this Act may continue to act in their respective official capacities until the expiration of the terms for which they were respectively appointed unless sooner removed.

Continuance in office of existing officials.

SEC. 26. The laws of the United States relating to mining claims, mineral locations, and rights incident thereto are hereby extended to the District of Alaska: *Provided*, That subject only to such general limitations as may be necessary to exempt navigation from artificial obstructions all land and shoal water between low and mean high tide on the shores, bays, and inlets of Bering Sea, within the jurisdiction of the United States, shall be subject to exploration and mining for gold and other precious metals by citizens of the United States, or persons who have legally declared their intentions to become such, under such reasonable rules and regulations as the miners in organized mining districts may have heretofore made or may hereafter make governing the temporary possession thereof for exploration and mining purposes until otherwise provided by law: *Provided further*, That the rules and regulations established by the miners shall not be in conflict with the mining laws of the United States; and no exclusive permit shall be granted by the Secretary of War authorizing any person or persons, corporation or company to excavate or mine under any of said waters below low tide, and if such exclusive permit has been granted it is hereby revoked and declared null and void; but citizens of the United States or persons who have legally declared their intention to become such shall have the right to dredge and mine for gold

Mining laws.

Provisos.
Gold, etc., exploration on Bering Sea.

—miners' regulations

—not to conflict with federal laws.

Exclusive permits to mine void, etc.

Provision reserving
roadway, etc., not to
apply.
Vol. 30, p. 413.

Occupants of school
or mission lands not
to be disturbed.
—missionary stations.

General land laws
not to apply.

Education of chil-
dren.

Use of Army as posse
comitatus not appli-
cable to Alaska.

Vol. 30, p. 1325.

Vol. 20, p. 152.

Tax on business
and trades.
Vol. 30, p. 1336.

or other precious metals in said waters, below low tide, subject to such general rules and regulations as the Secretary of War may prescribe for the preservation of order and the protection of the interests of commerce; such rules and regulations shall not, however, deprive miners on the beach of the right hereby given to dump tailings into or pump from the sea opposite their claims, except where such dumping would actually obstruct navigation, and the reservation of a roadway sixty feet wide, under the tenth section of the Act of May fourteenth, eighteen hundred and ninety-eight, entitled "An Act extending the homestead laws and providing for right of way for railroads in the District of Alaska, and for other purposes," shall not apply to mineral lands or town sites.

SEC. 27. The Indians or persons conducting schools or missions in the district shall not be disturbed in the possession of any lands now actually in their use or occupation, and the land, at any station not exceeding six hundred and forty acres, now occupied as missionary stations among the Indian tribes in the section, with the improvements thereon erected by or for such societies, shall be continued in the occupancy of the several religious societies to which the missionary stations respectively belong, and the Secretary of the Interior is hereby directed to have such lands surveyed in compact form as nearly as practicable and patents issued for the same to the several societies to which they belong; but nothing contained in this Act shall be construed to put in force in the district the general land laws of the United States.

SEC. 28. The Secretary of the Interior shall make needful and proper provision and regulations for the education of the children of school age in the district of Alaska, without reference to race and their compulsory attendance at school, until such time as permanent provision shall be made for the same.

SEC. 29. An Act entitled "An Act to define and punish crimes in the district of Alaska, and to provide a code of criminal procedure for the district," approved March third, eighteen hundred and ninety-nine, be, and is, amended, by adding to section three hundred and sixty-three thereof the following: "*Provided*, Section fifteen of an Act entitled 'An Act making appropriations for the support of the Army for the fiscal year ending June thirtieth, eighteen hundred and seventy-nine, and for other purposes,' approved June eighteenth, eighteen hundred and seventy-eight, shall not be construed to apply to the district of Alaska": *Provided further*, That section four hundred and sixty, chapter forty-four, title two, of said first-mentioned Act, be amended to read as follows:

"SEC. 460. That any person or persons, corporation, or company prosecuting or attempting to prosecute any of the following lines of business within the district of Alaska shall first apply for and obtain license so to do from a district court or a subdivision thereof in said district, and pay for said license for the respective lines of business and trade as follows, to wit:

"Abstract offices, fifty dollars per annum.

"Banks, two hundred and fifty dollars per annum.

"Boarding houses having accommodations for ten or more guests, fifteen dollars per annum.

"Brokers (money, bill, note, and stock), one hundred dollars per annum.

"Billiard rooms, fifteen dollars per table per annum.

"Bowling alleys, fifteen dollars per annum.

"Breweries, five hundred dollars per annum.

"Bottling works, two hundred dollars per annum.

"Cigar manufacturers, twenty-five dollars per annum.

Alaska.
Tax on business and
trades.

"Cigar stores or stands, fifteen dollars per annum.

"Drug stores, fifty dollars per annum.

"Public docks, wharves, and warehouses, ten cents per ton on freight handled or stored.

"Electric-light plants, furnishing light or power for sale, three hundred dollars per annum.

"Fisheries: Salmon canneries, four cents per case; salmon salteries, ten cents per barrel; fish-oil works, ten cents per barrel; fertilizer works, twenty cents per ton.

"Freight and passenger transportation lines, propelled by mechanical power registered in the district of Alaska, or not paying license or tax elsewhere, and river and lake steamers, as well as transportation lines doing business wholly within the district of Alaska, one dollar per ton per annum on net tonnage, custom-house measurement, of each vessel.

"Gas plants, for heat or light, for sale, three hundred dollars per annum.

"Hotels, fifty dollars per annum.

"Halls, public, ten dollars per annum.

"Insurance agents and brokers, twenty-five dollars per annum.

"Jewelers, twenty-five dollars per annum.

"Mines: Quartz mills, three dollars per stamp per year.

"Mercantile establishments: Doing a business of one hundred thousand dollars per annum, five hundred dollars per annum; doing a business of seventy-five thousand dollars per annum, three hundred and seventy-five dollars per annum; doing a business of fifty thousand dollars per annum, two hundred and fifty dollars per annum; doing a business of twenty-five thousand dollars per annum, one hundred and twenty-five dollars per annum; doing a business of ten thousand dollars per annum, fifty dollars per annum; doing a business of under ten thousand dollars per annum, twenty-five dollars per annum; doing a business of under four thousand dollars per annum, ten dollars per annum.

"Meat markets, fifteen dollars per annum.

"Manufactories not enumerated herein, same classification and license charges as mercantile establishments.

"Physicians, itinerant, fifty dollars per annum.

"Planing mills, fifty dollars per annum when not part of a sawmill.

"Pawnbrokers, three hundred dollars per annum.

"Peddlers, twenty-five dollars per annum.

"Patent-medicine venders (not regular druggists), fifty dollars per annum.

"Railroads, one hundred dollars per mile per annum on each mile operated.

"Restaurants, fifteen dollars per annum.

"Real estate dealers and brokers, fifty dollars per annum.

"Ships and shipping: Ocean and coastwise vessels doing local business for hire plying in Alaskan waters, registered in Alaska or not paying license or tax elsewhere, one dollar per ton per annum on net tonnage, custom-house measurement, of each vessel.

"Sawmills, ten cents per thousand feet on the lumber sawed.

"Steam ferries, one hundred dollars per year.

"Toll road or trail, two hundred dollars per annum.

"Tobacconists, fifteen dollars per annum.

"Tramways, ten dollars for each mile or fraction thereof per annum.

"Transfer companies, fifty dollars per annum.

"Taxidermists, ten dollars per annum.

"Theaters, one hundred dollars per annum.

"Waterworks, furnishing water for sale, fifty dollars per annum."

That section four hundred and sixty-three of chapter forty-four, title two, of the above-named Act be, and the same is hereby, amended so as to read as follows:

Clerk district court
to issue licenses.
Vol. 30, p. 1337.

"SEC. 463. That the licenses provided for in this Act shall be issued by the clerk of the district court or any subdivision thereof in compliance with the order of the court or judge thereof duly made and entered; and the clerk of the court shall keep a full record of all applications for license and of all recommendations for and remonstrances against the granting of licenses and of the action of the court thereon: *Provided*, That the clerk of said court and each division thereof shall give bond or bonds in such amount as the Secretary of the Treasury may require and in such form as the Attorney-General may approve, and all moneys received for licenses by him or them under this Act shall, except as otherwise provided by law, be covered into the Treasury of the United States, under such rules and regulations as the Secretary of the Treasury may prescribe: *And provided further*, That chapter twelve of title one of said first above-mentioned Act be amended by adding after section one hundred and thirty-eight another section to be numbered one hundred and thirty-nine, and to read as follows:

Provisions.
Clerks' bond, etc.

Vol. 30, p. 1281.

Protection of eggs of
crane, wild duck, etc.

That no person shall break, take from the nest, or have in possession the eggs of any crane, wild duck, brant, or goose; nor shall any person transport or ship out of said Territory the eggs or the contents of the eggs of any crane, wild duck, brant, or goose; nor shall any person, common carrier or other transportation company carry or receive for shipment such eggs or the contents of said eggs, and any person or company who shall have in possession or receive for shipment or transportation any eggs or the contents of any eggs of the crane, wild duck, brant, or goose shall be guilty of a misdemeanor and upon conviction be punished as provided in this section. Any person or company violating the provisions of this section shall be punished by a fine not exceeding five hundred dollars or imprisonment not exceeding six months."

Penalty.

Fees of officers not
otherwise compensated.

SEC. 30. In case the law requires or authorizes any services to be performed or any act to be done by any official or person within the District of Alaska, and provides no compensation therefor, the Attorney-General may prescribe and promulgate a schedule of such fees, mileage, or other compensation as shall be by him deemed proper for each division of the court, and such schedule shall have the force and effect of law; and the Attorney-General may from time to time amend such schedule and promulgate the same as amended, and the schedule as amended and promulgated shall also have the force and effect of law.

Use of public buildings
for court rooms,
etc.

Construction of jails
authorized.

SEC. 31. Any of the public buildings in the district not required for the customs service or military purposes may be used for court rooms and offices of the civil government; and the marshals of the district shall, each in his division, be the custodian of such buildings. Any division of the court may, where necessary, order the construction or repair of a jail building at the place or places where terms of the court are held, at a cost not to exceed three thousand dollars for each building, the same to be paid by the clerk as provided for the payment of other allowances for the necessary expenses of the court; and any part or portion of the unappropriated public domain of the United States, embracing not more than four thousand square feet, to be taken in compact form, as near as may be practicable, may be set aside by order of the court as a jail site, which order shall describe the location of the ground selected, where unsurveyed by metes and bounds and by reference to natural objects and permanent monuments, in such manner that its boundaries and its location may be readily determined, a certified copy of which order of the court shall be by the clerk thereof transmitted to the Commissioner of the General Land Office, who shall

—sites.

cause the same to be noted on the records of his office, and thereafter the ground described shall be reserved from sale or other disposition, unless for good cause the court shall vacate the order of reservation or Congress shall otherwise direct, and the sentence of imprisonment in any criminal case shall be carried out by confinement in the penitentiary or jails herein provided for, or as provided in section fifty-five hundred and forty-six of the Revised Statutes of the United States.

Where a suitable court room is not available or can not be obtained at reasonable rental at the place or any of the places where terms of the court are held, the court may enter a like order of reservation and direct the construction of a suitable building where the sessions of the court may be held, the cost of such building not to exceed in any case the sum of five thousand dollars, the same to be paid and proceedings to reserve the land to be as in the case of the reservation of ground and construction of jail, as hereinbefore provided: *Provided*, No court building or jail shall be constructed in any division of the district without authority from the Attorney-General, to whom the clerk shall furnish a verified account in detail of all expenditures made by him for buildings, repairs, or other purposes, together with his authority for each payment made.

SEC. 32. For each certificate issued to a member of the bar, authorizing him to practice law in the district, a fee of ten dollars shall be paid to the clerk of the court, which shall be by him promptly remitted to the secretary of the district, and at the same time the clerk shall advise the governor of such remittance. For each commission issued to a notary public a fee of ten dollars shall be paid to the secretary of the district. The fees received by the secretary under this section and under chapter seventy-four of title two shall be by him retained and kept in a fund to be known as the district historical library fund. The fund thus collected shall be disbursed on the order of the governor for the purpose of establishing and maintaining the district historical library and museum. The same shall embrace copies of all laws relating to the district, and all papers and periodicals published within the district, and such other matter of historical interest as the governor may consider valuable and appropriate for such collection. The collection shall also embrace such curios relating to the aborigines and the settlers as may be by the governor deemed of historical importance. The collection thus made shall be described by the governor in the annual report of the governor to the Secretary of the Interior, and shall be by him kept in a secure place and turned over to his successor in office. The secretary of the district and the governor shall each annually account to the Secretary of the Interior for all receipts and disbursements in connection with such historical library and museum.

SEC. 33. The historical library and museum provided for in section thirty-two of this title is hereby made a designated depository of publications of the Government, and shall be supplied with one copy of each of said publications in the same manner as such publications are supplied to other depositories.

R. S., sec. 5546, p. 1074.

Construction of court building authorized.

—limit.

Proviso.
—limit number of buildings.

Attorneys' admission fees.

Notaries' commissions fees.

Post. p. 447.

—use of fund for district historical library, museum, etc.

Designated depository of publications of the Government.

TITLE II.

CHAPTER ONE.

OF THE FORMS OF ACTION.

Sec.

1. Only one form of action.

Sec.

2. Parties thereto, how designated.

SEC. 1. The distinction between actions at law and suits in equity, and the forms of all such actions and suits, are abolished, and there

Only one form of action.

shall be but one form of action for the enforcement or protection of private rights and the redress or prevention of private wrongs, which is denominated a civil action.

Parties thereto, how designated.

SEC. 2. In such actions the party complaining shall be known as the plaintiff and the adverse party as the defendant.

CHAPTER TWO.

OF THE TIME OF COMMENCEMENT OF CIVIL ACTIONS.

Sec.

3. Time of commencing actions in general.
4. Within ten years.
5. Within ten years.
6. Within six years.
7. Within three years.
8. Within two years.
9. Within one year.
10. Actions for penalty.
11. Actions not before provided for.
12. When cause of action accrues upon current account.
13. Limitations in actions by public corporations.
14. When action deemed commenced.
15. Exceptions when defendant out of the district.
16. Exceptions in favor of persons under legal disability.

Sec.

17. Provisions when person entitled dies before time expires.
18. In actions by aliens time of war to be deducted.
19. Time of stay by injunction or statutory prohibition to be deducted.
20. Disability must exist when right of action accrued.
21. When several disabilities limitation does not attach until all removed.
22. Acknowledgment or new promise must be in writing.
23. Limitation to commence from time of last payment.
24. No action barred by statute when cause accrued can be maintained.

Time of commencing actions in general.

SEC. 3. Civil actions shall only be commenced within the periods prescribed in this title after the cause of action shall have accrued, except when, in special cases, a different limitation is prescribed by statute. But the objection that the action was not commenced within the time limited shall only be taken by answer, except as otherwise provided in section fifty-eight.

Within ten years.

SEC. 4. The periods prescribed in section three of this Act for the commencement of actions shall be as follows:

Within ten years actions for the recovery of real property, or for the recovery of the possession thereof; and no action shall be maintained for such recovery unless it shall appear that the plaintiff, his ancestor, predecessor, or grantor was seized or possessed of the premises in question within ten years before the commencement of the action: *Provided*, In all cases where a cause of action has already accrued, and the period prescribed in this section within which an action may be brought has expired or will expire within one year from the approval of this Act, an action may be brought on such cause of action within one year from the date of the approval of the Act.

Within ten years.

SEC. 5. Within ten years—

First. An action upon a judgment or decree or any court of the United States, or of any State or Territory within the United States;

Second. An action upon a sealed instrument.

Within six years.

SEC. 6. Within six years—

First. An action upon a contract or liability, express or implied, excepting those mentioned in section five;

Second. An action upon a liability created by statute, other than a penalty or forfeiture;

Third. An action for waste or trespass upon real property;

Fourth. An action for taking, detaining, or injuring personal property, including an action for the specific recovery thereof.

Within three years.

SEC. 7. Within three years—

First. An action against a marshal, coroner, or constable, upon a liability incurred by the doing of an act in his official capacity or in

virtue of his office; or by the omission of an official duty, including the nonpayment of money collected upon an execution. But this section shall not apply to an action for an escape;

Second. An action upon a statute for penalty or forfeiture, where the action is given to the party aggrieved, or to such party and the United States, except where the statute imposing it prescribes a different limitation.

SEC. 8. Within two years—

Within two years.

First. An action for libel, slander, assault, battery, seduction, false imprisonment, or for any injury to the person or rights of another not arising on contract and not herein especially enumerated;

Second. An action upon a statute for a forfeiture or penalty to the United States.

SEC. 9. Within one year—

Within one year.

An action against the marshal or other officer for the escape of a person arrested or imprisoned on civil process.

SEC. 10. An action upon the statute for the penalty given in whole or in part to the person who will prosecute for the same shall be commenced within one year after the commission of the offense; and if the action be not commenced within one year by a private party, it may be commenced within two years thereafter, in behalf of the United States, by the district attorney.

Actions for penalty.

SEC. 11. An action for any cause not hereinbefore provided for shall be commenced within ten years after the cause of action shall have accrued.

Actions not before provided for.

SEC. 12. In an action brought to recover a balance due upon a mutual, open, and current account, where there have been reciprocal demands between the parties, the cause of action shall be deemed to have accrued from the date of the last item proved in the account on either side; but whenever a period of more than one year shall elapse between any of a series of items or demands, they are not to be deemed such an account.

When cause of action accrues upon current account.

SEC. 13. The limitations prescribed in this chapter shall apply to actions brought in the name of any public corporation in the district, or for its benefit, in the same manner as to actions by private parties.

Limitations in actions by public corporations.

SEC. 14. An action shall be deemed commenced when the complaint is filed and the summons issued.

When action deemed commenced.

SEC. 15. If, when the cause of action shall accrue against any person who shall be out of the district or concealed therein, such action may be commenced within the terms herein respectively limited, after the return of such person into the district or the time of his concealment; and if, after such cause of action shall have accrued, such person shall depart from and reside out of this district, or conceal himself, the time of his absence or concealment shall not be deemed or taken as any part of the time limited for the commencement of such action.

Exceptions when defendant out of the district.

SEC. 16. If any person entitled to bring an action mentioned in this chapter, or to recover real property, or for a penalty or forfeiture, or against a marshal or other officer for an escape, be at the time the cause of action accrued, either—

Exceptions in favor of persons under legal disability.

First. Within the age of twenty-one years; or

Second. Insane; or

Third. Imprisoned on a criminal charge, or in execution under sentence of a court for a term less than his natural life.

The time of such disability shall not be a part of the time limited for the commencement of the action, but the period within which the action shall be brought shall not be extended in any case longer than two years after such disability ceases.

SEC. 17. If a person entitled to bring an action die before the expiration of the time limited for the commencement thereof, and the cause of action survive, an action may be commenced by his personal

Provisions when person entitled dies before time expires.

representatives, after the expiration of the time and within one year from his death. If a person against whom an action may be brought die before the expiration of the time limited for the commencement thereof, and the cause of action survives, an action may be commenced against his personal representatives after the expiration of that time, and within six months after the issuing of letters testamentary or of administration.

In actions by aliens time of war to be deducted.

SEC. 18. When a person shall be an alien subject or citizen of a country at war with the United States, the time of the continuance of the war shall not be a part of the period limited for the commencement of the action.

Time of stay by injunction or statutory prohibition to be deducted.

SEC. 19. When the commencement of an action is stayed by injunction or a statutory prohibition, the time of the continuance of the injunction or prohibition shall not be a part of the time limited for the commencement of the action.

Disability must exist when right of action accrued.

SEC. 20. No person shall avail himself of a disability unless it existed when his right of action accrued.

When several disabilities, limitation does not attach until all removed.

SEC. 21. When two or more disabilities shall coexist at the time the right of action accrues the limitation shall not attach until all such disabilities are removed.

Acknowledgment or new promise must be in writing.

SEC. 22. No acknowledgment or promise shall be sufficient evidence of a new or continuing contract, whereby to take the case out of the operation of this chapter, unless the same is contained in some writing, signed by the party to be charged thereby; but this section shall not alter the effect of any payment of principal or interest.

Limitation to commence from time of last payment.

SEC. 23. Whenever any payment of principal or interest has been or shall be made upon an existing contract, whether it be a bill of exchange, promissory note, bond, or other evidence of indebtedness, if such payment be made after the same shall have become due, the limitation shall commence from the time the last payment was made.

No action barred by statute where cause accrued can be maintained.

SEC. 24. When the cause of action has arisen in any State, Territory, or country between nonresidents of this district, and by the laws of the State, Territory, or country where the cause of action arose an action can not be maintained thereon by reason of the lapse of time, no action shall be maintained thereon in this district.

CHAPTER THREE.

OF THE PARTIES TO ACTIONS.

Sec.

25. Action to be prosecuted in the name of the real party in interest.
26. Assignment of a thing in action not to prejudice defense.
27. Executor or trustee may sue without the person beneficially interested.
28. Married women may prosecute and defend as if unmarried.
29. Infant to appear by guardian.
30. Guardian, how appointed.
31. Who may prosecute for injury or death of a child.
32. Who may prosecute for seduction of a daughter or ward.

Sec.

33. When unmarried female may sue for her own seduction.
34. Parties severally liable on same instrument may be sued together or separately.
35. When action not to abate.
36. When action for wrong not to abate.
37. When third persons may be substituted as defendants.
38. Who may be made parties to action.
39. Who must be made parties to action.
40. When court to decide controversy or order other parties brought in.
41. Who may intervene.

Action to be prosecuted in the name of the real party in interest.

SEC. 25. Every action shall be prosecuted in the name of the real party in interest, except as otherwise provided in section twenty-seven; but this section shall not be deemed to authorize the assignment of a thing in action not arising out of contract.

Assignment of a thing in action not to prejudice defense.

SEC. 26. In the case of an assignment of a thing in action, the action by the assignee shall be without prejudice to any set-off or other defense existing at the time of or before notice of the assignment; but

this section shall not apply to a negotiable promissory note or bill of exchange transferred in good faith and upon valuable consideration before due.

SEC. 27. An executor or administrator, a trustee of an express trust, or a person expressly authorized by statute, may sue without joining with him the person for whose benefit the action is prosecuted. A person with whom, or in whose name a contract is made for the benefit of another, is a trustee of an express trust within the meaning of this section.

Executor or trustee may sue without the person beneficially interested.

SEC. 28. A wife may receive the wages of her personal labor, and maintain an action therefor in her own name and hold the same in her own right, and she may prosecute and defend all actions for the preservation and protection of her rights and property as if unmarried.

Married women may prosecute and defend as if unmarried.

SEC. 29. Actions may be commenced and prosecuted by infants, either by guardian or next friend, and by conservators on behalf of the persons they represent.

Infant to appear by guardian.

SEC. 30. In any action it shall be lawful for the court in which the action is pending to appoint a guardian ad litem to any infant or insane defendant in such action, and to compel the person so appointed to act. By such appointment such person shall not be rendered liable to pay costs of action; and he shall, moreover, be allowed a reasonable sum for his charges as such guardian, to be fixed by the court, and taxed in the bill of costs.

Guardian, how appointed.

SEC. 31. A father, or in case of his death or desertion of his family, the mother, may maintain an action as plaintiff for the injury or death of a child, and a guardian for the injury or death of his ward.

Who may prosecute for the death of a child.

SEC. 32. A father, or in case of his death or desertion of his family, the mother, may maintain an action as plaintiff for the seduction of a daughter, and the guardian for the seduction of a ward, though the daughter or ward be not living with or in the service of the plaintiff at the time of the seduction or afterwards, and there be no loss of service.

Who may prosecute for the seduction of a daughter or ward.

SEC. 33. An unmarried female over twenty-one years of age may maintain an action as plaintiff for her own seduction, and recover therein such damages as may be assessed in her favor; but the prosecution of an action to judgment by the father, mother, or guardian, as prescribed in the section last preceding, shall be a bar to an action by such unmarried female.

When unmarried female may sue for her own seduction.

SEC. 34. Persons severally liable upon the same obligation or instrument, including the parties to bills of exchange and promissory notes, may all or any of them be included in the same action, at the option of the plaintiff.

Parties severally liable on same instrument may be sued together or separately.

SEC. 35. No action shall abate by the death or disability of a party, or by the transfer of any interest therein, if the cause of action survive or continue. In case of the death or disability of a party, the court may at any time within two years thereafter, on motion, allow the action to be continued by or against his personal representatives or successor in interest.

When action not to abate.

SEC. 36. An action for a wrong shall not abate by the death of any party after the verdict has been given therein, but the action shall proceed thereafter in the same manner as in cases where the cause of action survives.

When action for wrong not to abate.

SEC. 37. In any action for the recovery of specific personal property, if a third person demand of the defendant the same property, the court, in its discretion, on motion of the defendant, and notice to such person and the adverse party, may, before answer, make an order discharging the defendant from liability to either party, and substitute such person in his place as defendant. Such order shall not be made but on the condition that the defendant deliver the property or its value to such person as the court may direct, nor unless it appears from the

When third persons may be substituted as defendants.

affidavit of the defendant, filed with the clerk by the day he is otherwise required to answer, that such person makes such demand without collusion with the defendant. The affidavit of such third person as to whether he makes such demand of the defendant may be read on the hearing of the motion.

Who may be made parties to action.

SEC. 38. All persons having an interest in the subject of the action, and in obtaining the relief demanded, may be joined as plaintiffs, except as in this chapter otherwise provided. Any person may be made a defendant who has or claims an interest in the controversy, adverse to the plaintiff, or who is a necessary party to the complete determination or settlement of the question involved therein.

Who must be made parties to action.

SEC. 39. Of the parties to the action, those who are united in interest must be joined as plaintiffs or defendants; but if the consent of any one who should have been joined can not be obtained he may be made a defendant, the reason thereof being stated in the complaint; and when the question is one of a common or joint interest of many persons, or when the parties are numerous, and it may be impracticable to bring them all into court, one or more may sue or defend for the benefit of the whole.

When court to decide controversy or order other parties brought in.

SEC. 40. The court may determine any controversy between parties before it when it can be done without prejudice to the rights of others, or by saving their rights; but when a complete determination of the controversy can not be had without the presence of other parties, the court shall cause them to be brought in.

Whomay intervene.

SEC. 41. Any person may, before the trial, intervene in an action or proceeding, who has an interest in the matter of litigation, in the success of either of the parties, or an interest against both. An intervention takes place when a third person is permitted to become a party to an action or proceeding, either by joining the plaintiff in claiming what is sought by the complaint, or by uniting with the defendant in resisting the claims of the plaintiff, or by demanding anything adversely to both the plaintiff and the defendant, and is made by complaint setting forth the ground upon which the intervention rests, filed by leave of the court and served upon the parties to the action or proceeding who have not appeared, and upon the attorneys of the parties who have appeared, who may answer or demur to it as if it were an original complaint.

CHAPTER FOUR.

OF THE MANNER OF THEIR COMMENCEMENT.

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| Sec. | Sec. |
| 42. How actions commenced. | 49. When defendant may be allowed to defend after judgment. |
| 43. Requisites of summons. | 50. When the summons is returned not found, how plaintiff may proceed. |
| 44. Summons to contain notice of what plaintiff demands. | 51. When the summons not served on all the defendants. |
| 45. By whom served and when and where returned. | 52. Proof of service of summons. |
| 46. How served and upon whom. | 53. When court acquires jurisdiction. |
| 47. When order for publication may be made. | |
| 48. Publication, how made; personal service out of the district. | |

How actions commenced.

SEC. 42. Civil actions shall be commenced by filing a complaint with the clerk of the court, and the provisions of section fourteen shall only apply to this subject for the purpose of determining whether an action has been commenced within the time limited by this title. At any time after the action is commenced the plaintiff may cause a summons to be served on the defendant.

Requisites of summons.

SEC. 43. The summons shall contain the name of the court in which the complaint is filed, the names of the parties to the action, and the

title thereof. It shall be issued by the court or the clerk thereof and directed to the defendant, and shall require him to appear and answer the complaint as in this section provided, or judgment for want thereof will be taken against him. The defendant shall appear and answer the complaint within thirty days from the date of the service.

SEC. 44. There shall also be inserted in the summons a notice in substance as follows:

Summons to contain notice of what plaintiff demands.

First. In any action for the recovery of money or damages only that the plaintiff will take judgment for a sum specified therein if the defendant fail to answer the complaint;

Second. In other actions, that if the defendant fail to answer the complaint the plaintiff will apply to the court for the relief demanded therein.

SEC. 45. The summons shall be served by the marshal or any deputy, or by a person specially appointed by him or by the court or judge thereof. The summons shall be returned to the court or clerk thereof with whom the complaint is filed within forty days after its delivery to the officer or other person for service, with proof of such service or that the defendant can not be found. The marshal or other person to whom the summons is delivered shall indorse thereon the date of such delivery.

By whom served and where and when returned.

SEC. 46. The summons shall be served by delivering a copy thereof, together with a copy of the complaint prepared and certified by the plaintiff, his agent, or attorney, or by the clerk of the court as follows:

How served and upon whom.

First. If the action be against a private corporation, to the president or other head of the corporation, secretary, cashier, or managing agent, or, in case none of the officers of the corporation above named shall reside or have an office in the district, then to any clerk or agent of such corporation who may reside or be found in the district, or if no such officer be found, then by leaving a copy thereof at the residence or usual place of abode of such clerk or agent;

Second. If against any incorporated town, school district, or other public corporation in the district, to the clerk of such incorporated town, school district, or other public corporation;

Third. If against a minor under the age of fourteen years, to such minor personally, and also to his father, mother, or guardian, or if there be none within the district, then to any person having the care or control of such minor, or with whom he resides, or in whose service he is employed;

Fourth. If against a person judicially declared to be of unsound mind, or incapable of conducting his own affairs, and if a guardian has been appointed, to such guardian and to the defendant personally;

Fifth. In all cases, to the defendant personally, or if he be not found, to some person of the family above the age of fourteen years at the dwelling house or usual place of abode of the defendant.

SEC. 47. When service of the summons can not be made as prescribed in the last preceding section, and the defendant after due diligence can not be found within the district, and when that fact appears by affidavit to the satisfaction of the court or judge thereof, or justice of the peace in an action in a justice's court, and it also appears that a cause of action exists against the defendant, or that he is a proper party to an action relating to real or personal property in the district, the court or judge thereof, or a justice of the peace in an action in a justice's court, shall grant an order that the service be made by publication of the summons in either of the following cases:

When order for publication may be made.

First. When the defendant is a foreign corporation, and has property within the district, or the cause of action arose therein;

Second. When the defendant, being a resident of the district, has departed therefrom with intent to defraud his creditors or to avoid the service of the summons, or with like intent keeps himself concealed

therein, or has departed from the district and remained absent therefrom six consecutive weeks;

Third. When the defendant is not a resident of the district, but has property therein, and the court has jurisdiction of the subject of the action;

Fourth. When an action is to have a marriage declared void, or for a divorce in the cases prescribed by law;

Fifth. When the subject of the action is personal property in the district, and the defendant has a claim or lien, of interest, actual or contingent, therein, or the relief demanded consists wholly or partly in excluding the defendant from any interest or lien therein;

Sixth. When the action is to foreclose, satisfy, or redeem from a mortgage, or to enforce a lien of any kind on real estate in said district, or satisfy or redeem from the same. The summons, published shall contain the name of the court and the title of the cause, a succinct statement of the relief demanded, the date of the order for service by publication, and the time within which the defendant is required to answer the complaint.

Publication, how made; personal service out of the district.

SEC. 48. The order shall direct the publication to be made in a newspaper to be designated by the court or judge or clerk as the most likely to give notice to the person to be served, and for such length of time as may be deemed reasonable, not less than once a week for six weeks. In case of publication, the court or judge shall also direct a copy of the summons and complaint to be forthwith deposited in the post-office, directed to the defendant at his place of residence, unless it shall appear that such residence is neither known to the party making the application nor can with reasonable diligence be ascertained by him. When publication is ordered, personal service of a copy of the summons and complaint out of the district shall be equivalent to publication and deposit in the post-office. In either case, the defendant shall appear and answer within thirty days after the completion of such period of publication. In case of personal service out of the district, the summons shall specify the time prescribed in the order for publication.

When defendant may be allowed to defend after judgment.

SEC. 49. The defendant against whom publication is ordered, or his personal representatives, on application and sufficient cause shown, at any time before judgment shall be allowed to defend the action; and the defendant against whom publication is ordered, or his representatives, may in like manner, upon good cause shown, and upon such terms as may be proper, be allowed to defend after judgment and within one year after the entry of such judgment on such terms as may be just; and if the defense be successful, and the judgment or any part thereof have been collected or otherwise enforced, such restitution may thereupon be compelled as the court shall direct. But the title to property sold upon execution issued on such judgment to a purchaser in good faith shall not be thereby affected.

When the summons is returned not found, how plaintiff may proceed.

SEC. 50. Whenever it shall appear by the return of the marshal, his deputy, or the person appointed to serve a summons that the defendant is not found, the plaintiff may deliver another summons to be served, and so on, until service be had; or the plaintiff may proceed by publication, as in this chapter provided, at his election.

When summons not served on all the defendants.

SEC. 51. When the action is against two or more defendants, and the summons is served on one or more but not all of them, the plaintiff may proceed as follows:

First. If the action be against defendants jointly indebted upon a contract, he may proceed against the defendants served, unless the court otherwise direct; and if he recover judgment, it may be entered against all the defendants thus jointly indebted so far only as that it may be enforced against the joint property of all and the separate property of the defendant served, and if they are subject to arrest, against the persons of the defendants served; or,

Second. If the action be against the defendants severally liable, he may proceed against the defendants served in the same manner as if they were the only defendants; or,

Third. If all the defendants have been served, judgment may be taken against any or either of them severally, when the plaintiff would be entitled to judgment against such defendant or defendants, if the action had been against them, or any of them alone.

SEC. 52. Proof of the service of the summons, or of the deposit thereof in the post-office, shall be as follows: Proof of service of summons.

First. If the service or deposit in the post-office be by the marshal or his deputy, the certificate of such officer; or,

Second. If by any other person, his affidavit thereof; or,

Third. In case of publication, the affidavit of the printer or his foreman, or his principal clerk, showing the same; or,

Fourth. The written admission of the defendant in case of service otherwise than by publication; the certificate, affidavit, or admission must state the time and place of service; and in case of deposit in the post-office, the time and place thereof.

SEC. 53. From the time of the service of the summons or the allowance of a provisional remedy the court shall be deemed to have acquired jurisdiction and to have control of all the subsequent proceedings. A voluntary appearance of the defendant shall be equivalent to personal service of the summons upon him. When court acquires jurisdiction.

CHAPTER FIVE.

OF THE PLEADINGS.

Sec. 54. Forms of pleadings, how determined.	Sec. 55. Pleadings on the part of plaintiff and defendant.
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SEC. 54. All the forms of pleading heretofore existing in actions at law and suits in equity and in admiralty are abolished, and hereafter the forms of pleading in courts of record and the rules by which the sufficiency of the pleadings is to be determined shall be those prescribed by this code. Forms of pleadings, how determined.

SEC. 55. The only pleadings on the part of the plaintiff shall be— Pleadings on the part of plaintiff.

First. The complaint;

Second. The demurrer; or,

Third. The reply.

And on the part of the defendant— —defendant.

First. The demurrer; or,

Second. The answer.

CHAPTER SIX.

OF THE COMPLAINT.

Sec. 56. First pleading to be complaint.	Sec. 57. What complaint to contain.
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SEC. 56. The first pleading on the part of the plaintiff shall be the complaint. First pleading to be complaint.

SEC. 57. The complaint shall contain—

First. The title of the cause, specifying the name of the court and the names of the parties to the action, plaintiff and defendant.

Second. A plain and concise statement of the facts constituting the cause of action, without unnecessary repetition.

Third. A demand of the relief which the plaintiff claims. If the recovery of money or damages be demanded the amount thereof shall be stated. What complaint to contain.

CHAPTER SEVEN.

OF THE DEMURRER.

Sec.	Sec.
58. When the defendant may demur, and for what.	60. How to proceed if complaint be amended.
59. Demurrer must specify ground of objection.	61. Objection when taken by answer.
	62. Objection when deemed waived.

When defendant may demur, and for what.

SEC. 58. The defendant may demur to the complaint within the time required by law to appear and answer, when it appears upon the face thereof, either—

First. That the court has no jurisdiction of the person of the defendant or the subject of the action; or,

Second. That the plaintiff has no legal capacity to sue; or,

Third. That there is another action pending between the same parties for the same cause; or,

Fourth. That there is a defect of parties plaintiff or defendant; or,

Fifth. That several causes of action have been improperly united; or,

Sixth. That the complaint does not state facts sufficient to constitute a cause of action; or,

Seventh. That the action has not been commenced within the time limited by this code.

Demurrer must specify ground of objection.

SEC. 59. The demurrer shall distinctly specify the grounds of objection to the complaint; unless it does so it may be disregarded. It may be taken to the whole complaint or to any of the alleged causes of action stated therein.

How to proceed if complaint be amended.

SEC. 60. If the complaint be amended, a copy thereof shall be served on the defendant or his attorney, and the defendant shall answer the same within such time as may be prescribed by the court, and if he omit to do so the plaintiff may proceed to obtain judgment as in other cases of failure to answer.

Objection, when taken by answer.

SEC. 61. When any of the matters enumerated in section fifty-eight do not appear upon the face of the complaint the objection may be taken by answer.

Objection, when deemed waived.

SEC. 62. If no objection be taken, either by demurrer or answer, the defendant shall be deemed to have waived the same, excepting only the objection to the jurisdiction of the court and the objection that the complaint does not state facts sufficient to constitute a cause of action.

CHAPTER EIGHT.

OF THE ANSWER.

Sec.	Sec.
63. What the answer shall contain.	66. Sham and irrelevant answers stricken out on motion.
64. Nature of counterclaim, and how stated.	
65. Defendant may demur to one or more of several causes of action and answer the rest.	

What the answer shall contain.

SEC. 63. The answer of the defendant shall contain—

First. A general or specific denial of each material allegation of the complaint controverted by the defendant, or of any knowledge or information thereof sufficient to form a belief.

Second. A statement of any new matter constituting a defense or counterclaim in ordinary and concise language without repetition.

Nature of counterclaim, and how stated.

SEC. 64. The counterclaim mentioned in the last preceding section must be one existing in favor of the defendant and against a plaintiff, between whom a several judgment might be had in the action, and arising out of the following causes of action:

First. A cause of action arising out of the contract or transaction set forth in the complaint as the foundation of the plaintiff's claim.

Second. In an action arising on contract, any other cause of action arising also on contract, and existing at the commencement of the action.

The defendant may set forth by answer as many defenses and counterclaims as he may have. They shall each be separately stated and refer to the causes of action which they are intended to answer in such manner that they may be intelligibly distinguished.

SEC. 65. The defendant may demur to one or more of several causes of action stated in the complaint and answer the residue.

SEC. 66. Sham, frivolous, and irrelevant answers and defenses may be stricken out on motion, and upon such terms as the court may in its discretion impose.

The defendant may demur to one or more of several causes of action and answer the rest.

Sham and irrelevant answers stricken out on motion.

CHAPTER NINE.

OF THE REPLY.

Sec.

67. Reply, when made, and what to contain.

68. When plaintiff may demur to new matter in answer.

Sec.

69. When defendant may move for judgment on answer.

70. When defendant may demur to reply.

SEC. 67. When the answer contains new matter, constituting a defense or counterclaim, the plaintiff may reply to such new matter, denying generally or specifically each allegation controverted by him or any knowledge or information thereof sufficient to form a belief; and he may allege in ordinary and concise language, without repetition, any new matter not inconsistent with the complaint, constituting a defense to such new matter in the answer.

Reply, when made and what to contain.

SEC. 68. The plaintiff may demur to an answer containing new matter when it appears upon the face thereof that such new matter does not constitute a defense or counterclaim; or he may, for like cause, demur to one or more of such defenses or counterclaims and reply to the residue.

When plaintiff may demur to new matter in answer.

SEC. 69. If the answer contain a statement of new matter, constituting a defense or counterclaim, and the plaintiff fail to reply or demur thereto within the time prescribed by law or rule of the court, the defendant may move the court for such judgment as he is entitled to on the pleadings, and if the case require it he may have a jury called to assess the damages.

When defendant may move for judgment on answer.

SEC. 70. The defendant may demur to any new matter contained in the reply when it appears upon the face thereof that such matter is not a sufficient reply to the facts stated in the answer. Sham, frivolous, and irrelevant replies may be stricken out in like manner and on the same terms as like answers and defenses.

When defendant may demur to reply.

CHAPTER TEN.

OF THE GENERAL RULES OF PLEADING.

Sec.

71. Verification of pleadings.

72. When verification may be omitted.

73. When pleadings filed, motion to strike out.

74. Manner of pleading an account.

75. How pleadings construed.

76. Irrelevant and redundant matter may be stricken out.

77. Judgments, how pleaded.

78. Conditions precedent, how pleaded. Private statute, how pleaded.

Sec.

80. City ordinance, how pleaded.

81. Libel or slander, how pleaded.

82. What may be pleaded in answer in such cases.

83. Answer in action to recover the possession of property distrained.

84. What causes of action may be united in same complaint.

85. Material allegation not denied to be deemed true.

86. What is material allegation.

SEC. 71. Every pleading shall be subscribed by the party or his attorney, and, except a demurrer, shall also be verified by the party,

Verification of pleadings.

his agent or attorney, to the effect that he believes it to be true. The verification must be made by the affidavit of the party, or, if there be several parties united in interest and pleading together, by one, at least, of such parties, if such parties be within the district and capable of making the affidavit; otherwise the affidavit may be made by the agent or attorney of the party. The affidavit may also be made by the agent or attorney if the action or defense be founded on a written instrument for the payment of money only, and such instrument be in the possession of the agent or attorney, or if all the material allegations of the pleading be within the personal knowledge of the agent or attorney. When the affidavit is made by the agent or attorney, it must set forth the reason of his making it. When a corporation is a party, the verification may be made by any officer thereof upon whom service of a summons might be made, and when the United States, or any officer thereof in its behalf, is a party, the verification may be made by any person to whom all the material allegations of the pleading are known.

When verification may be omitted.

SEC. 72. When, in the judgment of the court, an answer to an allegation in any pleading might subject the party answering to a prosecution for felony, the verification of the answer to such allegation may be omitted.

When pleadings filed.

SEC. 73. The answer or demurrer to the complaint shall be filed with the clerk by the time required to answer, and the demurrer, or reply thereto, as the case may be, must in like manner be filed by the first day of the next term of the court, or within such time as the court may allow after the filing of the answer to the complaint, if the same be filed in term time. A demurrer to a reply must be filed in the manner and within the time required to file a demurrer to an answer. A motion

—motion to strike out.

to strike out a pleading for want of verification or subscription, or because several causes of action or defense therein are not pleaded separately, or for other cause, or a sham, frivolous, or irrelevant pleading or redundant matter therein, shall be made within the time for answering such pleading.

Manner of pleading an account.

SEC. 74. A party may set forth in a pleading the items of an account therein alleged, or file a copy thereof, with the pleading verified by his own oath, or that of his agent or attorney, if within the personal knowledge of such agent or attorney, to the effect that he believes it to be true. If he do neither, he shall deliver to the adverse party, within five days after a demand thereof in writing, a copy of the account, verified as in this section provided, or be precluded from giving evidence thereof. The court or judge thereof may order a further account when the one filed or delivered is defective.

How pleadings construed.

SEC. 75. In the construction of a pleading for the purpose of determining its effect, its allegation shall be liberally construed, with a view of substantial justice between the parties.

Irrelevant and redundant matter may be stricken out.

SEC. 76. If irrelevant or redundant matter be inserted in the pleading, it may be stricken out on motion of the adverse party; and when the allegations of a pleading are so indefinite or uncertain that the precise nature of the charge or defense is not apparent, the court may require the pleading to be made definite and certain by amendment.

Judgments, how pleaded.

SEC. 77. In pleading a judgment or other determination of a court or officer of special jurisdiction it shall not be necessary to state the facts conferring jurisdiction, but such judgment or determination may be stated to have been duly given or made. If such allegation be controverted, the party pleading shall be bound to establish on the trial the facts conferring jurisdiction.

Conditions precedent, how pleaded.

SEC. 78. In pleading the performance of a condition precedent in a contract it shall not be necessary to state the facts showing such performance, but it may be stated generally that the party duly performed all the conditions on his part; and if such allegation be controverted

the party pleading shall be bound to establish on the trial the facts showing such performance.

SEC. 79. In pleading a private statute, or a right derived therefrom, it shall be sufficient to refer to such statute by its title and the day of its passage, and the court shall thereupon take judicial notice thereof. Private statute, how pleaded.

SEC. 80. In pleading an ordinance or enactment of any incorporated city, town, or village, or a right derived therefrom, in any action, or proceeding, it shall be sufficient to refer to such ordinance or enactment by its title and the day of its approval, and the court shall thereupon take judicial notice thereof. City ordinance, how pleaded.

SEC. 81. In an action for libel or slander it shall not be necessary to state in the complaint any extrinsic facts for the purpose of showing the application to the plaintiff of the defamatory matter out of which the cause of action arose, but it shall be sufficient to state generally that the same was published or spoken concerning the plaintiff, and if such allegation be controverted the plaintiff shall be bound to establish on trial that it was so published or spoken. Libel or slander, how pleaded.

SEC. 82. In the actions mentioned in the last section the defendant may, in his answer, allege both the truth of the matter charged as defamatory and any mitigating circumstances to reduce the amount of damages; and whether he prove the justification or not he may give in evidence the mitigating circumstances. What may be pleaded in answer in such cases.

SEC. 83. In an action to recover the possession of property distrained doing damage, an answer that the defendant or person by whose command he acted was lawfully possessed of the real property upon which the distress was made, and that the property distrained was at the time doing damage thereon, shall be good without setting forth the title to such real property. Answer in action to recover the possession of property distrained.

SEC. 84. The plaintiff may unite several causes of action in the same complaint when they all arise out of— What causes of action may be united in same complaint.

First. Contract, express or implied; or

Second. Injuries, with or without force, to the person; or

Third. Injuries, with or without force, to property; or

Fourth. Injuries to character; or

Fifth. Claims to recover real property, with or without damages for the withholding thereof; or

Sixth. Claims to recover personal property, with or without damages for the withholding thereof; or

Seventh. Claims against a trustee by virtue of a contract or by operation of law.

But the causes of action so united must all belong to one only of these classes, and must affect all the parties to the action and not require different places of trial, and must be separately stated.

SEC. 85. Every material allegation of the complaint not controverted by the answer, and every material allegation of new matter in the answer not controverted by the reply, shall, for the purpose of the action, be taken as true; but the allegation of new matter in a reply is to be deemed controverted by the adverse party as upon a direct denial or the avoidance, as the case may require. Material allegation not denied to be deemed true.

SEC. 86. A material allegation in a pleading is one essential to the claim or defense, and which could not be stricken from the pleading without leaving it insufficient as to such claim or defense. What is material allegation.

CHAPTER ELEVEN.

OF MISTAKES IN PLEADINGS AND AMENDMENTS.

Sec.	Sec.
87. When variance deemed material.	94. When defendant may be sued by fictitious name.
88. When variance not material.	95. Amended pleadings before trial to be new pleadings.
89. What deemed a failure of proof.	96. Pleading not verified, or containing several causes of action or defense not separately stated, may be stricken out.
90. What pleading may be amended of course.	97. No error to be regarded unless it affect substantial rights.
91. Amendments and pleading over after demurrer.	98. Supplemental pleadings.
92. Amendments allowed by court before trial or submission.	
93. Court may enlarge time to plead, or relieve party from judgment.	

When variance deemed material.

SEC. 87. No variance between the allegation in a pleading and the proof shall be deemed material, unless it shall have actually misled the adverse party to his prejudice in maintaining his action or defense upon the merits. Whenever it shall be alleged that a party has been so misled, that fact shall be proved to the satisfaction of the court, and in what respect he has been misled; and thereupon the court may order the pleading to be amended upon such terms as shall be just.

When variance not material.

SEC. 88. When the variance is not material, as provided in the last section, the court may direct the fact to be found according to the evidence, or may order an immediate amendment, without costs.

What deemed a failure of proof.

SEC. 89. When, however, the allegation of the cause of action or defense to which the proof is directed is unproved, not in some particular or particulars only, but in its entire scope and meaning, it shall not be deemed a case of variance within the last two sections, but a failure of proof.

What pleading may be amended of course.

SEC. 90. Any pleading may be once amended by the party of course, without costs and without prejudice to the proceedings already had, at any time before the period for answering it shall expire; in such case a copy of the amended pleading shall be served on the adverse party before the expiration of said period.

Amendments and pleading over after demurrer.

SEC. 91. After the decision upon a demurrer, if it be overruled, and it appears that such demurrer was interposed in good faith, the court may, in its discretion, allow the party to plead over, upon such terms as may be proper. If the demurrer be sustained the court may, in its discretion, allow the party to amend the pleading demurred to, upon such terms as may be proper.

Amendments allowed by court before trial or submission.

SEC. 92. The court may, at any time before trial, in furtherance of justice, and upon such terms as may be proper, allow any pleading or proceeding to be amended by adding the name of a party, or other allegation material to the cause, and in like manner and for like reasons it may, at any time before the cause is submitted, allow such pleading or proceeding to be amended, by striking out the name of any party, or by correcting a mistake in the name of a party, or a mistake in any other respect, or when the amendment does not substantially change the cause of action or defense, by conforming the pleading or proceeding to the facts proved.

Court may enlarge time to plead, or relieve party from judgment.

SEC. 93. The court may likewise, in its discretion and upon such terms as may be just, allow an answer or reply to be made or other act to be done after the time limited by this code, or by an order enlarge such time; and may also, in its discretion, and upon such terms as may be just, at any time within one year after notice thereof, relieve a party from a judgment, order, or other proceeding taken against him through his mistake, inadvertence, surprise, or excusable neglect.

When plaintiff may be sued by fictitious name.

SEC. 94. When the plaintiff shall be ignorant of the name of a defendant, such defendant may be designated in any pleading or proceeding

by any name; and when his true name shall be discovered, the pleading or proceeding may be amended accordingly.

SEC. 95. When any pleading or proceeding is amended before trial, mere clerical errors excepted, it shall be done by filing a new pleading, to be called the amended complaint, or otherwise, as the case may be. Such amended pleading shall be complete in itself without reference to the original or any preceding amended one. Amended pleadings before trial to be new pleadings.

SEC. 96. Any pleading not duly verified and subscribed may, on motion of the adverse party, be stricken out of the case. When any pleading contains more than one cause of action or defense, if the same be not pleaded separately, such pleading may, on motion of the adverse party, be stricken out of the case. When a motion to strike out is allowed, the court may, upon such terms as may be proper, allow the party to file an amended pleading, or if the motion be disallowed, and it appear to have been made in good faith, the court may, upon like terms, allow the party to plead over. Pleading not verified, or containing several causes of action or defense not separately stated, may be stricken out.

SEC. 97. The court shall, in every stage of an action, disregard any error or defect in the pleadings or proceedings which shall not affect the substantial rights of the adverse party. No error to be regarded unless it affect substantial rights.

SEC. 98. The plaintiff and defendant, respectively, may be allowed on motion to make a supplemental complaint, answer, or reply, alleging facts material to the case occurring after the former complaint, answer, or reply. Copies of all pleadings subsequent to the complaint must be served upon the adverse party or his attorney. Supplemental pleadings.

CHAPTER TWELVE.

OF ARREST AND BAIL.

Sec.

- 99. When defendant may be arrested.
- 100. Proceeding to obtain an arrest.
- 101. Defendant may be discharged on bail or deposit.
- 102. Bail, how given.
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- 109. Qualification of bail.
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- 111. Allowance of bail.
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- 114. Bail may be given and deposit refunded.
- 115. Deposit, how applied or disposed of.
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- 117. Judgment against marshal as bail.
- 118. When bail liable to marshal.
- 119. Plaintiff liable in the first instance for the maintenance of defendant.
- 120. When marshal may discharge defendant for nonpayment of maintenance.
- 121. Motion to vacate writ of arrest.
- 122. Proceedings thereon.

SEC. 99. No person shall be arrested in any civil action at law except as provided in this section. The defendant may be arrested in the following cases: When defendant may be arrested.

First. In an action for the recovery of money or damages, when the defendant is about to remove from the district with intent to defraud his creditors, or when the action is for an injury to person, or for wilfully injuring or wrongfully taking, detaining, or converting property.

Second. In an action for a fine or penalty, or for money, or property embezzled or fraudulently misapplied or converted to his own use by a public officer, or by an attorney, or by an officer or agent of a corporation in the course of his employment as such, or by any factor, agent, broker, or other person in a fiduciary capacity, or for any misconduct or neglect in office or in a professional employment.

Third. In an action to recover the possession of personal property

unjustly detained, when the property or any part thereof has been concealed, removed, or disposed of, so that it can not be found or taken by the marshal, and with intent that it should not be so found or taken, or with the intent to deprive the plaintiff of the benefit thereof.

Fourth. When the defendant has been guilty of a fraud in contracting a debt, or incurring the obligation for which the action is brought, or in concealing or disposing of the property for the taking, detention, or conversion of which the action is brought.

Fifth. When the defendant has removed or disposed of his property, or is about to do so, with intent to defraud his creditors.

But no female shall be arrested in any action except for injury to person, character, or property.

Proceeding to obtain an arrest.

SEC. 100. The mode of proceeding to obtain the arrest of the defendant for any of the causes specified in the section last preceding shall be as provided in this section:

First. At any time after the commencement of an action at law, and before judgment, the plaintiff in such action shall, in the discretion of the court, or the judge thereof be entitled to a writ of arrest for such defendant whenever he shall make and file with the clerk of the court in which such action is commenced, or is at the time pending, an affidavit that the plaintiff has a sufficient cause of action therein, and that the case is one of those mentioned in the section last preceding; and shall also make and file with such clerk an undertaking, with sufficient sureties, in a sum not less than three hundred dollars, and equal to the amount for which the plaintiff prays judgment. Such undertaking shall be conditioned that the plaintiff will pay all costs that may be adjudged to the defendant and all damages which he may sustain by reason of the arrest if the same be wrongful or without sufficient cause, not exceeding the amount specified in the undertaking.

Second. The affidavit may be either positive or upon information and belief; but if the latter, it shall state the facts upon which the belief is founded. The plaintiff shall also file with his undertaking the affidavits of the sureties therein, from which it must appear that such sureties are residents of the district, and that they are, taken together, worth double the amount of the sum specified in the undertaking over all debts and liabilities and property exempt from execution. No person not qualified to become bail upon arrest is qualified to become surety in an undertaking for an arrest.

Third. The writ of arrest shall be issued by the court, judge, or commissioner in his or its discretion, and shall require the marshal forthwith to arrest the defendant and hold him to bail in the amount specified in the undertaking, and that in default thereof he keep him in custody until discharged by law, and to return the writ to the court from which it issued, with his doings indorsed thereon, when required by the plaintiff at any time before the defendant may be arrested, or afterwards whenever the defendant shall have been discharged from the arrest on bail or otherwise.

Fourth. The plaintiff shall deliver or cause to be delivered to the marshal with the writ a copy of the affidavit upon which the warrant was issued, subscribed by himself or attorney. The marshal, upon the delivery of the writ, shall indorse thereon the date of the receipt, and upon the arrest of the defendant shall deliver to him a copy of the writ and such copy of the affidavit. The marshal shall execute the writ by arresting the defendant and keeping him in custody until discharged by law.

Defendant may be discharged on bail or deposit.

SEC. 101. The defendant, at any time before execution, shall be discharged from the arrest, either upon giving bail or upon depositing the amount mentioned in the writ of arrest, as provided in this chapter.

SEC. 102. The defendant may give bail by causing a written undertaking to be executed in favor of the plaintiff by sufficient sureties, stating their places of residence, to the effect that the defendant shall at all times render himself amenable to the process of the court during the pendency of the action, and to such as may be issued to enforce the judgment therein, or if he be arrested for the cause mentioned in the third subdivision of section ninety-nine, an undertaking to the same effect as that provided by section one hundred and twenty-seven.

Bail, how given.

SEC. 103. At any time before failure to comply with the undertaking the bail may surrender the defendant in their exoneration, or he may surrender himself to the marshal in the following manner:

Surrender of defendant.

First. A certified copy of the undertaking of the bail shall be delivered to the marshal, who shall detain the defendant in his custody thereon as upon a writ of arrest, and shall, by a certificate in writing, acknowledge the surrender.

Second. Upon a production of a copy of the undertaking and marshal's certificate, the court may, upon a notice to the plaintiff of eight days, with a copy of the certificate, order that the bail be exonerated, and on filing the order and the papers used on the application with the clerk of the court where the action is pending they shall be exonerated accordingly. But this section shall not apply to an arrest for cause mentioned in the third subdivision of section ninety-nine so far as to discharge the bail from an undertaking given to the effect provided by section one hundred and twenty-eight.

SEC. 104. For the purpose of surrendering the defendant, the bail at any time and place, before they are finally charged, may themselves arrest him, or by a written authority, indorsed on a certified copy of the undertaking, may empower the marshal or any other person of suitable age and discretion to do so.

Same subject.

SEC. 105. In case of the failure to comply with the undertaking, the bail may be proceeded against by action only.

Bail, how proceeded against.

SEC. 106. The bail may be exonerated, either by the death of the defendant or his imprisonment in the penitentiary, or by his legal discharge from the obligation to render himself amenable to the process, or by his surrender to the marshal or any deputy in execution thereof, within twenty days after the commencement of the action against the bail or within such further time as may be granted by the court.

How exonerated.

SEC. 107. Within five days after the execution of the undertaking of the bail the marshal or deputy having the defendant in custody shall deliver to the plaintiff or his attorney, or such other person as the plaintiff may direct, a certified copy of the undertaking, with the data of the arrest indorsed thereon. In any other case the marshal may mail such copy within the same time to the plaintiff or his attorney, within the district, or to either of them, as the plaintiff may direct. The plaintiff, within ten days from the delivery of such copy, or fifteen days from the mailing of the same, if sent by mail, may serve upon the marshal or deputy for the defendant in custody a notice that he does not accept the bail, or he shall be deemed to have accepted it, and the marshal shall be exonerated from liability. If no notice be served within ten days, the original undertaking shall be filed with the court where the action is pending.

Delivery of copy of undertaking.

SEC. 108. On the receipt of such notice the marshal or defendant may, within ten days thereafter, give to the plaintiff or his attorney notice of the justification of the same or other bail, specifying the place of residence and occupation of the latter, before a judge of the district court or clerk of the court where the action is pending, or a commissioner, at a specified time and place, the time to be not less than five nor more than ten days thereafter. In case neither the plaintiff nor his attorney reside within one hundred miles from where

Notice of justification of bail.

the arrest is made, the notice may be served upon the person, and in the manner provided for serving the copy of the undertaking in the section last preceding. In case other bail be given there shall be a new undertaking, in the form and to the effect prescribed in section one hundred and two.

Qualifications of bail.

SEC. 109. The qualifications of bail shall be as follows:

First. Each of them shall be a resident within the district; but no counselor or attorney at law, marshal, deputy marshal, commissioner, clerk of any court, or other officer of any court shall be permitted to become bail in any action.

Second. Each of them shall be worth the amount specified in the writ of arrest, or the amount to which the same may be reduced as provided in this chapter, over and above all debts and liabilities, and exclusive of property exempt from execution; but the judge, clerk, or commissioner on justification may allow more than two sureties to justify severally in amounts less than that expressed in the writ, if the whole justification shall be equivalent to that of two sufficient bail.

Justification of bail.

SEC. 110. For the purpose of justification each of the bail shall attend before the judge, commissioner, or clerk at the time and place mentioned in the notice, and may be examined on oath, on the part of the plaintiff, touching his sufficiency, in such manner as the judge, commissioner, or clerk in his discretion may think proper. The examination shall be reduced to writing and subscribed by the bail, if required by the plaintiff.

Allowance of bail.

SEC. 111. If the judge, commissioner, or clerk shall find the bail sufficient, he shall annex the examination to the undertaking, indorse his allowance thereon, and cause them to be filed with the clerk of the court in which the action is pending; and the marshal shall thereupon be exonerated from liability.

Deposit of money in lieu of bail.

SEC. 112. The defendant may, at the time of his arrest, instead of giving bail, deposit with the marshal the amount mentioned in the writ. Thereupon the marshal shall give the defendant a certificate of the deposit made and the defendant shall be discharged out of custody.

Payment by marshal of deposit to clerk.

SEC. 113. The marshal shall, within ten days after the deposit, pay the same into the court, and take from the clerk receiving the same two certificates of such payment, the one of which he shall deliver to the plaintiff or his attorney and the other to the defendant. For any default in making such payment, the same proceedings may be had on the official bond of the marshal to collect the sum deposited as in other cases of delinquency.

Bail may be given and deposit refunded.

SEC. 114. If money be deposited, as provided in the last two sections, bail may be given and justified upon notice, as prescribed in section one hundred and two, at any time before judgment, and on the filing of the undertaking and justification with the clerk the money deposited shall be refunded by such clerk to the defendant.

Deposit, how applied or disposed of.

SEC. 115. When money shall have been so deposited, if it remain on deposit at the time of an order or judgment for the payment of money to the plaintiff, the clerk shall, under the direction of the court, apply the same in satisfaction thereof, and, after satisfying the judgment, shall refund the surplus, if any, to the defendant. If the judgment be in favor of the defendant, the clerk shall refund to him the whole sum deposited and remaining unapplied.

When marshal liable as bail and how discharged from such liability.

SEC. 116. If, after being arrested, the defendant escape or be rescued, or bail be not given or justified, or a deposit be not made instead thereof, the marshal himself shall be liable as bail; but he may discharge himself from such liability by the giving and justification of bail, as provided in sections one hundred and eight, one hundred and nine, one hundred and ten, and one hundred and eleven, at any time before process against the person of the defendant to enforce an order or judgment in the action.

SEC. 117. If a judgment be recovered against the marshal upon his liability as bail, and an execution thereon be returned unsatisfied, in whole or in part, the same proceedings may be had on his official bond for the recovery of the whole or any deficiency as in other cases of delinquency.

Judgment against marshal as bail.

SEC. 118. The bail taken upon arrest shall, unless they justify, or other bail be given or justified, be liable to the marshal by action for any damages which he may sustain by reason of such omission.

When bail liable to marshal.

SEC. 119. The fees which shall be allowed to the marshal for the food and maintenance of any defendant arrested under the provisions of this chapter shall be as provided by law, and the plaintiff shall be liable in the first instance for such fees, and if required by the marshal, shall pay the same weekly in advance; and such fees so paid shall be added to the disbursements taxed or accruing in the case, and be collected as other disbursements.

Plaintiff liable in the first instance for the maintenance of defendant.

SEC. 120. If the plaintiff shall neglect to pay such fees for three days after a demand of payment the marshal may discharge the defendant out of custody.

When marshal may discharge defendant for nonpayment of maintenance.

SEC. 121. A defendant arrested may, at any time before judgment, apply on motion to the court or judge thereof in which the action is pending, upon notice to the plaintiff, to vacate the writ of arrest.

Motion to vacate writ of arrest.

SEC. 122. If a motion be made upon affidavits or other proofs on the part of the defendant, but not otherwise, the plaintiff may oppose the same by affidavits or other proofs in addition to those upon which the writ was issued. If upon the hearing of such motion it shall satisfactorily appear that there was not sufficient cause to allow the writ, or that there is other good cause which would entitle him to be discharged on habeas corpus the same shall be vacated, or in case he has given bail the court may discharge the same or reduce the amount thereof on good cause shown.

Proceedings thereon.

CHAPTER THIRTEEN.

OF THE RECOVERY OF PERSONAL PROPERTY.

Sec.	Sec.
123. When delivery may be claimed in an action for the possession of personal property.	129. Justification of sureties on defendant's undertaking.
124. Affidavit therefor, what it must show.	130. Qualification and justification of sureties.
125. Indorsement thereon, requiring the marshal to take property.	131. Power of marshal when property concealed in building or inclosure.
126. Undertaking to marshal on the part of plaintiff.	132. Property, how kept and when delivered to plaintiff.
127. Exception to securities by defendant, proceedings thereon.	133. Proceedings when property claimed by third person.
128. How and when defendant entitled to redelivery.	134. Return of affidavit by marshal.

SEC. 123. In an action to recover possession of personal property the plaintiff, at any time after the action is commenced, and before judgment, may claim the immediate delivery of such property, as provided in this chapter.

When delivery may be claimed in an action for the possession of personal property.

SEC. 124. When a delivery is claimed an affidavit shall be made by the plaintiff, or by some one in his behalf, showing—

Affidavit therefor, what it must show.

First. That the plaintiff is the owner of the property claimed (particularly describing it), or is lawfully entitled to the possession thereof by virtue of a special property therein, the facts in respect to which shall be set forth;

Second. That the property is wrongfully detained by the defendant;

Third. The alleged cause of the detention thereof, according to his best knowledge, information, and belief;

Fourth. That the same has not been taken for a tax assessment or

fine, pursuant to a statute, or seized under an execution or attachment against the property of the plaintiff; or, if so seized, that it is by statute exempt from such seizure; and

Fifth. The actual value of the property.

Indorsement thereon, requiring the marshal to take property.

SEC. 125. The plaintiff may thereupon, by an indorsement in writing upon the affidavit, require the marshal to take the property from the defendant and deliver it to the plaintiff.

Undertaking to marshal on the part of plaintiff.

SEC. 126. Upon the receipt of the affidavit and indorsement thereon, with a written undertaking executed by two or more sufficient sureties approved by the marshal, to the effect that they are bound in double the value of the property as stated in the affidavit for the prosecution of the action for the return of the property to the defendant, if return thereof be adjudged, and for the payment to him of such sum as may for any cause be recovered against the plaintiff, the marshal shall forthwith take the property described in the affidavit, if it be in the possession of the defendant or his agent, and retain it in his custody. He shall also, without delay, serve on the defendant a copy of the affidavit, indorsement thereon, and undertaking, by delivering the same to him personally, if he can be found, or to his agent from whose possession the property is taken; or, if neither can be found, by leaving them at the usual place of abode of either with some person of suitable age and discretion; or, if neither have any known place of abode, by putting them in the post-office directed to the defendant at the post-office nearest to him.

Exception to sureties by defendant, proceedings thereon.

SEC. 127. The defendant may, within three days after the service of a copy of the affidavit and undertaking, give notice to the marshal that he excepts to the sufficiency of the sureties. If he fail to do so, he shall be deemed to have waived all objection to them. When the defendant excepts, the sureties shall justify on notice in like manner as upon bail on arrest. And the marshal shall be responsible for the sufficiency of the sureties until the objection to them is either waived, as above provided, or until they shall justify or new sureties shall be substituted and justified. If the defendant except to the sureties, he can not reclaim the property, as provided in the next section.

How and when defendant entitled to re-delivery.

SEC. 128. At any time before the delivery of the property to the plaintiff the defendant may, if he do not except to the sureties of the plaintiff, require the return thereof upon giving to the marshal a written undertaking, executed by two or more sufficient sureties, to be approved by the marshal, to the effect that they are bound in double the value of the property as stated in the affidavit of the plaintiff, for the delivery thereof to the plaintiff, if such delivery be adjudged, and for the payment to him of such sum as may, for any cause, be recovered against the defendant. If a return of the property be not so required within three days after the taking and service of a copy of the affidavit and undertaking of a defendant, it shall be delivered to the plaintiff, except as provided in section one hundred and thirty-two.

Justification of sureties on defendant's undertaking.

SEC. 129. The defendant's sureties, upon a notice to the plaintiff or his attorney of not less than two nor more than six days, shall justify before a judge of the district court or commissioner, or the clerk of the court in which the action is pending, in the same manner as upon bail on arrest. Upon such justification the marshal shall deliver the property to the defendant. The marshal shall be responsible for the defendant's sureties until they justify, or until justification is completed or expressly waived, and may retain the property until that time; but if they or others in their place fail to justify at the time and place appointed, he shall deliver the property to the plaintiff.

Qualification and justification of sureties.

SEC. 130. Qualification of sureties and their justification shall be as prescribed by sections one hundred and nine and one hundred and ten in respect to bail upon an order of arrest.

SEC. 131. If the property or any part thereof be concealed in a building or inclosure the marshal shall publicly demand its delivery. If it be not delivered he shall cause the building or inclosure to be broken open and take the property into his possession, and if necessary he may call to his aid the power of the district.

Power of marshal when property concealed in building or inclosure.

SEC. 132. When the marshal shall have taken the property as in this chapter provided, he shall keep it in a secure place and deliver it to the party entitled thereto upon receiving his lawful fees for taking and his necessary expenses for keeping the same.

Property, how kept and when delivered to plaintiff.

SEC. 133. If the property taken be claimed by any other person than the defendant or his agent, and such person make affidavit of his title thereto or his right to the possession thereof, stating the grounds of such title or right, and serve the same upon the marshal before the delivery of the property to the plaintiff, the marshal shall not be bound to keep the property or deliver it to the plaintiff unless the plaintiff, on demand of him or his agent, shall indemnify the marshal against such claim by an undertaking, executed by two sufficient sureties, accompanied by their affidavits that they are each worth double the value of the property as specified in the affidavit of the plaintiff, over and above their debts and liabilities, exclusive of property exempt from execution. And no claim to such property by any other person than the defendant or his agent shall be valid against the marshal unless made as aforesaid; and notwithstanding such claim when so made he may retain the property a reasonable time to demand such indemnity.

Proceedings when property claimed by third person.

SEC. 134. The marshal shall file the affidavit, with his proceedings thereon, including an inventory of the property taken, with the clerk of the court in which the action is pending within twenty days after taking the property mentioned therein, or he may mail or forward the same to the clerk within that time.

Return of affidavit by marshal.

CHAPTER FOURTEEN.

OF ATTACHMENT.

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| Sec. | Sec. |
| 135. When plaintiff may have property of defendant attached. | 149. How defendant may have an order for the return of the property. |
| 136. Writ of attachment, by whom issued, and for what causes. | 150. Undertaking of the defendant upon such order. |
| 137. Undertaking of plaintiff to be filed before writ issues. | 151. When the defendant may move to discharge the attachment. |
| 138. Writ, to whom directed, and what it shall require. | 152. When writ to be returned. |
| 139. What property may be attached. | 153. What order upon garnishee shall require. |
| 140. Writ, how executed. | 154. When plaintiff may serve interrogatories on garnishee. |
| 141. Effect of attachment as to third persons. | 155. Answer of the garnishee. |
| 142. When real property attached, certificate of marshal. | 156. Plaintiff may have judgment for want of answer, or garnishee may be compelled to answer. |
| 143. When third persons must furnish certificate to marshal. | 157. Exceptions to answer. |
| 144. Perishable property may be sold. | 158. Reply to answer, and trial of issue thereon. |
| 145. When marshal may deliver property to defendant. | 159. Judgment against the garnishee upon answer or trial. |
| 146. Defense to action upon such undertaking. | 160. Execution against garnishee, witnesses on trial. |
| 147. If judgment recovered by plaintiff, marshal to apply property upon execution, remainder to be delivered to defendant. | 161. When restraining order may be allowed against garnishee. |
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SEC. 135. The plaintiff, at the time of issuing the summons, or at any time afterwards, may have the property of the defendant attached as security for the satisfaction of any judgment that may be recovered,

When plaintiff may have property of defendant attached.

unless the defendant give security to pay such judgment, as in this chapter provided, in the following cases:

First. In an action upon a contract, express or implied, for the direct payment of money, and which is not secured by mortgage, lien, or pledge upon real or personal property, or, if so secured, when such security has been rendered nugatory by the act of the defendant.

Second. In an action upon a contract, express or implied, against a defendant not residing in the district.

Writ of attachment,
by whom issued, and
for what causes.

SEC. 136. A writ of attachment shall be issued by the clerk of the court in which the action is pending, whenever the plaintiff or anyone in his behalf shall make and file an affidavit showing—

First. That the defendant is indebted to the plaintiff (specifying the amount of such indebtedness over and above all legal set-offs or counter-claims) upon a contract, expressed or implied, for the direct payment of money, and that the payment of the same has not been secured by any mortgage, lien, or pledge upon real or personal property; and

Second. That the sum for which the attachment is asked is an actual, bona fide, existing debt, due and owing from the defendant to the plaintiff, and that the attachment is not sought nor the action prosecuted to hinder, delay, or defraud any creditor of the defendant.

Undertaking of
plaintiff to be filed
before writ issues.

SEC. 137. Upon filing the affidavit with the clerk, the plaintiff shall be entitled to have the writ issued as soon thereafter as he shall file with the clerk his undertaking, with one or more sureties, in a sum not less than one hundred dollars, and equal to the amount for which the plaintiff demands judgment, and to the effect that the plaintiff will pay all costs that may be adjudged to the defendant, and all damages that he may sustain by reason of the attachment if the same be wrongful or without sufficient cause, not exceeding the sum specified in the undertaking. With the undertaking the plaintiff shall also file the affidavits of the sureties, from which affidavits it must appear that such sureties are qualified, and that, taken together, they are worth double the amount of the sum specified in the undertaking, over all debts and liabilities and property exempt from execution. No person not qualified to become bail upon an arrest is qualified to become surety in an undertaking for an attachment.

Writ, to whom di-
rected, and what it
shall require.

SEC. 138. The writ shall be directed to the marshal, and shall require him to attach and safely keep all the property of such defendant not exempt from execution, or so much thereof as may be sufficient to satisfy the plaintiff's demand, the amount of which shall be stated in conformity with the complaint, together with costs and expenses. Several writs may be issued at the same time for delivery to different deputy marshals.

What property may
be attached.

SEC. 139. The rights or shares which such defendant may have in the stock of any association or corporation, together with the interest and profits thereon, and all other property in the district of such defendant not exempt from execution, shall be liable to be attached. The marshal shall note upon the writ the date of its delivery to him, and shall make a full inventory of the property attached, and return the same with the writ.

Writ, how executed.

SEC. 140. The marshal or deputy marshal to whom the writ is delivered shall execute the same without delay, as follows:

First. Real property shall be attached by leaving with the occupant thereof, or if there be no occupant, in a conspicuous place thereon, a copy of the writ certified by the marshal.

Second. Personal property capable of manual delivery to the marshal, and not in the possession of a third person, shall be attached by taking it into his custody.

Third. Other personal property shall be attached by leaving a certified copy of the writ, and a notice specifying the property attached, with the person having possession of the same, or if it be a debt, then with the debtor, or if it be rights or shares in the stock of an associa-

tion or corporation, or interest or profits thereof, then with such person or officer of such association or corporation as this code authorizes a summons to be served upon.

SEC. 141. From the date of the attachment until it be discharged or the writ executed, the plaintiff as against third persons shall be deemed a purchaser in good faith and for a valuable consideration of the property, real or personal, attached, subject to the conditions prescribed in the next section as to real property. Any person, association, or corporation mentioned in subdivision three of the section last preceding, from the service of a copy of the writ and notice as therein provided, shall, unless such property, stock, or debts be delivered, transferred, or paid to the marshal, be liable to the plaintiff for the amount thereof until the attachment be discharged or any judgment recovered by him be satisfied.

Effect of attachment as to third persons.

SEC. 142. If real property be attached, the marshal shall make a certificate containing the title of the cause, the names of the parties, a description of such real property, and a statement that the same has been attached at the action of the plaintiff, and the date thereof. Within ten days from the date of the attachment, the marshal shall deliver such certificate to the commissioner as ex officio recorder of the recording district in which such real property is situated, who shall file the same in his office and record it in a book to be kept for that purpose. When such certificate is so filed for record the lien in favor of the plaintiff shall attach to the real property described in the certificate from the date of the attachment, but if filed afterwards it shall only attach, as against third persons, from the date of such subsequent filing. Whenever such lien shall be discharged it shall be the duty of the commissioner as ex officio recorder, when requested, to record the transcript of any order, entry of satisfaction of judgment, or other proceeding of record whereby it appears that such lien has been discharged in the book mentioned in this section. The commissioner shall also enter on the margin of the page on which the certificate is recorded a minute of the discharge, and the page and book where recorded.

When real property attached, certificate of marshal.

SEC. 143. Whenever the marshal, with a writ of attachment against the defendant, shall apply to any person or officer mentioned in subdivision three of section one hundred and forty for the purpose of attaching any property mentioned therein, such person or officer shall furnish him with a certificate designating the amount and description of any property in his possession belonging to the defendant, or any debt owing to the defendant, or the number of rights or shares of the defendant in the stock of the association or corporation, with any interest or profits or encumbrance thereon. If such person or officer refuse to do so, or if the certificate when given be unsatisfactory to the plaintiff, he may be required by the court, or judge thereof, where the action is pending to appear before him and be examined on oath concerning the same, and disobedience to such order may be punished as contempt.

When third persons must furnish certificate to marshal.

SEC. 144. If any of the property attached be perishable, the marshal shall sell the same in the manner in which property is sold on execution. The proceeds thereof and other property attached shall be retained by him to answer any judgment that may be recovered in the action, unless sooner subjected to execution upon another judgment. Personal property mentioned in subdivision three of section one hundred and forty may be delivered, transferred, or paid to the marshal without an action, and his receipt therefor shall be a sufficient discharge accordingly.

Perishable property may be sold.

SEC. 145. The marshal may deliver any of the property attached to the defendant, or to any other person claiming it, upon his giving a written undertaking therefor, executed by two or more sufficient sureties, engaging to redeliver it or pay the value thereof to the marshal, to whom execution upon a judgment obtained by the plaintiff in that action may be issued.

When marshal may deliver property to defendant.

Defense to action upon such undertaking.

SEC. 146. If an action be brought upon such undertaking against the principal or his sureties, it shall be a defense that the property for which the undertaking was given did not, at the execution of the writ of attachment, belong to the defendant against whom it was issued.

If judgment recovered by plaintiff, marshal to apply property upon execution, remainder to be delivered to defendant.

SEC. 147. If judgment be recovered by the plaintiff, and it shall appear that the property has been attached in the action and has not been sold as perishable property or discharged from the attachment as provided by law, the court shall order and adjudge the property to be sold to satisfy the plaintiff's demands, and if execution issue thereon, the marshal shall apply the property attached by him, or the proceeds thereof, upon the execution, and if there be any such property or proceeds remaining after satisfying such execution, he shall, upon demand, deliver the same to the defendant.

If judgment not recovered by plaintiff, property to be returned to defendant.

SEC. 148. If judgment be not recovered by the plaintiff, all the property attached, or the proceeds thereof, or the undertaking therefor, shall be returned to the defendant upon his serving upon the marshal a certified copy of the order discharging the attachment.

How defendant may have an order for the return of the property.

SEC. 149. Whenever the defendant shall have appeared in the action he may apply upon notice to the plaintiff to the court or judge where the action is pending, or to the clerk of such court, for an order to discharge the attachment upon the execution of the undertaking mentioned in the next section; and if the application be allowed, all the proceeds of sales of property remaining in his hands shall be released from the attachment and delivered to the defendant upon his serving a certified copy of the order on the marshal.

Undertaking of the defendant upon such order.

SEC. 150. Upon such application the defendant shall deliver to the court or judge to whom the application is made an undertaking executed by one or more sureties, to the effect that the sureties will pay to the plaintiff the amount of the judgment that may be recovered against the defendant in the action. If the plaintiff demand it, the sureties shall be required to justify in the same manner as bail upon an arrest.

When the defendant may move to discharge the attachment.

SEC. 151. The defendant may, at any time before judgment, except where the cause of attachment and the cause of action are the same, apply to the court or judge thereof where the action is pending, to discharge the attachment, in the manner and with the effect as provided in sections one hundred and twenty-one and one hundred and twenty-two for the discharge of a defendant from arrest.

When writ to be returned.

SEC. 152. When the writ of attachment shall be fully executed or discharged, the marshal shall return the same, with his proceedings indorsed thereon, to the clerk of the court where the action was commenced.

What order upon garnishee shall require.

SEC. 153. The order provided for in section one hundred and forty-two shall require such person or officer to appear before such court or judge at a time and place therein stated. In the proceedings thereafter upon such order such person or association or corporation shall be known as the garnishee.

When plaintiff may serve interrogatories on garnishee.

SEC. 154. After the allowance of the order and before such garnishee or officer thereof shall be thereby required to appear, or within a time to be specified in the order, the plaintiff may serve upon such garnishee or officer thereof written allegations and interrogatories touching any of the property liable to attachment as the property of the defendant, as provided in subdivision three of section one hundred and forty, and to which such garnishee or officer thereof is required to give a certificate as provided in section one hundred and forty-three.

Answer of the garnishee.

SEC. 155. On the day when the garnishee or officer thereof shall be required to appear before the court or judge thereof, he shall return the allegations and interrogatories of the plaintiff to the court or judge, with his written answer thereto, unless for good cause shown a further time be allowed. Such answer shall be on oath, and shall contain a full and direct response to all the allegations and interrogatories.

SEC. 156. If the garnishee or officer thereof fail to answer, the court or judge thereof, on motion of the plaintiff, may compel him to do so, or the plaintiff may, at any time after the entry of judgment against the defendant in the action, have judgment against the garnishee for want of such answer. In no case shall judgment be given against the garnishee for a greater amount than the judgment against the defendant in the action.

Plaintiff may have judgment for want of answer, or garnishee may be compelled to answer

SEC. 157. The plaintiff may except to the answer of the garnishee or officer thereof for insufficiency, within such time as may be prescribed or allowed, and if the same be adjudged insufficient, such garnishee or officer may be allowed to amend his answer on such terms as may be proper; or judgment may be given for the plaintiff as for want of answer, or such garnishee or officer may be compelled to give a sufficient answer.

Exceptions to answer.

SEC. 158. The plaintiff may reply to the whole or part of the answer within such time as may be prescribed or allowed, and the issues arising thereon shall be tried as ordinary issues of fact between plaintiff and defendant. If the answer be not excepted or replied to within the time prescribed or allowed, it shall be taken to be true and sufficient.

Reply to answer, and trial of issue thereon.

SEC. 159. If by the answer it shall appear, or if upon trial it shall be found, that the garnishee, at the time of the service upon him or the officer thereof of the copy of the writ of attachment and notice, had any property of the defendant's liable to attachment as provided in subdivision three of section one hundred and forty and as to which such garnishee or officer thereof is required to give a certificate as provided in section one hundred and forty-three beyond the amount admitted in the certificate, or in any amount if the certificate was refused, judgment may be given against such garnishee for the value thereof in money. The garnishee may at any time before judgment discharge himself by delivering, paying, or transferring the property to the marshal.

Judgment against the garnishee upon answer or trial.

SEC. 160. Executions may issue upon judgments against a garnishee as upon ordinary judgments between plaintiff and defendant, and costs and disbursements shall be allowed and recovered in like manner. Witnesses, including the defendant and garnishee or officer thereof, may be required to appear and testify upon such proceeding against a garnishee, as upon the trial of an issue of fact.

Execution against garnishee; witnesses on trial.

SEC. 161. The court or judge thereof in its discretion may, at the time of the application of the plaintiff for the order provided for in section one hundred and forty-three and at any time thereafter before judgment against the garnishee, by order restrain the garnishee from paying, transferring, or in any manner disposing of or injuring any of the property of the defendant, alleged by the plaintiff to be in the garnishee's possession, control, or owing by him to the defendant, and disobedience to such order may be punished as a contempt.

When restraining order may be allowed against garnishee.

SEC. 162. The proceedings provided for in chapters twelve, thirteen, and fourteen of this title shall be known as provisional remedies.

What proceedings known as provisional remedies.

CHAPTER FIFTEEN.

OF ISSUES AND THE MODE OF TRIAL.

Sec.

163. The different kinds of issues.

164. Issue of law.

165. Issue of fact.

166. When both issue of law and fact arise, issue of law to be first tried.

Sec.

167. Trial defined.

168. Issues, how tried.

169. Motion to postpone trial on account of absent evidence.

SEC. 163. Issues arise upon the pleadings when a fact or conclusion of law is maintained by the one party and controverted by the other. They are of two kinds—

The different kinds of issues.

First. Of law; and,

Second. Of fact.

Issue of law.

SEC. 164. An issue of law arises upon a demurrer to the complaint, answer, or reply, or to some part thereof.

Issue of fact.

SEC. 165. An issue of fact arises—

First. Upon a material allegation in the complaint controverted by the answer; or,

Second. Upon new matter in the answer controverted by the reply; or,

Third. Upon new matter in the reply, except an issue of law is joined thereon.

When both issue of law and fact arise, issue of law to be first tried.

SEC. 166. Issues both of law and of fact may arise upon different parts of the pleadings in the same action. In such cases the issues of law shall be first tried, unless the court otherwise direct.

Trial defined.

SEC. 167. A trial is the judicial examination of the issues between the parties, whether they be issues of law or of fact.

Issues, how tried.

SEC. 168. An issue of law shall be tried by the court, unless referred as provided in chapter twenty. An issue of fact shall be tried by a jury, unless tried by the court or referred as provided in chapters nineteen and twenty.

Motion to postpone trial on account of absent evidence.

SEC. 169. A motion to postpone a trial on the ground of the absence of evidence shall only be made upon affidavit showing the materiality of the evidence expected to be obtained, and a statement of facts showing that due diligence has been used to procure it, and also the name and residence of the witness or witnesses. The court may also require the moving party to state upon affidavit the evidence which he expects to obtain, and if the adverse party thereupon admit that such evidence would be given, and that it be considered as actually given on the trial, or offered and overruled as improper, the trial shall not be postponed. The court, when it allows the motion, may impose such conditions or terms upon the moving party as may be just.

CHAPTER SIXTEEN.

OF THE FORMATION OF THE JURY.

Sec.

- 170. Trial jurors, how selected.
- 171. Formation of jury.
- 172. No challenge to panel.
- 173. Peremptory challenge defined.
- 174. Challenge for cause defined.
- 175. General causes of challenge.
- 176. Particular causes of challenge.
- 177. Challenge for implied bias.
- 178. Challenge for actual bias.
- 179. Exemption from service on jury.

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- 180. Number of challenges.
- 181. First challenge taken by defendant; when taken.
- 182. Order of taking challenges.
- 183. Trial of challenge.
- 184. Proceedings in evidence on trial of challenge.
- 185. Challenge may be oral.
- 186. Oath of jury.

Trial jurors, how selected.

SEC. 170. Jurors for the trial of issues of fact in the district of Alaska shall be selected and summoned in the manner prescribed by the laws of the United States with respect to jurors of the United States district and circuit courts, and shall have the same qualifications and be entitled to the same exemptions as are provided by law in the case of grand juries to serve in the district, it being the true intent and meaning of this section that but one jury shall be summoned for the trial of all actions, civil and criminal, triable by the district court of the district.

Formation of jury.

SEC. 171. Trial juries in civil actions shall be formed as follows: When the action is called for trial, the clerk shall draw from the trial jury box of the court, one by one, the ballots containing the names of the jurors until the jury is completed or the ballots are exhausted. If the ballots become exhausted before the jury is complete, the marshal, under the direction of the court, shall summon from the bystanders, or the body of the district, as the court may direct, so many qualified persons as may be necessary to complete the jury. Whenever, as in this section provided, the marshal shall summon more than one person

at a time from the bystanders or the body of the district, he shall return a list of the persons so summoned to the clerk. The clerk shall write the names of such persons upon separate ballots, and deposit the same in the trial jury box, and then draw such ballots therefrom, as in the case of the panel of trial jurors for the term. The jury shall consist of twelve persons, unless the parties consent to a less number. Such consent shall be entered in the journal: *Provided*, That hereafter in trials for misdemeanors six persons shall constitute a legal jury.

SEC. 172. No challenge shall be made or allowed to the panel. A No challenge to panel. challenge is an objection to a particular juror, and may be either—

First. Peremptory; or,

Second. For cause.

SEC. 173. A peremptory challenge is an objection to a juror for which no reason need be given, but upon which the court shall exclude him. Peremptory challenge defined.

SEC. 174. A challenge for cause is an objection to a juror, and may be either— Challenge for cause defined.

First. General—that the juror is disqualified from serving in any action; or,

Second. Particular—that he is disqualified from serving in the action on trial.

SEC. 175. General causes of challenge are— General causes of challenge.

First. A conviction for felony;

Second. A want of any of the qualifications prescribed by law for a juror;

Third. Unsoundness of mind, or such defect in the faculties of the mind or organs of the body as renders him incapable of performing the duties of a juror.

SEC. 176. Particular causes of challenge are of two kinds: Particular causes of challenge.

First. For such bias as, when the existence of the facts is ascertained, in judgment of law disqualifies the juror, and which is known in this title as implied bias;

Second. For the existence of a state of mind on the part of a juror in reference to the action, or to either party, which satisfies the trier, in the exercise of a sound discretion, that he can not try the issue impartially and without prejudice to the substantial rights of the party challenging, and which is known in this title as actual bias.

SEC. 177. A challenge for implied bias may be taken for any or all of the following causes, and no other: Challenge for implied bias.

First. Consanguinity or affinity within the fourth degree to either party;

Second. Standing in the relation of guardian and ward, attorney and client, master and servant, or landlord and tenant to the adverse party; or being a member of the family of, or a partner in business with, or in the employment for wages of the adverse party; or being surety or bail in the action called for trial, or otherwise, for the adverse party;

Third. Having served as a juror on a previous trial in the same action, or in another action between the same parties for the same cause of action, or in a criminal action against either party upon substantially the same facts or transaction;

Fourth. Interest on the part of the juror in the event of the action on the principal question involved therein.

SEC. 178. A challenge for actual bias may be taken for the cause mentioned in the second subdivision of section one hundred and seventy-six. But on the trial of such challenge, although it should appear that the juror challenged has formed or expressed an opinion upon the merits of the cause from what he may have heard or read, such opinion shall not of itself be sufficient to sustain the challenge, but the court must be satisfied from all the circumstances that the juror can not disregard such opinion and try the issue impartially. Challenge for actual bias.

Exemption from service of jury.

SEC. 179. An exemption from service on a jury shall not be cause of challenge, but the privilege of the person exempted.

Number of challenges.

SEC. 180. A peremptory challenge or a challenge for cause may be taken by either party. When there are two or more parties, plaintiffs or defendants, they must join in the challenge or it can not be taken. Either party shall be entitled to three peremptory challenges and no more.

First challenge taken by defendant; when taken.

SEC. 181. The defendant first and afterwards the plaintiff shall challenge for cause, and when a challenge has been sustained the vacancy shall be filled before further challenge is made, and any new juror may at any time be challenged for cause by either party to the action. When the panel is full, the defendant shall have one peremptory challenge, followed by one by the plaintiff, and so on alternately until each side has exhausted its right to such challenge.

Order of taking challenges.

SEC. 182. The challenges of either party shall be taken separately, in the following order, including in each challenge all the causes of challenge belonging to the same class:

First. For general disqualification;

Second. For implied bias;

Third. For actual bias;

Fourth. Peremptory; but either party may take peremptory challenge at any time before his right of challenge ceases.

Trial of challenge.

SEC. 183. The challenge may be excepted to by the adverse party for insufficiency; and if so, the court shall determine the sufficiency thereof, assuming the facts alleged therein to be true. The challenge may be denied by the adverse party; and if so, the court shall try the issue and determine the law and the fact.

Proceedings in evidence on trial of challenge.

SEC. 184. Upon the trial of a challenge the rules of evidence applicable to testimony offered upon the trial of an ordinary issue of fact shall govern. The juror challenged, or any other person otherwise competent, may be examined as a witness by either party. If a challenge be determined to be sufficient, or found to be true, as the case may be, it shall be allowed, and the juror to whom it was taken excluded; but if determined or found otherwise it shall be disallowed.

Challenge may be oral.

SEC. 185. The challenge, the exception, and the denial may be made orally. The judge of the court shall note the same upon his minutes, and the substance of the testimony on either side.

Oath of jury.

SEC. 186. As soon as the number of the jury has been completed an oath or affirmation shall be administered to the jurors in substance that they and each of them will well and truly try the matter in issue between the plaintiff and the defendant, and a true verdict give according to the law and evidence as given them on the trial.

CHAPTER SEVENTEEN.

CONDUCT OF THE TRIAL BY JURY.

Sec.

187. Order of proceedings on the trial.
188. When a view may be ordered.
189. Manner of keeping jury.
190. When juror taken sick, how to proceed.
191. The charge to the jury.
192. How jury kept while deliberating; officer to be sworn.
193. Food and lodging of jurors.
194. What papers jury may take.
195. When jury may return for information.
196. When jury may be discharged without giving verdict.

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197. When new trial may be had if jury discharged.
198. Court deemed open until jury gives verdict or is discharged.
199. If juror absent when jury return, jury to be discharged.
200. Manner of giving verdict.
201. Jury may be polled, or insufficient verdict corrected.
202. When verdict complete and jury discharged, verdict to be in writing and entered on the journal.

Order of proceedings on the trial.

SEC. 187. When the jury has been completed and sworn, the trial shall proceed in the order prescribed in this section, unless the court for special reasons otherwise direct.

First. The plaintiff shall state briefly his cause of action, and the issue to be tried; the defendant shall then in like manner state his defense or counterclaim.

Second. The plaintiff shall then introduce the evidence on his part, and when he has concluded the defendant shall do the same.

Third. The parties may then respectively introduce rebutting evidence only, unless the court, for good reason, and in furtherance of justice, permit them to introduce evidence upon the original cause of action, defense, or counterclaim.

Fourth. Not more than two counsel shall be allowed to address the jury on behalf of the plaintiff or defendant unless otherwise allowed by the court; and the court may limit the time to be consumed by counsel in arguing the cause to the jury.

Fifth. When the evidence is concluded, unless the case is submitted to the jury on both sides without argument, the plaintiff shall commence and conclude the argument to the jury. If the plaintiff waive the opening argument, and the defendant then argue the case to the jury, the plaintiff shall not be permitted to reply to the argument of the defendant.

Sixth. The court shall then charge the jury, and if either party require it, and shall at the commencement of the trial give notice of his intention so to do, the charge of the court, so far as it relates to the law and the facts of the case, shall be reduced to writing and given to the jury by the court as written, without any oral explanation. The charge, when reduced to writing, must be filed with the clerk.

SEC. 188. Whenever, in the opinion of the court, it is proper that the jury should have a view of real property which is the subject of the litigation, or of the place in which any material fact occurred, it may order the jury to be conducted in a body, in the custody of a proper officer, to the place, which shall be shown to them by the judge, or by a person appointed by the court for that purpose. While the jury are thus absent no person shall speak to them on any subject connected with the trial.

When a view may be ordered.

SEC. 189. The jurors may be kept together in charge of a proper officer, or may, in the discretion of the court, at any time before the submission of the cause to them, be permitted to separate; in either case they may be admonished by the court that it is their duty not to converse with any other person, or among themselves, on any subject connected with the trial, or to express any opinion thereon, until the case is finally submitted to them.

Manner of keeping jury.

SEC. 190. If, after the formation of the jury, and before verdict, a juror becomes sick, so as to be unable to perform his duty, the court may order him to be discharged. In that case, unless the parties agree to proceed with the other jurors, a new juror may be sworn, and the trial may begin anew; or the jury may be discharged, as the court shall direct, and a new jury then or afterwards formed.

When juror taken sick, how to proceed.

SEC. 191. In charging the jury the court shall state to them all matters of law which it thinks necessary for their information in giving their verdict, but it shall not present the facts of the case, but shall inform the jury that they are the exclusive judges of all questions of fact.

The charge to the jury.

SEC. 192. After hearing the charge the jury may either decide in the jury box or retire for deliberation. If they retire they must be kept together in a room provided for them, or some other convenient place, under the charge of one or more officers, until they agree upon their verdict or are discharged by the court. The officer shall, to the utmost of his ability, keep the jury thus together separate from other persons, without drink, except water, and without food, except ordered by the court. He must not suffer any communication to be made to them, nor make any himself unless by the order of the court, except to

How jury kept while deliberating; officer to be sworn.

ask them if they have agreed upon their verdict, and he shall not, before the verdict is rendered, communicate to any person the state of their deliberation or the verdict agreed on. Before any officer takes charge of a jury this section shall be read to him, and he shall be then sworn to conduct himself according to its provisions, to the utmost of his ability.

Food and lodging of jurors.

SEC. 193. If while the jury are kept together, either during the progress of the trial or after their retirement for deliberation, the court order them to be provided with suitable and sufficient food and lodging; they shall be so provided by the marshal, at the expense of the United States.

What papers jury may take.

SEC. 194. Upon retiring for deliberation the jury may take with them the pleadings in the cause, and all papers which have been received as evidence on the trial (except depositions, or copies of such parts of public records or private documents given in evidence as ought not, in the opinion of the court, to be taken from the person having them in possession). They may also take with them notes of the testimony or other proceedings on the trial taken by themselves, or any of them, out none taken by any other person.

When jury may return for information.

SEC. 195. After the jury have retired for deliberation, if they desire to be informed on any point of law arising in the case, they may require the officer having them in charge to conduct them into court. Upon their being brought into court the instruction required shall be given by the court in the presence of or after notice to the parties or their attorneys.

When jury may be discharged without giving verdict.

SEC. 196. Except as provided in sections one hundred and ninety and one hundred and ninety-nine of this title, or in case of some accident or calamity requiring their discharge, the jury shall not be discharged after the cause is submitted to them until they have agreed upon a verdict and given it in open court, unless by the consent of both parties entered in the journal, or unless at the expiration of such period as the court deem proper it satisfactorily appears that there is no probability of an agreement.

When new trial may be had if jury discharged.

SEC. 197. In all cases where a jury are discharged or prevented from giving a verdict by reason of accident or other cause during the progress of the trial, or after the cause is submitted to them, the action may be again tried immediately, or at a future time, as the court directs.

Court deemed open until jury gives verdict or is discharged.

SEC. 198. While the jury are absent the court may adjourn from time to time, in respect to other business, but it is nevertheless to be deemed open for every purpose connected with the cause submitted to the jury until a verdict is rendered or the jury discharged. A final adjournment of the court discharges the jury.

If juror absent when jury return, jury to be discharged.

SEC. 199. When the jury have agreed upon their verdict they shall be conducted into court by the officer having them in charge. Their names shall then be called, and if all do not appear the rest shall be discharged without giving a verdict.

Manner of giving verdict.

SEC. 200. If the jury appear, they shall be asked by the court or the clerk whether they have agreed upon their verdict; and if the foreman answer in the affirmative, he shall, on being required, declare the same.

Jury may be polled, or insufficient verdict corrected.

SEC. 201. When a verdict is given and before it is filed, the jury may be polled on the request of either party, for which purpose each shall be asked whether it be his verdict; if any juror answer in the negative, the jury shall be sent out for further deliberation. If the verdict be informal or insufficient, it may be corrected by the jury under the advice of the court, or the jury may again be sent out.

When verdict complete and jury discharged, verdict to be in writing and entered on the journal.

SEC. 202. When the verdict is given, and is such as the court may receive, and if no juror disagree or the jury be not again sent out, the clerk shall file the verdict. The verdict is then complete, and the jury

shall be discharged from the case. The verdict shall be in writing, and under the direction of the court shall be substantially entered in the journal as of the day's proceedings on which it was given.

CHAPTER EIGHTEEN.

OF THE VERDICT.

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| <p>Sec.
203. Definition of verdict general or special.
204. In actions for the recovery of specific personal property.
205. When jury may give general or special verdict.</p> | <p>Sec.
206. Special verdict to control general.
207. When counterclaim pleaded in the answer.</p> |
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SEC. 203. The verdict of a jury is either general or special. A general verdict is that by which the jury pronounce generally upon all or any of the issues, either in favor of the plaintiff or defendant. A special verdict is that by which the jury find the facts only, leaving the judgment to the court. Definition of verdict general or special.

SEC. 204. In an action for the recovery of specific personal property, if the property have not been delivered to the plaintiff, or the defendant by his answer claim a return thereof, the jury shall assess the value of the property, if their verdict be in favor of the plaintiff, or if they find in favor of the defendant, and that he is entitled to a return thereof, and may at the same time assess the damages, if any are claimed in the complaint or answer, which the prevailing party has sustained by reason of the detention or taking and withholding such property. In actions for the recovery of specific personal property.

SEC. 205. In every action for the recovery of money only or specific real property, the jury, in their discretion, may render a general or special verdict. In all other cases the court may direct the jury to find a special verdict upon all or any of the issues; and in all cases may instruct them, if they render a general verdict, to find upon particular questions of fact, to be stated in writing. The special verdict or finding shall be filed with the clerk and entered in the journal, as provided in chapter seventeen. When jury may give general or special verdict.

SEC. 206. When a special finding of facts shall be inconsistent with the general verdict, the former shall control the latter, and the court shall give judgment accordingly. Special verdict to control general.

SEC. 207. When a verdict is found for the plaintiff in an action for the recovery of money, or for the defendant when a counterclaim for the recovery of money is established beyond the amount of the plaintiff's claim as established, the jury shall also assess the amount of recovery; they may also, under the direction of the court, assess the amount of the recovery when the court gives judgment for the plaintiff on the answer. When counterclaim pleaded in the answer.

CHAPTER NINETEEN.

TRIAL BY THE COURT.

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| <p>Sec.
208. Trial by jury, how waived.
209. Decisions of the court, how made and when filed.</p> | <p>Sec.
210. Order of proceedings, and effect of finding.</p> |
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SEC. 208. Trial by jury may be waived by the several parties to an issue of fact, in actions on contract, and with the assent of the court in other actions, in the manner following: Trial by jury, how waived.

First. By failing to appear at the trial;

Second. By written consent, in person or by attorney, filed with the clerk;

Decisions of the court, how made and when filed.

Third. By oral consent in open court, entered in the minutes.

SEC. 209. Upon the trial of an issue of fact by the court, its decision shall be given in writing and filed with the clerk during the term or within twenty days thereafter. The decision shall state the facts found and the conclusion of law separately, without argument or reason therefor. Such decision shall be entered in the journal and judgment entered thereon accordingly. The court may deliver any argument or reason in support of such decision, either orally or in writing, separate from the decision, and file the same with the clerk.

Order of proceedings, and effect of findings.

SEC. 210. The order of proceedings on a trial by the court shall be the same as provided in trials by jury. The finding of the court upon the fact shall be deemed a verdict, and may be set aside in the same manner and for the same reasons, as far as applicable, and a new trial granted.

CHAPTER TWENTY.

TRIAL BY REFEREES.

Sec.

- 211. The trial of any issue may be referred by consent.
- 212. When reference may be ordered by the court.
- 213. Number of referees, and how chosen.
- 214. When chosen by the court, qualifications of.
- 215. Right and mode of challenge to referees when chosen by the court.

Sec.

- 216. Proceedings same as in trial by court.
- 217. What report to contain; evidence to accompany it.
- 218. Motion to set aside report or for judgment thereon.
- 219. Proceedings thereon.

The trial of any issue may be referred by consent.

SEC. 211. All or any of the issues in the action, whether of fact or law, or both, may be referred to a referee or referees upon the written consent of the parties.

When reference may be ordered by the court.

SEC. 212. When the parties do not consent in an action at issue and to be tried by the court without a jury, the court may, upon the application of either, or of its own motion, direct a reference in the following cases:

First. When the trial of an issue of fact shall require the examination of a long account on either side, in which case the referees may be directed to hear and decide the whole issue or to report upon any specific question of fact involved therein; or,

Second. When the taking of an account shall be necessary for the information of the court, before judgment upon an issue of law, or for carrying a judgment or order into effect; or,

Third. When a question of fact other than upon the pleadings shall arise, upon motion or otherwise, in any stage of the action; or,

Fourth. When it is necessary for the information of the court in a special proceeding.

Number of referees, and how chosen.

SEC. 213. A reference may be ordered to any person or persons, not exceeding three, agreed upon by the parties. If the parties do not agree, the court or judge may appoint one or more, not exceeding three.

When chosen by the court, qualifications of.

SEC. 214. When the appointment of referees is made by the court or judge, each referee shall be—

First. Qualified as a juror as provided by statute;

Second. Competent as a juror between the parties: *Provided*, That in a reference to take and report testimony only, the same may be made to any competent disinterested person, regardless of the foregoing qualifications.

Right and mode of challenge to referees when chosen by the court.

SEC. 215. When the referees are chosen by the court each party shall have the same right of challenge as to such referees, to be made and determined in the same manner and with like effect as in the formation

of juries, except that neither party shall be entitled to a peremptory challenge.

SEC. 216. Subject to the limitations and directions prescribed in the order of reference, the trial by referee shall be conducted in the same manner as a trial by the court. They shall have the same power to grant adjournments, administer oaths, to preserve order, and to punish all violations thereof upon such trial, and to compel the attendance of witnesses and to punish them for nonattendance or refusal to be sworn or testify, as is possessed by the court.

Proceedings same as in trial by court.

SEC. 217. The report of the referee shall state the facts found, and when the order of reference includes an issue of law it shall state the conclusions of law separately from the facts. The referees shall file with their report the evidence received upon the trial. If evidence offered by either party shall not be admitted on the trial, and the party offering the same except to the decision rejecting such evidence at the time, the exception shall be noted by the referees, and they shall take and receive such testimony and file it with the report. Whatever judgment the court may give upon the report, it shall, when it appears that such evidence was frivolous or inadmissible, require the party at whose instance it was taken and reported to pay all costs and disbursements thereby incurred.

What report to contain; evidence to accompany it.

SEC. 218. The report shall be filed with the clerk. If it be filed in term time, either party may, within such time as may be prescribed by the rules of the court, or by special order, move to set the same aside or for judgment thereon, or such order or proceedings as the nature of the case may require. If the report be filed in vacation, the like proceedings may be had at the next term following.

Motion to set aside report or for judgment thereon.

SEC. 219. The court may affirm or set aside the report either in whole or in part. If it affirm the report, it shall give judgment accordingly. If the report be set aside either in whole or in part, the court may make another order of reference as to all or so much of the report as is set aside to the original referees or others, or it may find the facts and determine the law itself and give judgment accordingly. Upon a motion to set aside a report, the conclusions thereof shall be deemed and considered as the verdict of a jury.

Proceedings thereon.

CHAPTER TWENTY-ONE.

OF EXCEPTIONS.

Sec.

220. Definition of exception; must be material.

221. Exceptions, how stated and settled.

222. No particular form required.

Sec.

223. To be signed by the judge and filed.

When exceptions need not be taken or allowed.

224. What deemed excepted to.

SEC. 220. An exception is an objection taken at the trial to a decision upon a matter of law, whether such trial be by jury or court, and whether the decision be made during the formation of a jury, or in the admission of evidence, or in the charge to the jury, or at any other time from the calling of the action for trial to the rendering of the verdict or decision. But no exception shall be regarded on a motion for a new trial, or on an appeal, unless the exception be material and affect the substantial rights of the parties.

Definition of exception; must be material.

SEC. 221. The point of the exception shall be particularly stated, and may be delivered, in writing, to the judge or entered in his minutes, and at the time or afterwards be corrected until made conformable to the truth.

Exceptions, how stated and settled.

SEC. 222. No particular form of exception shall be required. The objection shall be stated with so much of the evidence or other matter as is necessary to explain it, but no more.

No particular form required.

To be signed by the judge and filed. When exceptions need not be taken or allowed.

SEC. 223. The statement of the exception, when settled and allowed, shall be signed by the judge and filed with the clerk, and thereafter it shall be deemed and taken to be a part of the record of the cause. No exception need be taken or allowed to any decision upon a matter of law when the same is entered in the journal or made wholly upon matters in writing and on file in the court.

What deemed excepted to.

SEC. 224. The verdict of the jury, any order or decision, partially or finally determining the rights of the parties, or any of them, or affecting the pleadings, or granting or refusing a continuance, or granting or refusing a new trial, or admitting or rejecting the evidence, provided objection be made to its admission or rejection at the time of its offer, or made upon ex parte application or in the absence of a party, are deemed excepted to without the exception being taken or stated, or entered in the journal.

CHAPTER TWENTY-TWO.

OF NEW TRIAL.

Sec.

225. Definition of new trial.

226. New trial, for what causes granted.

227. Motion for, when filed and determined.

228. Upon trial by the court and decision in vacation.

Sec.

229. Motion must state grounds thereof; when supported by affidavit.

230. When counter affidavits allowed.

Definition of new trial.

SEC. 225. A new trial is a reexamination of an issue of fact in the same court after a trial and decision or verdict by a court or jury.

New trial, for what causes granted.

SEC. 226. The former verdict or other decision may be set aside and a new trial granted, on the motion of the party aggrieved, for any of the following causes materially affecting the substantial rights of such party:

First. Irregularity in the proceedings of the court, jury, or adverse party, or any order of the court, or abuse of discretion by which such party was prevented from having a fair trial;

Second. Misconduct of the jury or prevailing party;

Third. Accident or surprise which ordinary prudence could not have guarded against;

Fourth. Newly discovered evidence, material for the party making the application, which he could not with reasonable diligence have discovered and produced at the trial;

Fifth. Excessive damages, appearing to have been given under the influence of passion or prejudice;

Sixth. Insufficiency of the evidence to justify the verdict or other decision, or that it is against law;

Seventh. Error in law occurring at the trial and excepted to by the party making the application.

Motion for, when filed and determined.

SEC. 227. A motion for a new trial, with the affidavits, if any, in support thereof, shall, except as hereinafter provided, be filed within three days after giving the verdict or other decision sought to be set aside; but the court may, upon satisfactory showing, extend the time for filing such affidavits. When the adverse party is entitled to oppose the motion by counter affidavits, he shall file the same within three days after the filing of the motion. A motion shall be heard and determined during the term unless the court continue the same for advisement or want of time to hear it.

Upon trial by the court and decision in vacation.

SEC. 228. Upon a trial by the court, when the decision is given in vacation, a motion for a new trial shall be filed within twenty days from the time of filing such decision, except as hereinbefore provided.

Motion must state grounds thereof, when supported by affidavit.

SEC. 229. In all cases of motion for a new trial the grounds thereof shall be plainly specified, and no cause of new trial not so stated shall

be considered or regarded by the court. When the motion is made for a cause mentioned in subdivisions one, two, three, or four of section two hundred and twenty-six, it shall be upon affidavits setting forth the facts upon which such motion is based, unless they appear of record in the cause.

SEC. 230. If the motion be supported by affidavits, counter affidavits may be offered by the adverse party; and if the cause be newly discovered evidence, the affidavits of any witness or witnesses showing what their testimony will be shall be produced or good reason shown for their nonproduction; and in the consideration of any motion for a new trial reference may be had to any proceedings in the case prior to the verdict or other decision sought to be set aside.

When counter affidavits allowed.

CHAPTER TWENTY-THREE.

OF GENERAL PROVISIONS.

Sec.

231. Questions of law and fact, how submitted and when.

232. Questions of fact to be decided by the jury.

Sec.

233. Questions of law and what of fact to be decided by the court.

SEC. 231. Any party may, when the evidence is closed, submit in distinct and concise propositions the conclusions of fact which he claims to be established or the conclusions of law which he desires to be adjudged, or both. They may be written and handed to the court, or, at the option of the court, oral, and entered in the judge's minutes.

Questions of law and fact, how submitted and when.

SEC. 232. All questions of fact other than those mentioned in section two hundred and thirty-three shall be decided by the jury, and all evidence thereon addressed to them.

Questions of fact to be decided by the jury.

SEC. 233. All questions of law, including the admissibility of testimony, the facts preliminary to such admission, and the construction of statutes and other writings and other rules of evidence, are to be decided by the court, and all discussions of law addressed to it; and whenever the knowledge of the court is by this code made evidence of a fact, the court is to declare such knowledge to the jury, who are bound to accept it as conclusive.

Questions of law and what of fact to be decided by the court.

CHAPTER TWENTY-FOUR.

OF JUDGMENT IN GENERAL.

Sec.

234. Definition of judgment.

235. Judgment may be given for or against any of the parties.

Sec.

236. When judgment may be given against one or more defendants and action remain pending as to others.

SEC. 234. A judgment is the final determination of the rights of the parties in the action.

Definition of judgment.

SEC. 235. Judgment may be given for or against one or more of several plaintiffs, and for or against one or more of several defendants; and it may, when the justice of the case requires it, determine the ultimate rights of the parties on each side as between themselves.

Judgment may be given for or against any of the parties.

SEC. 236. In an action against several defendants, the court may, in its discretion, render judgment against one or more of them, whenever a several judgment is proper, leaving the action to proceed against the others.

When judgment may be given against one or more defendants and action remain pending as to others.

CHAPTER TWENTY-FIVE.

OF JUDGMENT OF NONSUIT.

Sec.

237. When judgment of nonsuit may be given.

238. What is a cause not sufficient to be submitted to the jury.

Sec.

239. Effect of judgment of nonsuit.

When judgment of nonsuit may be given.

SEC. 237. A judgment of nonsuit may be given against the plaintiff as provided in this chapter—

First. On motion of the plaintiff, at any time before trial, unless a counterclaim has been pleaded as a defense;

Second. On motion of either party, upon the written consent of the other filed with the clerk;

Third. On motion of the defendant, when the action is called for trial and the plaintiff fails to appear, or when, after the trial has begun and before the final submission of the cause, the plaintiff abandons it, or when, upon the trial, the plaintiff fails to prove a cause sufficient to be submitted to the jury.

What is a cause not sufficient to be submitted to the jury.

SEC. 238. A cause not sufficient to be submitted to the jury is one where it appears that if the jury were to find a verdict for the plaintiff upon any or all of the issues to be tried the court ought, if required, to set it aside for want of evidence to support it.

Effect of judgment of nonsuit.

SEC. 239. When a judgment of nonsuit is given, the action is dismissed; but such judgment shall not have the effect to bar another action for the same cause.

CHAPTER TWENTY-SIX.

OF JUDGMENT ON FAILURE TO ANSWER.

Sec.

240. When judgment may be given for want of answer.

When judgment may be given for want of answer.

SEC. 240. Judgment may be had upon failure to answer, as follows:

When the time for answering the complaint has expired and it appears that the defendant, or one or more of several defendants, in the cases mentioned in section fifty-one, has been duly served with the summons and has failed to answer the complaint, the plaintiff shall be entitled to have judgment against such defendant or defendants—

First. In an action arising upon contract for the recovery of money or damages only; if no answer has been filed with the clerk of the court within the time specified in the summons, or such further time as may have been granted by the court or judge thereof, the clerk, upon the application of the plaintiff made in writing and filed with the clerk, shall enter the default of the defendant, and immediately thereafter enter judgment for the amount specified in the summons, including the costs of the defendant, or against one or more of several defendants, in cases provided for in section fifty-one;

Second. In other actions, if no answer has been filed with the clerk of the court within the time specified in the summons or such further time as may have been granted by the court or judge thereof, the clerk shall, upon the written motion of the plaintiff being filed, enter the default of the defendant, and thereafter the plaintiff may apply at the first or any subsequent term of the court for the relief demanded in the complaint; and the court shall, upon such demand, give judgment for the amount claimed in the summons, or the relief demanded in the complaint, unless it be necessary, to enable the court to give judgment or carry the same into effect, to take proof of any matter of

UNITED STATES OF AMERICA, }
 District of Alaska. }
 Precinct ———. }

District court for the district of Alaska. In vacation, after the
 ——— term, A. D. 19——.

——— the ———, A. D. 19——,
 as the fact may be, and such entry shall have the same effect as if
 entered in term time. In the entry of all judgments, except judg-
 ments by default for want of an answer, the clerk shall be subject to
 the direction of the court.

SEC. 252. If a counterclaim established at the trial exceed the plain-
 tiff's demand so established judgment for the defendant shall be given
 for the excess; or if it appear that the defendant is entitled to any
 other affirmative relief judgment shall be given accordingly.

If counterclaim ex-
 ceeds plaintiff's de-
 mand, judgment for
 defendant.

SEC. 253. In an action to recover the possession of personal property
 judgment for the plaintiff may be for the possession, or the value
 thereof in case a delivery can not be had, and damages for the deten-
 tion thereof. If the property have been delivered to the plaintiff and
 the defendant claim a return thereof, judgment for the defendant
 may be for a return of the property, or the value thereof in case a
 return can not be had, and damages for taking and withholding the
 same.

Judgment in actions
 for the recovery of
 personal property.

SEC. 254. When judgment is given for want of answer, the entry
 shall state substantially that the defendant has been duly served with
 the summons and has failed to answer the complaint. When judgment
 is given on confession, with or without action, on the report of referees
 or on a controversy submitted without action, the entry shall state
 in like manner the confession and assent thereto, the report of the
 referees, or agreed case, as the case may be.

What entry to state
 in judgment for want
 of answer.

SEC. 255. When a decision has been made sustaining or overruling
 a demurrer, unless the party against whom the decision is made be
 allowed to amend or plead over, judgment shall be given for the plain-
 tiff or defendant, as the case may be, for such amount or relief, or to
 such effect, as it appears from the pleadings he is entitled to; but if
 the case is otherwise at issue upon a question of fact, the court may
 order the entry of judgment to be delayed until such issue be tried
 or otherwise disposed of.

Judgment on de-
 murrer.

SEC. 256. When judgment is given in any of the cases mentioned
 in the two sections last preceding, unless otherwise ordered by the
 court, it shall be entered by the clerk within the day it is given.
 Except as in this section hereinafter provided, when a trial by the
 court has been had judgment shall be entered by the clerk in conform-
 ity with the decision within two days from the time the same is filed;
 or if the trial be by jury, judgment shall be given by the court in
 conformity therewith, and entered by the clerk within two days from
 the time the verdict has been received; and in either case within the
 term at which such judgment is given.

When entry of judg-
 ment made.

First. When the court is in doubt what judgment ought to be given,
 it may order the question to be reserved for argument or further con-
 sideration, and thereupon the entry of judgment shall be delayed until
 judgment be given;

Second. When, within the time allowed to file a motion for new
 trial, either party shall file a motion for a particular judgment, or for
 judgment notwithstanding the verdict or decision; or,

Third. When a motion for new trial is filed within the time pre-
 scribed, the entry of judgment shall be thereby delayed until the motion
 is disposed of;

Fourth. When, upon a trial by the court, its decision is filed in vaca-
 tion, the entry of judgment shall be delayed until the expiration of the
 time prescribed to file a motion for a new trial.

Judgment, notwithstanding the verdict.

SEC. 257. When it appears from the pleadings that the court has not jurisdiction of the subject of the action or the person of the defendant, or that the facts stated in the pleadings of the plaintiff or defendant, as the case may be, do not constitute a cause of action or defense thereto, on motion judgment shall be given for the plaintiff or defendant, as the case may be, notwithstanding the verdict or decision.

When entry of judgment made after motion for new trial decided in vacation.

SEC. 258. When a motion for new trial, for a particular judgment, or for a judgment notwithstanding the verdict, is decided in vacation, the decision shall be in writing and filed with the clerk. Within the day of such filing judgment shall be entered by the clerk in conformity with the decision.

Entry of judgment after the time prescribed.

SEC. 259. When the clerk is unable or omits to enter judgment within the time prescribed in this chapter, if the judgment has been given in vacation, it may be entered at any time thereafter, of the date which it is actually entered; if it has been given in term time, it may be entered at any time during the term, of the day's proceedings on which it should have been entered, or, on motion of the party entitled, at any subsequent term, of the day on which it is actually entered.

CHAPTER THIRTY.

OF LIEN JUDGMENT AND FINAL RECORD.

Sec.

260. Judgment to be lien from time of the docketing.

261. Expiration of lien; when revived.

Sec.

262. Conveyance; when void as against lien.

263. Clerk must make judgment roll.

264. Final record; in what cases required.

Judgment to be lien from time of the docketing.

SEC. 260. Immediately after the entry of judgment in any action the clerk shall docket the same in the judgment docket. At any time thereafter, while an execution might issue upon such judgment, and the same remains unsatisfied in whole or in part, the plaintiff, or in case of his death his representative, may file a certified transcript of the original docket in the office of the recorder of any recording district that may have been established in said district in accordance with law. Upon the filing of such transcript the recorder shall docket the same in the judgment docket of his office. From the date of docketing a judgment, as in this chapter provided, or the transcript thereof, such judgment shall be a lien upon all the real property of the defendant within the recording district or districts where the same is docketed, or which he may afterwards acquire therein, during the time an execution may issue thereon.

Expiration of lien; when revived.

SEC. 261. Whenever, after the entry of judgment, a period of ten years shall elapse without an execution being issued on such judgment, the lien thereof shall expire. If afterwards leave is given to issue execution thereon, a transcript of the docket of the order allowing the same may be docketed in any other recording district in said district in the same manner as a judgment. From the date of the docketing such order, or a transcript thereof, the lien of the judgment shall begin anew, and continue in all respects as upon the first docketing of the same.

Conveyance; when void as against lien.

SEC. 262. A conveyance of real property or any portion thereof or interest therein shall be void against the lien of a judgment unless such conveyance be recorded at the time of docketing such judgment or the transcript thereof, as the case may be.

Clerk must make judgment roll.

SEC. 263. After docketing the judgment, and before the next regular term of court, the clerk shall prepare and file in his office the judgment roll, as provided in this section.

First. If the complaint has not been answered by any defendant he shall attach together in the order of their filing, issuing, and entry, the complaint, summons, and proof of service, and a copy of the entry of judgment.

fact, in which case the court may order the entry of judgment to be delayed until such proof be taken. The court may hear the proof itself, or make an order of reference, or order that a jury be called to inquire thereof. The defendant shall not be precluded, by reason of his default, from offering proof in mitigation of damages;

Third. When the defendant has answered, and admits the plaintiff's claim, but sets up a counterclaim amounting to less than the plaintiff's claim, the plaintiff, on motion, shall have judgment for the excess of his claim over such counterclaim, as for want of answer thereto;

Fourth. When in any action the service of the summons appears to have been made by publication, the court may, in its discretion, order the entry of judgment to be delayed until the plaintiff file with the clerk an undertaking, with one or more sureties, to be approved by the clerk, in an amount equal to the sum for which judgment may be given, upon the condition that the plaintiff will abide by and perform any order of the court requiring restitution to be made to the defendant or his representative in case either of them shall afterwards be admitted to defend the action. The sureties in the undertaking shall have the qualifications of bail, and justify before the clerk as provided in section one hundred and nine.

CHAPTER TWENTY-SEVEN.

OF JUDGMENT BY CONFESSION.

Sec.	Sec.
241. Judgment by confession where action pending.	244. Confession to be in writing; how judgment given.
242. Who to make confession.	245. Judgment by confession without action.
243. When judgment may be given against several defendants on the confession of one.	246. How confession made in such cases.
	247. Same subject. Execution when judgment for installments.

SEC. 241. On the confession of the defendant, with the assent of the plaintiff or his attorney, judgment may be given against the defendant in any action, before or after answer, for any amount or relief not exceeding or different from that demanded in the complaint.

Judgment by confession where action pending.

SEC. 242. When the action is against a public corporation or a private corporation, the confession shall be made by the person who at the time sustains the relation to such corporation as would authorize the service of a summons upon him. In all other cases the confession shall be made by the defendant in person.

Who to make confession.

SEC. 243. When the action is upon a contract, and against one or more defendants jointly liable, judgment may be given on the confession of one or more defendants against all the defendants thus jointly liable, whether such defendants have been served with the summons or not, to be enforced only against their joint property and against the joint and separate property of the defendant making the confession.

When judgment may be given against several defendants on the confession of one.

SEC. 244. The confession and assent thereto shall be in writing, and subscribed by the parties or their attorneys making the same, and acknowledged by each before some officer authorized to take acknowledgments of deeds, but such acknowledgment is not required when the parties or their attorneys shall appear in court when the judgment is given, or before the clerk in vacation by whom the judgment is entered. In all cases the confession and assent thereto and the acknowledgment, if any, shall be filed with the clerk.

Confession to be in writing; how judgment given.

SEC. 245. On the confession of any person capable by this code of being made a party defendant to an action, judgment may be given against such person without action, in term time or vacation, in favor of anyone, either for money due or to become due, or to secure any

Judgment by confession without action.

person against contingent liability on behalf of the defendant in such judgment, or both, if it be in favor of the same person.

How confession made in such cases.

SEC. 246. The confession shall be made, assented to, and acknowledged, and judgment given in the same manner as a confession in an action pending; besides which, the confession shall be verified by the oath of the party making it, and shall authorize a judgment to be given for a particular sum. If it be for money due or to become due it shall state plainly and concisely the facts out of which such indebtedness arose, and shall show that the sum confessed therefor is justly due or to become due.

Same subject. Execution when judgment for installments.

SEC. 247. If it be for the purpose of securing the plaintiff in the judgment against a contingent liability, it shall state plainly and concisely the facts constituting such liability and shall show that the sum confessed therefor does not exceed the same. When judgment is given so as to be payable in installments, executions may issue to enforce the payment of such installments as they become due.

CHAPTER TWENTY-EIGHT.

OF SUBMITTING CONTROVERSY WITHOUT ACTION.

Sec.

248. Controversy may be submitted without action.

249. Statement of the case and verification thereof.

Sec.

250. Statement to be filed with the clerk. Jurisdiction of court.

Controversy may be submitted without action.

SEC. 248. Parties to a question in controversy which might be the subject of an action in a court of record, with such parties plaintiffs or defendants, may submit the same to the determination of such court without action, as in this chapter provided.

Statement of the case and verification thereof.

SEC. 249. The parties as plaintiff and defendant shall state, in writing, a case containing the facts upon which the controversy depends, and subscribe the same in person or by their attorneys. Such statement shall be verified by the oaths of the parties, or, where there is more than one plaintiff or defendant, by at least one of each, to the effect that the controversy is real, and the proceeding is taken in good faith to determine the rights of the parties. Where either party to the controversy is a public corporation, or a private corporation, the statement of the case may be subscribed and verified by any person who at the time sustains the relation to such corporation as would authorize the service of a summons upon him.

Statement to be filed with the clerk. Jurisdiction of court.

SEC. 250. The statement shall be filed with the clerk, and from the date of such filing the court shall have jurisdiction of the controversy as if the same were an action pending after a special verdict found, and shall proceed to hear and determine the same accordingly.

CHAPTER TWENTY-NINE.

OF THE MANNER OF GIVING AND ENTERING JUDGMENT.

Sec.

251. Judgment to be entered in journal; manner of entry.

252. If counterclaim exceeds plaintiff's demand, judgment for defendant.

253. Judgment in actions for the recovery of personal property.

254. What entry to state in judgment for want of answer.

255. Judgment on demurrer.

Sec.

256. When entry of judgment made.

257. Judgment notwithstanding the verdict.

258. When entry of judgment made after motion for new trial decided in vacation.

259. Entry of judgment after the time prescribed.

Judgment to be entered in journal; manner of entry.

SEC. 251. All judgments shall be entered by the clerk in the journal, and shall specify clearly the amount to be recovered, the relief granted, or other determination of the action. If entered in vacation, the entry shall be entitled and dated substantially as follows:

Second. In all other cases he shall attach together in like manner the summons and proof of service, the pleadings, bill of exceptions, all orders relating to change of parties, together with a copy of the entry of judgment, and all other journal entries or orders in any way involving the merits and necessarily affecting the judgment.

Third. In all cases the clerk shall attach upon the outside of the judgment roll a blank sheet of paper upon which he shall indorse the name of the court, the term at which judgment was given, the names of the parties to the action and the title thereof, for whom judgment was given, and the amount or nature thereof, and the date of its entry and docketing.

SEC. 264. Instead of the judgment roll prescribed in the section last preceding, there shall be a final record made of the cause, as provided in this section.

Final record; in what cases required.

First. When in any action it shall appear that the title to real property, or any interest therein, or any easement, franchise, or right in or to the same, is directly determined or affected by the judgment therein, on motion of either party the court shall order that a final record be made of the case and the expense of such record shall be taxed as other disbursements of the action.

Second. In all other actions, on motion of either party, the court shall order that a final record be made of the case at the cost of the party moving for the same.

When a final record is ordered, it shall be made by the clerk within the time prescribed to prepare a judgment roll, by recording the papers and journal entries required in such roll in the order prescribed therefor.

CHAPTER THIRTY-ONE.

OF THE ENFORCEMENT OF JUDGMENT.

Sec. 265. When judgment may be enforced by execution.	Sec. 283. Confirmation of sale of real estate, proceedings thereon.
266. Different kinds of executions.	284. Who liable for purchase money in case of eviction of purchaser.
267. By whom issued, what to contain and require.	285. Contribution among joint judgment debtors.
268. How endorsed by marshal and when returnable.	286. Sale of real property, when absolute and when subject to redemption.
269. When execution issued against the person.	287. Who may redeem.
270. How person arrested on execution imprisoned.	288. When lien creditor may redeem from purchaser.
271. Execution against property may issue after death of judgment debtor, except.	289. When lien creditor may redeem from redemptioner.
272. Exemption of homestead from judicial sale.	290. When judgment debtor may redeem.
273. What property liable to execution and what exempt.	291. Purchaser or redemptioner, when entitled to conveyance.
274. Execution against property, how executed.	292. Mode of proceeding to redeem.
275. Same subject.	293. Court may restrain waste prior to conveyance.
276. When garnishee gives marshal certificate, how marshal to proceed.	294. Who entitled to possession from time of sale to conveyance.
277. When marshal may leave personal property in possession of judgment debtor.	295. Order to examine judgment debtor.
278. Notice of sale on execution, how given.	296. Examination of judgment debtor, proceedings thereon.
279. Sales, where and how made.	297. Restraining order against judgment debtor.
280. When marshal may adjourn sale.	298. When judgment debtor may be arrested.
281. Bill of sale and delivery by marshal of personal property.	299. Order to examine garnishee, proceedings thereon.
282. When execution not to issue except by leave of the court and how leave obtained.	300. What officers not liable to answer as garnishee.

SEC. 265. The person in whose favor a judgment is given which requires the payment of money, the delivery of real or personal prop-

When judgment may be enforced by execution.

erty, or either of them, may at any time after the entry thereof have a writ of execution issued for its enforcement, as provided in this chapter.

Different kinds of executions.

SEC. 266. There shall be three kinds of execution: One against the property of the judgment debtor, another against his person, and the third for the delivery of the possession of real or personal property, or such delivery with damages for withholding the same.

By whom issued, what to contain and require.

SEC. 267. The writ of execution shall be issued by the clerk and directed to the marshal. It shall contain the name of the court, the names of the parties to the action, and the title thereof; it shall substantially describe the judgment, and, if it be for money, shall state the amount actually due thereon, and shall require the marshal substantially as follows:

First. If it be against the property of the judgment debtor and the judgment directs particular property to be sold, it shall require the marshal to sell such particular property and apply the proceeds as directed by the judgment; otherwise it shall require the marshal to satisfy the judgment, with interest, out of the personal property of such debtor; and if sufficient personal property can not be found, then out of the real property belonging to him on the day when the judgment was docketed in the recording district, or at any time thereafter;

Second. If it be issued after the death of the judgment debtor, and be against real or personal property, it shall require the marshal to satisfy the judgment, with interest, out of any property belonging to the deceased debtor in the hands of the debtor's personal representatives, heirs, devisees, legatees, tenants of real property, or trustees as such;

Third. If it be against the person of the judgment debtor, it shall require the marshal to arrest such debtor and commit him to jail until he shall pay the judgment, with interest, or be discharged according to law.

Fourth. If it be for the delivery of the possession of real or personal property, it shall require the marshal to deliver the possession of the same, particularly describing it, to the party entitled thereto, and may at the same time require the marshal to satisfy any costs, charges, damages, or rents, and profits recovered by the same judgment, out of the personal property of the party against whom it was rendered, and the value of the property for which the judgment was recovered to be specified thereof, if a delivery thereof can not be had; and if sufficient personal property can not be found, then out of the real property, as provided in the first subdivision of this section, and in that respect it is to be deemed an execution against property.

How endorsed by marshal and when returnable.

SEC. 268. The marshal shall indorse upon the writ of execution the time when he received the same, and such execution shall be returnable, within sixty days after its receipt by the marshal, to the clerk's office from whence it issued.

When execution issued against the person.

SEC. 269. If the action be one in which the defendant might have been arrested, as provided by section ninety-nine, an execution against the person of the judgment debtor may be issued after the return of the execution against his property unsatisfied in whole or in part, as follows:

First. When it appears from the record that the cause of action is also a cause of arrest, as prescribed in section ninety-nine, such execution may issue of course;

Second. When no such cause of arrest appears from the record, such execution may issue for any of the causes prescribed in section ninety-nine that may exist at the time of the application therefor, upon leave of the court or judge thereof;

Third. When the defendant has been provisionally arrested in the action, or an order has been made allowing such arrest, and in either

case the order has not been vacated, such execution may issue of course:

Fourth. When execution is issued against the person of the defendant by leave of the court, it shall be applied for and allowed in the manner provided in section one hundred for allowing a writ of arrest, except that the undertaking need not be for an amount exceeding the judgment. A defendant arrested on execution, who has not been arrested provisionally, may at any time be discharged from such arrest for the causes and in the manner provided in sections one hundred and twenty-one and one hundred and twenty-two for the discharge of a defendant who has been provisionally arrested.

SEC. 270. A person arrested on execution shall be imprisoned in jail, and kept at his own expense until satisfaction of the execution, or his legal discharge, but the plaintiff shall be liable in the first instance for such expense, as in other cases of arrest, in the same manner and to the same extent as prescribed in sections one hundred and eighteen and one hundred and nineteen.

How person arrested on execution imprisoned.

SEC. 271. Notwithstanding the death of a party after judgment, execution thereon against his property or for the delivery of real or personal property may be issued and executed in the same manner and with the same effect as if he were still living, but such execution shall not issue within six months from the granting of letters testamentary or of administration upon the estate of such party without leave of the commissioner having authority to issue letters testamentary or of administration upon said estate.

Execution against property may issue after death of judgment debtor, except.

SEC. 272. The homestead of any family, or the proceeds thereof, shall be exempt from judicial sale for the satisfaction of any liability hereafter contracted or for the satisfaction of any judgment hereafter obtained on such debt. Such homestead must be the actual abode of and owned by such family or some members thereof. It shall not exceed two thousand five hundred dollars in value, nor exceed one hundred and sixty acres in extent if not located in a town or city laid off into blocks or lots, or if located in any such town or city, then it shall not exceed one-fourth of one acre. This Act shall not apply to decrees for the foreclosure of any mortgage properly executed; but if the owners of such homestead be married, then it shall be executed by husband and wife. When any officer shall levy upon such homestead, the owner thereof, or the wife, husband, agent, or attorney of such owner, may notify such officer that he claims such premises as his homestead, describing the same by metes and bounds, lot or block, or legal subdivision of the United States, whereupon such officer shall notify the creditor of such claim, and if such homestead shall exceed the maximum in this section, and he deem it of greater value than two thousand five hundred dollars, then he may direct the marshal to select three disinterested persons, who shall examine and appraise such homestead, under oath, commencing with the twenty acres of lot upon which the dwelling is located, appraising each lot or twenty acres separately; and if the same exceed two thousand five hundred dollars, then the marshal shall proceed to sell all in excess of two thousand five hundred dollars by lots or smallest legal subdivisions, offering them in the order directed by the judgment debtor, if he chooses to direct; otherwise he shall sell the same as aforesaid so as to leave the homestead as compact as possible. The homestead aforesaid shall be exempt from sale or any legal process after the death of the person entitled thereto for the collection of any debts for which the same could not have been sold during his lifetime.

Exemption of homestead from judicial sale.

SEC. 273. All other property, including franchises or rights or interests therein, of the judgment debtor shall be liable to an execution, except as in this section provided. The following property shall be exempt from execution if selected and reserved by the judgment

What property liable to execution and what exempt.

debtor or his agent at the time of the levy, or as soon thereafter before sale thereof as the same shall be known to him, and not otherwise:

First. The earnings of the judgment debtor, for his personal services rendered at any time within sixty days next preceding the levy of execution or attachment, when it appears by the debtor's affidavit or otherwise that such earnings are necessary for the use of his family supported in whole or in part by his labor;

Second. Books, pictures, and musical instruments owned by any person, to the value of seventy-five dollars;

Third. Necessary wearing apparel owned by any person for the use of himself or his family: *Provided*, Watches or jewelry exceeding in value the sum of one hundred dollars shall not be exempt by virtue of this subdivision;

Fourth. The tools, implements, apparatus, team, vehicle, harness, or library necessary to enable any person to carry on the trade, occupation, or profession by which such person habitually earns his living to the value of five hundred dollars; also sufficient quantity of food to support such team, if any, for six months; the word "team" in this subdivision shall not be construed to include more than one yoke of oxen, or a span of horses or mules, or two reindeers, or six dogs, as the case may be;

Fifth. The following property, if owned by the head of a family and in actual use or kept for use by and for his family, or when being removed from one habitation to another on a change of residence: Ten sheep with one year's fleece or the yarn or cloth manufactured therefrom; two cows and five swine; household goods, furniture, and utensils to the value of three hundred dollars; also food sufficient to support such animals, if any, for six months, and provisions actually provided for family use and necessary for the support of such person and family for six months;

Sixth. The seat or pew occupied by the head of a family or his family in a place of public worship;

Seventh. All property of any public or municipal corporation;

Eighth. No article of property, or if the same has been sold or exchanged, then neither the proceeds of such sale nor the articles received in exchange therefor, shall be exempt from execution issued on a judgment recovered for its price.

Execution against property, how executed.

SEC. 274. When the writ of execution is against the property of the judgment debtor, it shall be executed by the marshal as follows:

First. If property has been attached, he shall indorse on the execution, and pay to the clerk forthwith, the amount, if any, of the proceeds of sales of perishable property, or debts due the defendant received by him, sufficient to satisfy the judgment;

Second. If the judgment is not then satisfied and property has been attached and remains in his custody, he shall sell the same or sufficient thereof to satisfy the judgment;

Third. If then any portion of the judgment remains unsatisfied, or if no property has been attached, or the same has been discharged, he shall levy on the property of the judgment debtor sufficient to satisfy the judgment;

Fourth. Property shall be levied on in like manner and with like effect as similar property is attached, as provided in sections one hundred and forty, one hundred and forty-one, and one hundred and forty-three, omitting the filing of the certificate provided for in section one hundred and forty-two;

Fifth. Until a levy, property shall not be affected by the execution. When property has been sold or debts received by the marshal on execution, he shall pay the proceeds thereof, or sufficient to satisfy the judgment, to the clerk by the day on which the writ is returnable.

Sixth. When property has been attached, and it is probable that such property will not be sufficient to satisfy the judgment, the execution may be levied on other property of the judgment debtor without delay. If after satisfying the judgment any property or the proceeds thereof remain in the custody of the marshal, he shall deliver the same to the judgment debtor.

SEC. 275. In the case of property in the possession of or owing from any garnishee mentioned in section one hundred and forty-three the marshal shall proceed as follows: Same subject.

First. If it appear from the certificate of the garnishee that he is owing a debt to the judgment debtor, which is then due, if such debt is not paid by such garnishee to the marshal on demand, he shall levy on the property of the garnishee for the amount thereof, in all respects as if the execution was against the property of the garnishee. But if such debt be not then due, the marshal shall sell the same according to the certificate, as other property;

Second. If in like manner it appear that the judgment debtor has rights or shares in the stock of the garnishee, as provided in section one hundred and forty-three, the marshal shall sell the same according to the certificate, as other property;

Third. If in like manner it appear that the garnishee has other personal property of the judgment debtor in his possession, and the same has not been bailed to such garnishee for a period then unexpired, unless the same be delivered to the marshal on demand he shall levy upon the same wherever he may find it. But if such property is in the possession of such garnishee upon a bailment then unexpired, the marshal shall sell the same, or the interest of the judgment debtor therein, according to the certificate, as other property.

SEC. 276. When a marshal with an execution levies upon any of the personal property mentioned in subdivision three of section one hundred and forty, and if the same is not delivered, paid, or transferred to him at the time, and the garnishee furnish him the certificate required in section one hundred and forty-three, he shall proceed thereafter in reference to such property as provided in section two hundred and seventy-four of this title. Such property may be delivered, paid, or transferred to the marshal at the time of levy, or sufficient thereof to satisfy the execution, and the marshal's receipt to the person, association, or corporation, as the case may be, shall be a sufficient discharge therefor. When garnishee gives marshal certificate, how marshal to proceed.

SEC. 277. When the marshal shall levy upon personal property by virtue of an execution, he may permit the judgment debtor to retain the same, or any part thereof, in his possession until the day of sale, upon the defendant executing a written undertaking to the marshal with sufficient surety, in double the value of such property, to the effect that it shall be delivered to the marshal at the time and place of sale, and for nondelivery thereof an action may be maintained upon such undertaking by the marshal or the plaintiff in the execution; but the marshal shall not thereby be discharged from his liability to the plaintiff for such property. When marshal may leave personal property in possession of judgment debtor.

SEC. 278. Before the sale of property on execution, notice thereof shall be given, as follows: Notice of sale on execution, how given.

First. In case of personal property, by posting a written or printed notice of the time and place of sale in three public places within five miles of the place where the sale is to take place, not less than ten days prior to the day of sale; one of said notices shall be posted on the door of the post-office nearest to the place where the sale is to take place;

Second. In case of real property, by posting a similar notice, particularly describing the property, for four weeks prior to the day of

sale, in three public places as provided in the first subdivision of this section and publishing a copy thereof once a week, for the same period, in a newspaper published nearest to the place of sale.

Sales, where and how made.

SEC. 279. All sales of property upon execution shall be made by auction, between nine o'clock in the morning and four o'clock in the afternoon. After sufficient property has been sold to satisfy the execution, no more shall be sold. Neither the officer holding the execution nor his deputy shall become a purchaser or be interested in any purchase at such sale. When the sale is of personal property capable of manual delivery, and not in the possession of a third person, association, or corporation, it shall be within view of those who attend the sale, and be sold in such parcels as are likely to bring the highest price, and when the sale is of real property, and consists of several known lots or parcels, they shall be sold separately or otherwise, as is likely to bring the highest price, or when a portion of such real property is claimed by a third person and he requires it to be sold separately, such portion of it shall be sold separately.

When marshal may adjourn sale.

SEC. 280. If, at the time appointed for the sale, the marshal should be prevented from attending at the place appointed, or, being present, should deem it for the advantage of all concerned to postpone the sale for want of purchasers, or other sufficient cause, he may postpone the sale not exceeding one week next after the day appointed, and so from time to time for the like cause, giving notice of every adjournment by public proclamation made at the same time. The marshal for like causes may also adjourn the sale from time to time, not exceeding thirty days beyond the day at which the writ is made returnable, with the consent of the plaintiff indorsed upon the writ.

Bill of sale and delivery by marshal of personal property.

SEC. 281. When the purchaser of any personal property capable of manual delivery, and not in the possession of a third person, association, or corporation; shall pay the purchase money, the marshal shall deliver to him the property, and if desired shall give him a bill of sale containing an acknowledgment of the payment. In all other sales of personal property the marshal shall give the purchaser a bill of sale with the like acknowledgment.

When execution not to issue except by leave of the court and how leave obtained.

SEC. 282. Whenever, after the entry of judgment, a period of five years shall elapse without an execution being issued on such judgment, thereafter an execution shall not issue except as in this section provided:

First. The party in whose favor a judgment is given shall file a motion with the clerk of the court where the judgment is entered for leave to issue an execution. The motion shall state the names of the parties to the judgment, the date of its entry, and the amount claimed to be due thereon, or the particular property of which the possession was thereby adjudged to such party remaining undelivered. The motion shall be subscribed and verified in like manner as a complaint in an action;

Second. At any time after filing such motion the party may cause a summons to be served on the judgment debtor in like manner and with like effect as in an action. In case such judgment debtor be dead, the summons may be served upon his representative by publication as in the case of a nonresident, or by actual service of the summons;

Third. The summons shall be substantially the same as in an action, but instead of a notice therein required it shall state the amount claimed or the property sought to be recovered, in the manner prescribed in subdivision one of this section;

Fourth. The judgment debtor, or, in case of his death, his representatives, may file an answer to such motion within the time allowed to answer a complaint in an action, alleging any defense to such motion which may exist. If no answer be filed within the time prescribed, the motion shall be allowed of course. The moving party may demur or reply to the answer. The party opposed to the motion may demur

to the same or to the reply. The pleading shall be subscribed and verified and the proceedings conducted as in an action;

Fifth. The word "representatives" in this section shall be deemed to include any or all of the persons mentioned in subdivision two of section two hundred and sixty-seven in whose possession property of the judgment debtors may be which is liable to be taken and sold or delivered in satisfaction of the execution and not otherwise;

Sixth. The order shall specify the amount for which execution is to issue, or the particular property possession of which is to be delivered; it shall be entered in the journal and docketed as a judgment, and a roll thereafter prepared and filed, or a final record made of the proceedings, as the case may be, in the same manner as a judgment.

SEC. 283. Whenever real property is sold on execution the provisions of this section shall apply to the subsequent proceedings.

Confirmation of sale of real estate, proceedings thereon.

First. The plaintiff in the writ of execution shall be entitled, on motion therefor, to have an order confirming the sale at the term next following the return of the execution, or if it be returned in term time, then at such term, unless the judgment debtor, or, in case of his death, his representative, shall file with the clerk ten days before such term, or if the writ be returned in term time, then five days after the return thereof, his objections thereto;

Second. If such objections be filed, the court shall, notwithstanding, allow the order confirming the sale, unless on the hearing of the motion it shall satisfactorily appear that there were substantial irregularities in the proceedings concerning the sale, to the probable loss or injury of the party objecting. In the latter case, the court shall disallow the motion and direct that the property be resold, in whole or in part, as the case may be, as upon an execution received of that date;

Third. Upon the return of the execution the marshal shall pay the proceeds of the sale to the clerk, who shall then apply the same, or so much thereof as may be necessary, in satisfaction of the judgment. If an order of resale be afterwards made, and the property sell for a greater amount to any person other than the former purchaser, the clerk shall first repay to such purchaser the amount of his bid out of the proceeds of the latter sale;

Fourth. Upon a resale the bid of the purchaser at the former sale shall be deemed to be renewed and continue in force, and no bid shall be taken except for a greater amount. If the motion to confirm be not heard and decided at the term at which it is made, it may be continued and heard and determined before the judge, or at any term thereafter. An order confirming a sale shall be a conclusive determination of the regularity of the proceedings concerning such sale, as to all persons, in any other action, or proceeding whatever;

Fifth. If, after the satisfaction of the judgment, there be any proceeds of the sale remaining, the clerk shall pay such proceeds to the judgment debtor, or his representative, as the case may be, at any time before the order is made, upon the motion to confirm the sale, provided such party file with the clerk a waiver of all objections made or to be made to the proceedings concerning the sale; but if the sale be confirmed, such proceeds shall be paid to such party of course, otherwise they shall remain in the custody of the clerk until the sale of the property has been disposed of.

SEC. 284. If the purchaser of real property sold on execution, or his successor in interest, be evicted therefrom in consequence of the reversal of the judgment, he may recover the price paid, with legal interest and the costs and disbursements of the action by which he was evicted, from the plaintiff in the writ of execution.

Who liable for purchase money in case of eviction of purchaser.

SEC. 285. When property liable to an execution against several persons is sold thereon, and more than a due proportion of the judgment is levied upon the property of one of them, or one of them pays

Contribution among joint judgment debtors.

without a sale more than his proportion, he may compel contributions from the others; and when a judgment is against several, and is upon an obligation or contract of one of them as security for another, and the surety pays the amount, or any part thereof, either by sale of his property or before sale, he may compel repayment from the principal. In such cases the person so paying or contributing shall be entitled to the benefit of the judgment to enforce contribution or repayment, if within thirty days after his payment he file with the clerk of the court where the judgment was rendered notice of his payment and claim to contribution or repayment; upon filing such notice the clerk shall make an entry thereof in the margin of the docket where the judgment is entered.

Sale of real property, when absolute and when subject to redemption.

SEC. 286. Upon a sale of real property, when the estate is less than a leasehold of two years' unexpired term, the sale shall be absolute. In all other cases such property shall be subject to redemption, as hereinafter provided in this chapter. At the time of sale the marshal shall give to the purchaser a certificate of the sale containing—

First. A particular description of the property sold;

Second. The price bid for each distinct lot or parcel;

Third. The whole price paid;

Fourth. When subject to redemption, it shall be so stated.

The matters contained in such certificate shall be substantially stated in the marshal's return of his proceedings upon the writ.

Who may redeem.

SEC. 287. Property sold subject to redemption, as provided in the last section, or any part thereof separately sold, may be redeemed by the following persons, or their successors in interest:

First. The judgment debtor, or his successor in interest, in the whole or any part of the property separately sold;

Second. A creditor having a lien by judgment, or mortgage, on any portion of the property, or any portion of any part thereof, separately sold, subsequent in time to that on which the property was sold.

The persons mentioned in subdivision two of this section, after having redeemed the property, are to be termed redemptioners.

When lien creditor may redeem from purchaser.

SEC. 288. A lien creditor may redeem the property within sixty days from the date of the order confirming the sale, by paying the amount of the purchase money, with interest at the rate of eight per centum per annum thereon from the time of sale, together with the amount of any taxes which the purchaser may have paid thereon, and if the purchaser be also a creditor having a lien prior to that of the redemptioner, the amount of such lien with interest.

When lien creditor may redeem from redemptioner.

SEC. 289. If the property be so redeemed, any other lien creditor may, within sixty days from the last redemption, again redeem it, on paying the sum paid on the last redemption, with interest at the rate of eight per centum per annum thereon from the date of the last preceding redemption in addition, together with any taxes which the last redemptioner may have paid thereon, and, unless his lien be prior to that of such redemptioner, the amount of such lien, with interest. The property may be again, and as often as any lien creditor or redemptioner is disposed, redeemed from the last previous redemptioner, within sixty days from the date of the last redemption, on paying the sum paid on the last previous redemption, with interest at the rate of eight per centum per annum thereon from the date of such previous redemption, together with the amount of any taxes paid thereon by such last redemptioner, and the amount of any liens held by such last redemptioner, prior to his own, with interest.

When judgment debtor may redeem.

SEC. 290. The judgment debtor, or his successor in interest, may redeem the property at any time prior to the confirmation of sale, on paying the amount of the purchase money, with interest at the rate of eight per centum per annum thereon from the date of sale, together with the amount of any taxes which the purchaser may have paid

thereon after the purchase. But if the judgment debtor do not redeem until after the confirmation of the sale, thereafter he shall redeem within twelve months from such order of confirmation and not otherwise.

SEC. 291. If redemption be not made as prescribed in this Act, or when redemption is made and a period of sixty days shall have elapsed without any other redemption, the purchaser or the redemptioner, as the case may be, shall be entitled to a conveyance from the marshal. If the judgment debtor redeem at any time before the time for redemption expires, the effect of the sale shall terminate and he shall be restored to his estate.

Purchaser or redemptioner, when entitled to conveyance.

SEC. 292. The mode of redeeming shall be as provided in this section.

Mode of proceeding to redeem.

The person seeking to redeem may redeem by paying to the marshal the sum required. The marshal shall give the person redeeming a certificate, as in case of sale on execution, adding therein the sum paid on redemption, from whom redeemed, and the date thereof and shall at once give notice of such redemption to the party from whom redeemed. A party seeking to redeem shall submit to the marshal the evidence of his right thereto, as follows:

First. If he be a lien creditor, a copy of the docket of the judgment under which he claims the right to redeem, certified by the clerk of the court where such judgment is docketed, or if he seek to redeem upon a mortgage, the certificate of the record thereof;

Second. A copy of any assignment necessary to establish his claim, verified by the affidavit of himself or agent; an affidavit by himself or agent showing the amount then actually due on the judgment or mortgage;

Third. If the redemptioner or purchaser have a lien prior to that of the lien creditor seeking to redeem, such redemptioner or purchaser shall submit to the marshal the like evidence thereof and of the amount due thereon, or the same may be disregarded.

When two or more persons apply to the marshal to redeem at the same time, he shall allow the person having the prior lien to redeem first, and so on. The marshal shall immediately pay the money over to the person from whom the property is redeemed, if he attend at the redemption, or if not, at any time thereafter when demanded. Where a marshal shall wrongfully refuse to allow any person to redeem, his right thereto shall not be prejudiced thereby, and upon the submission of the evidence and the tender of the money to the marshal as herein provided, he may be required by order of the court or judge thereof to allow such redemption.

SEC. 293. Until the expiration of the time allowed for redemption, the court or judge thereof may restrain the commission of waste on the property by order granted with or without notice, on the application of the purchaser or judgment creditor; but it shall not be deemed waste for the person in possession of the property at the time of sale or entitled to possession afterwards during the period allowed for redemption to continue to use it in the same manner in which it was previously used, or to use it in the ordinary course of husbandry, or to make the necessary repairs to buildings thereon, or to use wood or timber on the property therefor, or for the repair of fences, or for fuel in his family while he occupies the property.

Court may restrain waste prior to conveyance.

SEC. 294. The purchaser from the day of sale until a resale or a redemption, and a redemptioner from the day of his redemption until another redemption, shall be entitled to the possession of the property purchased or redeemed, unless the same be in the possession of a tenant holding under an unexpired lease, and in such case shall be entitled to receive from such tenant the rents or the value of the use and occupation thereof during the same period.

Who entitled to possession from time of sale to conveyance.

Order to examine judgment debtor.

SEC. 295. After the issuing of an execution against property, and upon proof by the affidavit of the plaintiff in the writ, or otherwise, to the satisfaction of the court or judge thereof that the judgment debtor has property liable to execution which he refuses to apply toward the satisfaction of the judgment, such court or judge may, by an order, require the judgment debtor to appear and answer under oath concerning the same before such court or judge, or before a referee appointed by such court or judge, at a time and place specified in the order.

Examination of judgment debtor, proceedings thereon.

SEC. 296. On the appearance of the judgment debtor, he may be examined on oath concerning his property. His examination, if required by the plaintiff in the writ, shall be reduced to writing and filed with the clerk by whom the execution was issued. Either party may examine witnesses in his behalf, and if by such examination it appear that the judgment debtor has any property liable to execution the court or judge before whom the proceeding takes place, or to whom the report of the referee is made, shall make an order requiring the judgment debtor to apply the same in satisfaction of the judgment, or that such property be levied on, by execution, in the manner and with the effect as provided in this chapter, or both, as may seem most likely to effect the object of the proceeding.

Restraining order against judgment debtor.

SEC. 297. At the time of allowing the order prescribed in section two hundred and ninety-six, or at any time thereafter pending the proceeding, the court or judge may make an order restraining the judgment debtor from selling, transferring, or in any manner disposing of any of his property liable to execution pending the proceeding. For disobeying any order or requirement authorized by sections two hundred and ninety-five, two hundred and ninety-six, and two hundred and ninety-seven the judgment debtor may be punished as for a contempt.

When judgment debtor may be arrested.

SEC. 298. Instead of the order requiring the attendance of the judgment debtor, as provided in the last two sections, the court or judge may, upon proof by affidavit of the party, or otherwise to his satisfaction, that there is danger of the debtor leaving the district, or concealing himself therein, and that there is reason to believe he has property which he unjustly refuses to apply to such judgment, issue a warrant requiring the marshal to arrest him and bring him before the court or judge. Upon being brought before the court or judge he may be examined on oath, and if it then appear that there is danger of the debtor leaving the district, and that he has property which he unjustly refused to apply to such judgment, he may be ordered to enter into an undertaking with one or more sureties that he will from time to time attend before the court or judge, as may be directed, and that he will not, during the pendency of the proceedings, dispose of any portion of his property not exempt from execution. In default of entering into such undertaking he may be committed to jail by warrant of the judge.

Order to examine garnishee, proceedings thereon.

SEC. 299. Whenever the marshal, with an execution against the property of the judgment debtor, shall apply to any person or officer mentioned in subdivision three of section one hundred and forty for the purpose of levying on any property therein mentioned, such person or officer shall forthwith give to the marshal a certificate in the manner prescribed in section one hundred and forty-two. If such person or officer refuse to do so, or if the certificate be unsatisfactory to the plaintiff in the writ, he may in like manner have the order prescribed in such section against such person or officer. Thereafter the proceeding upon such order shall be conducted in the manner prescribed from section one hundred and fifty-two to section one hundred and sixty-one, inclusive.

What officers not liable to answer as garnishee.

SEC. 300. No public officer shall be liable as garnishee for moneys in his possession as such officer, belonging to or claimed by any judgment debtor.

CHAPTER THIRTY-TWO.

OF ACTIONS TO RECOVER THE POSSESSION OF REAL PROPERTY.

Sec.	Sec.
301. Who may bring such action, and against whom.	308. Order to make survey of the property.
302. When landlord may be made defendant in place of tenant.	309. Same subject.
303. What to be pleaded in complaint.	310. Action not to be prejudiced by alienation of person in possession.
304. Defendant not to be allowed to give evidence in certain matters, unless. Judgment, when conclusive against landlord.	311. Mortgagee can not maintain action against mortgagor.
305. What the jury shall find by their verdict.	312. Action by tenant in common or for dower, what must be shown.
306. What damages may be recovered, and when the value of permanent improvements may be set off against such damages.	313. Action against lessee on failure to pay rent.
307. Verdict when right of possession expires after commencement of action.	314. When judgment conclusive, and upon whom.
	315. Possession not to be affected by order allowing new trial.
	316. Admeasurement of dower after judgment.

SEC. 301. Any person who has a legal estate in real property, and a present right to the possession thereof, may recover such possession, with damages for withholding the same, by an action. Such action shall be commenced against the person in the actual possession of the property at the time, or, if the property be not in the actual possession of anyone, then against the person acting as the owner thereof.

Who may bring such action, and against whom.

SEC. 302. A defendant who is in actual possession may, for answer, plead that he is in possession only as tenant of another, naming him and his place of residence; and thereupon the landlord, if he apply therefor, shall be made defendant in place of the tenant, and the action shall proceed in all respects as if originally commenced against him. If the landlord do not apply to be made defendant within the day the tenant is allowed to answer, thereafter he shall not be allowed to, but he shall be made defendant if the plaintiff require it. If the landlord be made defendant on motion of the plaintiff, he shall be required to appear and answer within twenty days from notice of the pendency of the action and the order making him defendant, or such further time as the court or judge thereof may prescribe.

When landlord may be made defendant in place of tenant.

SEC. 303. The plaintiff in his complaint shall set forth the nature of his estate in the property, whether it be in fee, for life, or for a term of years, and for whose life, or the duration of such term, and that he is entitled to the possession thereof, and that the defendant wrongfully withholds the same from him to his damage in such sum as may be therein claimed. The property shall be described with such certainty as to enable the possession thereof to be delivered if a recovery be had.

What to be pleaded in complaint.

SEC. 304. The defendant shall not be allowed to give in evidence any estate in himself, or another in the property, or any license or right to the possession thereof, unless the same be pleaded in his answer. If so pleaded, the nature and duration of such estate, or license, or right to the possession shall be set forth with the certainty and particularity required in a complaint. If the defendant does not defend for the whole of the property, he shall specify for what particular part he does defend. In an action against a tenant the judgment shall be conclusive against the landlord who has been made defendant in place of the tenant to the same extent as if the action had been originally commenced against him.

Defendant not to be allowed to give evidence in certain matters, unless.

Judgment, when conclusive against landlord.

SEC. 305. The jury by their verdict shall find as follows:

First. If the verdict be for the plaintiff, that he is entitled to the possession of the property described in the complaint, or some part thereof, or some undivided share or interest in either, and the nature

What the jury shall find by their verdict.

and duration of his estate in such property, part thereof, or undivided share or interest in either, as the case may be;

Second. If the verdict be for the defendant, that the plaintiff is not entitled to the possession of the property described in the complaint, or to such part thereof as the defendant defends for, and the estate in such property or part thereof, or license or right to the possession of either, established on the trial by the defendant, if any; in effect as the same required to be pleaded.

What damages may be recovered, and when the value of permanent improvements may be set off against such damages.

SEC. 306. The plaintiff shall only be entitled to recover damages for withholding the property for the term of six years next preceding the commencement of the action, and for any period that may elapse from such commencement to the time of giving a verdict therein, exclusive of the use of permanent improvements made by the defendant. When permanent improvements have been made upon the property by the defendant, or those under whom he claims, holding under color of title adversely to the claim of plaintiff, in good faith, the value thereof at the time of trial, not exceeding such damages, shall be allowed as a set-off.

Verdict when right of possession expires after commencement of action.

SEC. 307. If the right of the plaintiff to the possession of the property expire after the commencement of the action, and before the trial, the verdict shall be given according to the fact, and judgment shall be given only for the damages.

Order to make survey of the property.

SEC. 308. The court or judge thereof, on motion, and after notice to the adverse party, may, for cause shown, grant an order allowing the party applying therefor to enter upon the property in controversy, and make survey and admeasurement thereof, for the purposes of the action.

Same subject.

SEC. 309. The order shall describe the property, and a copy thereof shall be served upon the defendant, and thereupon the party may enter upon the property and make such survey and admeasurement, but if any unnecessary injury be done to the premises he shall be liable therefor.

Action not to be prejudiced by alienation of person in possession.

SEC. 310. An action for the recovery of the possession of real property against a person in possession can not be prejudiced by any alienation made by such person either before or after the commencement of the action; but if such alienation be made after the commencement of the action, and the defendant does not satisfy the judgment recovered for damages for withholding the possession, such damages may be recovered by action against the purchaser.

Mortgagee can not maintain action against mortgagor.

SEC. 311. A mortgage of real property shall not be deemed a conveyance so as to enable the owner of the mortgage to recover possession of the real property without a foreclosure and sale according to law, and a judgment thereon.

Action by tenant in common or for dower, what must be shown.

SEC. 312. In an action for the recovery of dower before admeasurement, or by a tenant in common of real property against a cotenant, the plaintiff shall show, in addition to the evidence of his right of possession, that the defendant either denied the plaintiff's right or did some act amounting to such denial.

Action against lessee on failure to pay rent.

SEC. 313. When in case of a lease of real property and the failure of tenant to pay rent, the landlord has a subsisting right to reenter for such a failure, and may bring an action to recover the possession of such property, and such action is equivalent to a demand of the rent and a reentry upon the property. But if, at any time before judgment in such action, the lessee or his successor in interest as to the whole or a part of the property pay to the plaintiff or bring into court the amount of rent then in arrear, with interest, and the costs of the action, and perform the other covenants or agreements on the part of the lessee, he shall be entitled to continue in the possession according to the terms of the lease.

When judgment conclusive, and upon whom.

SEC. 314. In an action to recover the possession of real property the judgment therein shall be conclusive as to the estate in such property

and the right to the possession thereof, so far as the same is thereby determined, upon the party against whom the same is given and against all persons claiming from, through, or under such party after the commencement of such action, except as in this section provided. When service of the summons is made by publication and judgment is given for want of answer, at any time within two years from the entry thereof, the defendant or his successor in interest as to the whole or any part of the property shall, upon application to the court or judge thereof, be entitled to an order vacating the judgment and granting him a new trial upon the payment of the costs of the action.

SEC. 315. If the plaintiff has taken possession of the property before the judgment is set aside and a new trial granted, as provided in the section last preceding, such possession shall not be thereby affected in any way, and if judgment be given for the defendant in the new trial he shall be entitled to restitution by execution in the same manner as if he were plaintiff.

Possession not to be affected by order allowing new trial.

SEC. 316. In an action to recover the possession of real property by a tenant in dower or his successor in interest, if such a state in dower has not been admeasured before the commencement of the action, the plaintiff shall not have execution to deliver the possession thereof until the same be admeasured, as follows:

Admeasurement of dower after judgment.

First. At any time after the entry of judgment in favor of the plaintiff, he may, upon notice to the adverse party, move the court for the appointment of referees to admeasure the dower out of the real property of which the possession is recovered by the action. The court shall allow such motion unless it appear probable on the hearing that a partition of such property can not be made without prejudice to the interests of the other owners. In the latter case the court shall disallow the motion, and thereafter the plaintiff shall only proceed for partition or sale of such real property as provided in the chapter of this code entitled "Of Actions for the Partition of Real Property;"

Second. If the court allow the motion, thereafter the proceedings shall be conducted as provided in such chapter. At any time after the confirmation of the report of the referees the plaintiff may have execution for the delivery of the possession of the property according to the admeasurement thereof, and for the damages recovered, if any, for withholding the same, if such damages remain unsatisfied;

Third. If the motion for admeasurement be made at the term at which judgment was given, the notice thereof shall be served on the adverse party at such time as the court by general rule or special order may prescribe.

CHAPTER THIRTY-THREE.

OF ACTIONS FOR NUISANCE, WASTE, AND TRESPASS ON REAL PROPERTY.

Sec.	Sec.
317. Private nuisance, and action therefor; when warrant allowed to abate it.	320. Sureties in undertaking, when to justify.
318. How warrant issued, and mode of proceeding under.	321. Action for waste, and judgment therein.
319. When defendant may have stay of warrant.	322. Actions for trespass in particular cases, and of judgment therein.
	323. Same subject.

SEC. 317. Any person whose property is affected by a private nuisance, or whose personal enjoyment thereof is in like manner thereby affected, may maintain an action for damages therefor. If judgment be given for the plaintiff in such action, he may, in addition to the execution to enforce the same, on motion, have an order allow-

Private nuisance, and action therefor; when warrant allowed to abate it.

ing a warrant to issue to the marshal to abate such nuisance. Such motion must be made at the term at which judgment is given, and shall be allowed of course, unless it appear on the hearing that the nuisance has ceased, or that such remedy is inadequate to abate or prevent the continuance of the nuisance, in which latter case the plaintiff may proceed to have the defendant enjoined.

How warrant issued, and mode of proceeding under.

SEC. 318. If the order be made, the clerk shall thereafter, at any time within six months, when requested by the plaintiff, issue such warrant directed to the marshal, requiring him forthwith to abate the nuisance at the expense of the defendant, and return the warrant as soon thereafter as may be, with his proceedings indorsed thereon. The expense of abating the nuisance may be levied by the marshal on the property of the defendant, and in this respect the warrant is to be deemed an execution against property.

When defendant may have stay of warrant.

SEC. 319. At any time before the order is made, or the warrant issues, the defendant may, on motion to the court or judge thereof, have an order to stay the issue of such warrant for such period as may be necessary, not exceeding six months, and to allow the defendant to abate the nuisance himself, upon his giving an undertaking to the plaintiff in a sufficient amount, with one or more sureties, to the satisfaction of the court or judge thereof, that he will abate it within the time and in the manner specified in such order.

Sureties in undertaking, when to justify.

SEC. 320. If the plaintiff is not notified of the time and place of the application for the order provided for in section three hundred and nineteen, the sureties therein provided for shall justify as bail upon arrest, otherwise such justification may be omitted, unless the plaintiff require it. If such order be made and undertaking given, and the defendant fails to abate such nuisance within the time specified in said order, thereafter, at any time within six months, the warrant for the abatement of the nuisance may issue as if the same had not been stayed.

Action for waste, and judgment thereon.

SEC. 321. If a guardian, tenant in severalty or in common for life or for years, of real property, commit waste thereon, any person injured thereby may maintain an action for damages therefor against such guardian or tenant, in which action there may be judgment for treble damages, forfeiture of the estate of the party committing or permitting the waste, and of eviction from the property. But judgment of forfeiture and eviction shall only be given in favor of the person entitled to the reversion against the tenant in possession when the injury to the estate in reversion is determined in the action to be equal to the value of the tenant's estate or unexpired term, or to have been done or suffered in malice.

Actions for trespass in particular cases, and of judgment thereon.

SEC. 322. Whenever any person shall cut down, girdle, or otherwise injure, or carry off any tree, timber, or shrub on the land of another person, or on the street or highway in front of any person's house, village, town, or city lot, or cultivated grounds, or on the commons or public grounds of any village, town, or city, or on the street or highway in front thereof, without lawful authority, in an action by such person, village, town, or city against the person committing such trespasses, or any of them, if judgment be given for the plaintiff it shall be given for treble the amount of damages claimed or assessed therefor, as the case may be.

Same subject.

SEC. 323. If upon the trial of such action it shall appear that the trespass was casual or involuntary, or that the defendant had probable cause to believe that the land on which such trespass was committed was his own, or that of the person in whose service or by whose direction the act was done, or that such tree or timber was taken from unclosed woodland for the purpose of repairing any public highway or bridge upon the land or adjoining it, judgment shall only be given for single damages.

CHAPTER THIRTY-FOUR.

ACTIONS ON OFFICIAL UNDERTAKINGS, AND FOR FINES AND FORFEITURES.

Sec. 324. Official undertakings, to whom deemed a security.	Sec. 329. Who may maintain action for fines and forfeitures.
325. Who may maintain action thereon.	330. Actions for penalties not to exceed certain amount.
326. When leave must be obtained before action can be commenced.	331. Judgment by collusion between plaintiff and defendant.
327. Judgment no bar to action for another delinquency.	332. Disposition of fines and forfeitures.
328. Amount of judgment.	

SEC. 324. The official undertaking or other security of a public officer to any county, city, town, or other municipal or public corporation of like character therein, shall be deemed a security to the United States, or to such city, town, or other municipal or public corporation as the case may be, and also to all persons severally for the official delinquency against which it is intended to provide.

Official undertakings, to whom deemed a security.

SEC. 325. When a public officer, by official misconduct or neglect of duty, shall forfeit his official undertaking or other security, or render his sureties therein liable upon such undertaking or other security, any person injured by such misconduct or neglect, or who is by law entitled to the benefit of the security, may maintain an action thereon in his own name, against the officer and his sureties, to recover the amount to which he may by reason thereof be entitled.

Who may maintain action thereon.

SEC. 326. Before such action can be commenced by a plaintiff other than the United States, or the municipal or public corporation named in the undertaking or other security, leave shall be obtained of the court or judge thereof where the action is triable. Such leave shall be granted upon the production of a certified copy of the undertaking or other security, and an affidavit of the plaintiff, or some person in his behalf, showing the delinquency. But if the matters set forth in the affidavit be such that, if true, the party applying would clearly not be entitled to recover in the action, the leave shall not be granted. If it does not appear from the complaint that the leave herein provided for has been granted, the defendant on motion shall be entitled to judgment of nonsuit; if it does, the defendant may controvert the allegation, and if the issue be found in his favor, judgment may be given accordingly.

When leave must be obtained before action can be commenced.

SEC. 327. A judgment in favor of a party for one delinquency shall not preclude the same or another party from maintaining another action on the same undertaking, or other security, for another delinquency.

Judgment no bar to action for another delinquency.

SEC. 328. In an action upon an official undertaking or other security, if judgment has already been recovered against the surety therein, other than by confession, equal in the aggregate to the penalty or any part thereof of such undertaking or other security, and if such recovery be established on the trial, judgment shall not be given against such surety for an amount exceeding such penalty, or such portion thereof as is not already recovered against him.

Amount of judgment.

SEC. 329. Fines and forfeitures may be recovered by an action in the name of the officer or person to whom they are by law given, or in the name of the officer or person who by law is authorized to prosecute for them.

Who may maintain action for fines and forfeitures.

SEC. 330. When an action shall be commenced for a penalty which by law is not to exceed a certain amount, the action may be commenced for that amount, and if judgment be given for the plaintiff, it may be for such amount or less, in the discretion of the court, in proportion to the offense.

Actions for penalties not to exceed certain amount.

SEC. 331. A recovery of a judgment for a penalty or forfeiture by collusion between the plaintiff and defendant, with intent to save the

Judgment by collusion between plaintiff and defendant.

defendant, wholly or partially, from the consequences contemplated by law, in case where the penalty or forfeiture is given, wholly or partly, to the person who prosecutes, shall not bar the recovery of the same by another person.

Disposition of fines and forfeitures.

SEC. 332. Fines and forfeitures not specially granted or otherwise appropriated by law, when recovered, shall be paid to the clerk of the district court. Whenever, by the provisions of law, any property, real or personal, shall be forfeited to the United States, or to any officer for its use, the action for the recovery of such property may be commenced wherever the defendant may be found, or wherever such property may be.

CHAPTER THIRTY-FIVE.

ACTIONS BY AND AGAINST PUBLIC CORPORATIONS AND OFFICERS.

Sec.

333. How actions may be maintained by public corporations, and for what causes.

334. Actions against public corporations, and what causes.

Sec.

335. How pleadings of public corporations verified.

336. How judgment against public corporation satisfied.

How actions may be maintained by public corporations, and for what causes.

SEC. 333. An action may be maintained by any incorporated town, school district, or other public corporation of like character in the district in its corporate name, and upon a cause of action accruing to it in its corporate character, and not otherwise, in either of the following cases:

First. Upon a contract made with such public corporation;

Second. Upon a liability prescribed by law in favor of such public corporation;

Third. To recover a penalty or forfeiture given to such public corporation;

Fourth. To recover damages for an injury to the corporate rights or property of such public corporation.

Actions against public corporations, and for what causes.

SEC. 334. An action may be maintained against any of the public corporations in the district mentioned in the last preceding section in its corporate character, and within the scope of its authority, or for an injury to the rights of the plaintiff arising from some act or omission of such public corporation.

How pleadings of public corporations are verified.

SEC. 335. In such actions the pleadings of the public corporation shall be verified by the chief officer representing it in its corporate capacity or by such other officer, agent, or attorney as he may designate, in the same manner as if such officer were a defendant in the action.

How judgment against public corporations satisfied.

SEC. 336. If judgment be given for the recovery of money or damages against a public corporation, no execution shall issue thereon for the collection of such money or damages, but such judgment in such respect shall be satisfied as follows:

First. The party in whose favor such judgment is given may, at any time thereafter, when an execution might issue on a like judgment against a private person, present a certified transcript of the record thereof to the officer of such public corporation who is authorized to draw orders on the treasurer thereof;

Second. On the presentation of such transcript, such officer shall draw an order on such treasurer for the amount of the judgment in favor of the party for whom the same was given. Thereafter such order shall be presented for payment, and paid, with like effect and in like manner as other orders upon the treasurer of such public corporation;

Third. The certified transcript herein provided for shall not be furnished by the clerk, unless at the time an execution might issue on such

judgment if the same were against a private person, nor until satisfaction of the judgment in respect to such money or damages be acknowledged as in ordinary cases. The clerk shall include in the transcript a memorandum of such acknowledgment of satisfaction and the entry thereof. Unless the transcript contain such memorandum no order upon the treasurer shall issue thereon.

CHAPTER THIRTY-SIX.

OF ACTIONS TO AVOID CHARTERS, LETTERS PATENT, AND TO PREVENT THE USURPATION OF AN OFFICE OR FRANCHISE AND TO DETERMINE THE RIGHT THERETO.

Sec.	Sec.
337. Scire facias and quo warranto abolished.	343. When relator's right may be pleaded and determined in the action.
338. Action against public or private corporation to be commenced on the direction of the governor.	344. If judgment be given in favor of relator what he may do.
339. Action to annul the existence of corporation.	345. Relator after judgment may have action for damages.
340. Action for the usurpation of office or franchise.	346. Actions against several persons claiming office or franchise.
341. Who to prosecute actions, pleadings by whom verified, how leave granted, and who deemed complainant.	347. Judgment against usurper. Court may fine him.
342. Duty of prosecuting attorney as to commencing action.	348. Judgment against corporation.
	349. Copy of judgment roll to be filed.
	350. How judgment enforced.

SEC. 337. The writ of scire facias, the writ of quo warranto, and proceedings by information in the nature of quo warranto are abolished, and the remedies heretofore obtainable under those forms may be obtained by an action in the mode prescribed in this chapter.

Scire facias and quo warranto abolished.

SEC. 338. An action may be maintained in the name of the United States, whenever the governor shall so direct, against a corporation either public or private, for the purpose of avoiding the act of incorporation, or the act renewing or modifying its corporate existence, on the ground that such act or either of them was procured upon some fraudulent suggestion or concealment of a material fact by the persons incorporated, or some of them, or with their knowledge and consent; or for annulling the existence of such corporation, when the same has been formed under any general law operating in this district therefor, on the ground that such incorporation, or any renewal or modification thereof, was procured in like manner.

Action against public or private corporation to be commenced on the direction of the governor.

SEC. 339. An action may be maintained in the name of the United States against a corporation other than a public one on leave granted by the court or judge thereof where the action is triable, for the purpose of avoiding the charter or annulling the existence of such corporation, whenever it shall—

Action to annul the existence of corporation.

First. Offend against any of the provisions of the acts, or either of them, creating, renewing, or modifying such corporation or the provisions of any general law under which it became incorporated; or,

Second. Violate the provisions of any law by which such corporation forfeits its charter by abuse of its powers; or,

Third. Whenever it has forfeited its privileges or franchises by failure to exercise for a period of one year its powers; or,

Fourth. Whenever it has done or omitted any act which amounts to a surrender of its corporate rights, privileges, and franchises; or,

Fifth. Whenever it exercises a franchise or privilege not conferred upon it by law.

Sixth. Whenever any such corporation or association of persons shall combine for the purpose of forming a trust or agreement to pre-

vent competition or to control the price, production or sale of any goods, products, or merchandise.

Action for the usurpation of office or franchise.

SEC. 340. An action may be maintained in the name of the United States upon the information of the United States attorney or upon the relation of a private party against the person offending in the following cases:

First. When any person shall usurp, intrude into, or unlawfully hold or exercise any public office, civil or military, or any franchise within the district, or any office in a corporation, either public or private, created or formed by or under the authority of the district; or,

Second. When any public officer has done or suffered an act which, by the provisions of law, makes a forfeiture of his office; or,

Third. When any association or number of persons act within the district as a corporation without being duly incorporated.

Who to prosecute actions, pleadings by whom verified, how leave granted, and who deemed complainant.

SEC. 341. The actions provided for in this chapter shall be commenced and prosecuted by the United States attorney. When the action is upon the relation of a private party, as allowed in section three hundred and forty, the pleadings on behalf of the district shall be verified by such relator as if he were the plaintiff in the action, or otherwise as provided in section seventy-one; in all other cases such pleading shall be verified by the attorney in like manner, or otherwise as provided in such section. When an action can only be commenced by leave as provided in section three hundred and thirty-nine, such leave shall be granted when it appears by affidavit that the acts or omissions in such section specified have been done or suffered by such corporation. When an action is commenced on the information of a private person, as allowed in section three hundred and forty, having an interest in the question, such party, for all the purposes of the action, and as to the effect of any judgment that may be given therein, shall be deemed a complainant.

Duty of prosecuting attorney as to commencing action.

SEC. 342. When directed by the governor, as prescribed in section three hundred and thirty-eight, it shall be the duty of the prosecuting attorney to commence the action therein provided for accordingly. In all other actions provided for in this chapter it shall be his duty to commence such action upon leave given where leave is required in every case of public interest, whenever he has reason to believe that a cause of action exists and can be proven, and also for like reasons in every case of private interest only in which satisfactory security is given to the district to indemnify it against the costs and expenses that may be incurred thereby.

When relator's right may be pleaded and determined in the action.

SEC. 343. Whenever an action is brought against a person for any of the causes specified in subdivision one of section three hundred and forty, the United States attorney, in addition to the statement of the cause of action, may also separately set forth in the complaint the name of the person rightfully entitled to the office or franchise, with a statement of the facts constituting his right thereto. In such case, judgment may be given upon the right of the defendant, and also upon the right of the person so alleged to be entitled, or only upon the right of the defendant as justice may require.

If judgment be given in favor of relator what he may do.

SEC. 344. If judgment be given upon the right of the person so alleged to be entitled, and the same be in favor of such person, he shall be entitled to the possession and enjoyment of such franchise, or to take upon himself the execution of such office, after qualifying himself therefor as required by law, and to demand and receive the possession of all the books, papers, and property of whatever nature belonging thereto.

Relator after judgment may have action for damages.

SEC. 345. If judgment be given upon the right and in favor of the person so alleged to be entitled, he may afterwards maintain an action to recover the damages which he may have sustained by reason of the premises. In such action the defendant may be arrested and held to

bail in the same manner and with the like effect as in other actions where the defendant is subject to arrest.

SEC. 346. Several persons may be joined as defendants in an action for the causes specified in subdivision one of section three hundred and forty, and in such action their respective rights to such office or franchise may be determined.

Actions against several persons claiming office or franchise.

SEC. 347. When a defendant, whether a natural person or a corporation, against whom an action has been commenced for any of the causes specified in subdivision one of section three hundred and forty, is determined to be guilty of usurping, or intruding into, or unlawfully holding or exercising any office or franchise, judgment shall be given that such defendant be excluded therefrom. The court may also in its discretion impose a fine upon the defendant not exceeding two thousand dollars.

Judgment against usurper. Court may fine him.

SEC. 348. If it be determined that a corporation against which an action has been commenced pursuant to this chapter has forfeited its corporate rights, privileges, and franchises, judgment shall be given that such corporation be excluded therefrom, and that the corporation be dissolved.

Judgment against corporation.

SEC. 349. If judgment be given against a corporation the effect of which is that such corporation ceases to exist, or whereby any letters patent are determined to be vacated or annulled, it shall be the duty of the United States attorney to cause a copy of the judgment roll to be filed with the officer issuing the certificate of corporation or the letters patent to such corporation.

Copy of judgment roll to be filed.

SEC. 350. A judgment given in any action provided for in this chapter in respect to costs and disbursements, may be enforced by execution as a judgment which requires the payment of money, and in all other respects obedience thereto may be enforced by attachment of the body of the defendant, or, if the defendant be a corporation, the body of any or all of the officers or members of such corporation refusing or neglecting obedience thereto.

How judgment enforced.

CHAPTER THIRTY-SEVEN.

OF ACTIONS BY AND AGAINST EXECUTORS OR ADMINISTRATORS.

Sec.

351. What causes of action do not survive.

352. What causes of action do survive.

353. When a death ensues from an injury.

354. Representatives regarded as one person.

355. When judgment for want of answer is evidence of assets.

356. Effect of inventory as evidence, and how it may be contradicted or avoided.

Sec.

357. Executor of his own wrong not liable as such.

358. When action may be commenced against executor or administrator.

359. Claim must be presented before action can be commenced.

360. When provisional remedies allowed against executors or administrators.

SEC. 351. A cause of action arising out of an injury to the person dies with the person of either party, except as provided in section three hundred and fifty-three; but the provisions of this chapter shall not be construed so as to abate the action mentioned in section thirty-six, or to defeat or prejudice the right of action given by section thirty-one.

What causes of action do not survive.

SEC. 352. All other causes of action by one person against another, whether arising on contract or otherwise, survive to the personal representatives of the former and against the personal representatives of the latter. When the cause of action survives, as herein provided, the executors or administrators may maintain an action thereon against the party against whom the cause of action accrued, or, after his death, against his personal representatives.

What causes of action do survive.

When a death ensues from an injury.

SEC. 353. When the death of a person is caused by the wrongful act or omission of another, the personal representatives of the former may maintain an action therefor against the latter, if the former might have maintained an action, had he lived, against the latter for an injury done by the same act or omission. Such action shall be commenced within two years after the death, and the damages therein shall not exceed ten thousand dollars, and the amount recovered, if any, shall be exclusively for the benefit of the decedent's husband or wife and children when he or she leaves a husband, wife, or children, him or her surviving; and when any sum is collected it must be distributed by the plaintiff as if it were unbequeathed assets left in his hands, after payment of all debts and expenses of administration, and when he or she leaves no husband, wife, or children, him or her surviving, the amount recovered shall be administered as other personal property of the deceased person; but the plaintiff may deduct therefrom the expenses of the action, to be allowed by the proper court upon notice, to be given in such manner and to such persons as the court deems proper.

Representatives regarded as one person.

SEC. 354. In an action against several executors or administrators, they shall all be considered as one person, representing their testator or intestate, and judgment may be given and execution issued against all of them who are defendants in the action, although the summons be served only on part of them, in the same manner and with the like effect as if served on all, except as provided in the next section.

When judgment for want of answer is evidence of assets.

SEC. 355. When a judgment is given against an executor or administrator, for want of an answer such judgment is not to be deemed evidence of assets in his hands unless it appear that the complaint alleged assets and that the summons was served upon him.

Effect of inventory as evidence, and how it may be contradicted or avoided.

SEC. 356. In an action against executors or administrators, in which the fact of their having administered the estate of their testator or intestate, or any part thereof, is put in issue and the inventory of the property of the deceased returned by them is given in evidence, the same may be contradicted or avoided by evidence—

First. That any property has been omitted in such inventory, or was not returned therein at its full value, or that since the return thereof such property has increased in value;

Second. That such property has perished or been lost without the fault of such executors or administrators, or that it has been fairly and duly sold by them at a less price than the value so returned, or that since the return of the inventory such property has deteriorated in value. In such action the defendants can not be charged for any things in action specified in their inventory unless it appear that they have been collected, or with due diligence might have been.

Executor of his own wrong not liable as such.

SEC. 357. No person is liable to an action as executor of his own wrong for having taken, received, or interfered with the property of a deceased person, but is responsible to the executors or administrators of such deceased person for the value of all property so taken or received and for all injury caused by his interference with the estate of the deceased.

When action may be commenced against executor or administrator.

SEC. 358. An action may be commenced against an executor or administrator at any time after the expiration of twelve months from the granting of letters testamentary or of administration and until the final settlement of the estate and discharge of such executor or administrator from the trust, and not otherwise.

Claim must be presented before action can be commenced.

SEC. 359. Such action shall not be commenced until the claim of the plaintiff has been duly presented to such executor or administrator, and by him disallowed. If such claim is presented after the expiration of the period of six months, mentioned in sections eight hundred and twenty and eight hundred and twenty-one, the executor or administrator in an action therefor shall only be liable to the extent of the assets in his hands at the time the summons is served upon him.

SEC. 360. In an action against an executor or administrator, as such, the provisional remedies of arrest and attachment shall not be allowed on account of the acts of his testator or intestate; but for his own acts as such executor or administrator such remedies shall be allowed for the same causes and in like manner and with like effect as in actions generally.

When provisional remedies allowed against executors or administrators.

CHAPTER THIRTY-EIGHT.

GENERAL PROVISIONS RELATING TO ACTIONS OF AN EQUITABLE NATURE.

Sec.	Sec.
361. Limitation of actions.	367. What objections if not taken by demurrer or answer may be made on the trial.
362. In whose name an action to be prosecuted.	368. Counterclaim of defendant.
363. Plaintiffs and defendants, who may be.	369. What causes of actions may be united.
364. Same subject.	370. Arrest and bail in actions of equitable nature.
365. Service of the summons.	
366. Service of the summons by publication.	

SEC. 361. An action of an equitable nature shall only be commenced within the time limited to commence an action as provided in chapter two of this title; and an action for the determination of any right or claim to or interest in real property shall be deemed within the limitations provided for actions for the recovery of the possession of real property; but no action shall be maintained to set aside, cancel, annul, or otherwise affect a patent to lands issued by the United States, or to compel any person claiming or holding under such patent to convey the lands described therein or any portion of them to the plaintiff in such action, or to hold the same in trust for or to the use and benefit of such plaintiff, or on account of any matter, thing, or transaction which was had, done, suffered, or transpired prior to the date of such patent, unless such action is commenced within ten years from the date of such patent. In an action upon a new promise, fraud, or mistake the limitation shall only be deemed to commence from the making of the new promise or the discovery of the fraud or mistake: *Provided*, This section shall not be construed so as to bar an equitable owner in possession of real property from defending his possession by means of his equitable title; and in any action for the recovery of any real property, or the possession thereof, by any person or persons claiming or holding the legal title to the same under such patent against any person or persons in possession of such real property under any equitable title, or having in equity the right to the possession thereof as against the plaintiff in such action, such equitable right of possession may be pleaded by answer in such action or set up by complaint to enjoin such action or execution upon any judgment rendered therein; and the right of such equitable owner to defend his possession in such action, or by complaint for injunction, shall not be barred by lapse of time while an action for the possession of such real property is not barred by the provisions of chapter two of this title.

Limitation of actions.

—construction, etc.

SEC. 362. Every action of an equitable nature shall be prosecuted in the name of the real party in interest, except as in this section otherwise provided. An executor or an administrator, a trustee of an express trust, or a person expressly authorized to sue by statute, may sue without joining with him the person for whose benefit the action is prosecuted. A trustee of an express trust within the meaning of this section shall be construed to include a person with whom and in whose name a contract is made for the benefit of another.

In whose name an action to be prosecuted.

SEC. 363. All persons having an interest in the subject of the action and in obtaining the relief demanded may be joined as plaintiffs,

Plaintiffs and defendants, who may be.

except as in this chapter otherwise provided. Any person may be made a defendant who has or claims an interest in the controversy adverse to the plaintiff, or who is a necessary party to a complete determination or settlement of the questions involved therein.

Same subject

SEC. 364. Of the parties to the action, those who are united in interest must be joined as plaintiffs or defendants; but if the consent of anyone who should have been joined as plaintiff can not be obtained, he may be made a defendant, the reason thereof being stated in the complaint; and when the question is one of a common or general interest of many persons, or when the parties are very numerous, and it may be impracticable to bring them all before the court, one or more may sue or defend for the benefit of the whole.

Service of the summons.

SEC. 365. When there is more than one defendant in the action, service of only one copy of the complaint shall be required, the same to be served on the defendant designated by the plaintiff or his attorney by a direction indorsed on such summons, but the summons served on the other defendants shall contain a brief statement of the cause of action and relief demanded.

Service of the summons by publication.

SEC. 366. In addition to the causes enumerated in the subdivisions of section forty-seven, service of the summons may be made by publication in the following cases:

First. When the subject of the action is real or personal property in the district, and the defendant has or claims a lien or interest actual or contingent therein, or the relief demanded consists wholly or partly in excluding the defendant from any lien or interest therein;

Second. When the action is for divorce, as hereinafter provided.

What objections if not taken by demurrer or answer may be made on the trial.

SEC. 367. The objection to the jurisdiction of the court, or that the complaint does not state facts sufficient to constitute a cause of action, if not taken by demurrer or answer, may be made on the trial.

Counterclaim of defendant.

SEC. 368. The counterclaim of the defendant shall be one upon which an action might be maintained by the defendant against the plaintiff in the action; and in addition to the cases specified in the subdivisions of section sixty-four, it is sufficient if it be connected with the subject of the action.

What causes of actions may be united.

SEC. 369. The plaintiff in an action of an equitable nature may unite several causes of action in the same complaint, where they all arise out of—

First. The same transaction, or transactions connected with the same subject of action;

Second. Contract, express or implied; or,

Third. Injuries, with or without force, to property;

Fourth. Claims to real property, or any interest therein, with or without an account for the rents and profits thereof;

Fifth. Claims to personal property, or any interest therein, with or without an account for the use thereof;

Sixth. Claims against a trustee by virtue of a contract or by operation of law.

But the causes of action so united must all belong to one of these classes, and must affect all the parties to the action, and not require different places of trial, and shall be separately stated.

Arrest and bail in actions of equitable nature.

SEC. 370. The writ of ne exeat is abolished, and instead thereof the plaintiff in an action may have the defendant arrested and held to bail in like manner and with like effect as provided in the chapter of this title "Of arrest and bail." A cause of arrest in an action shall be the same as those specified in section ninety-nine, so far as the same may exist, and not otherwise.

CHAPTER THIRTY-NINE.

OF THE TRIAL OF ISSUES IN ACTIONS OF AN EQUITABLE NATURE.

Sec.	Sec.
371. Certain provisions to apply.	377. Judgment of dismissal before trial and effect thereof.
372. How and when testimony taken.	378. Same after trial.
373. Conduct of the trial.	379. Chapters 26, 27, and 28 to apply.
374. Objections to depositions, when and how made.	380. When judgment may be given in vacation; entry, roll, and final record thereof.
375. Same subject.	
376. Chapters 20 and 24 shall apply.	

SEC. 371. The provisions of chapter fifteen of this title shall apply to actions of an equitable nature except as in this chapter otherwise or specially provided. Both issues of law and fact shall be tried by the court, unless referred. Whenever it becomes necessary or proper to inquire of any fact by the verdict of a jury, the court may direct a statement thereof, and that a jury be formed to inquire of the same. The statement shall be tried as an issue of fact in an action, and the verdict may be read as evidence on the trial of the action. Certain provisions to apply.

SEC. 372. All issues of fact in actions of an equitable nature may be tried by the court, and if tried by the court, the evidence shall be presented and the trial conducted in the same manner as other actions: *Provided*, The court may, in its discretion, refer the case to a referee pursuant to the provisions of this title. In all such actions the court, in rendering its decisions therein, shall set out in writing its findings of fact upon all the material issues of fact presented by the pleadings, together with its conclusions of law thereon; but such findings of fact and conclusions of law shall be separate from the judgment, and shall be filed with the clerk, and shall be incorporated in, and constitute a part of, the judgment roll of the case; and such findings of fact shall have the same force and effect, and be equally conclusive, as the verdict of a jury in an action. Exceptions may be taken during the trial to the ruling of the court, and also to its findings of fact, and a statement of such exceptions prepared and settled as in an action, and the same shall be filed with the clerk within ten days from the entering of the decree, or such further time as the court may allow. How and when testimony taken.

SEC. 373. When the action is called for trial, the trial shall proceed in the order prescribed in subdivisions one, two, three, four, and five of section one hundred and eighty-seven, unless the court for special reasons otherwise directs. Conduct of the trial.

SEC. 374. Upon the trial either party may object to the reading of a deposition, or any part thereof, when offered by the other because the witness is incompetent, or the testimony is so, or irrelevant, and not otherwise. All other objections to depositions shall be taken by written exceptions filed with the clerk within twenty days from the filing of the testimony, and may be heard and decided by the court or judge thereof at any time thereafter before the trial of the action. Objections to depositions, when and how made.

SEC. 375. When it appears from the deposition that a party was present at the examination of a witness, such party shall not be heard to object to anything in or concerning such deposition not excepted to at the time of taking the same, except the objections allowed to be taken on the trial as provided in section three hundred and seventy-two of this title. When any part of the examination of a witness is excluded for any reason, so much of the cross-examination as relates to the same matter is excluded also. Same subject.

SEC. 376. The provisions of chapters twenty and twenty-four of this title shall apply to actions of an equitable nature, but the final determination of the rights of the parties thereto is called a judgment, and any intermediate determination is called an order. Chapters 20 and 24 shall apply

SEC. 377. A judgment dismissing an action may be given against the plaintiff in any of the cases specified in subdivisions one, two, and Judgment of dismissal before trial and effect thereof.

three of section two hundred and thirty-seven, except the last clause of such subdivision three. Such judgment is a determination of the action, but shall not have the effect to bar another action for the same cause or any part thereof.

Same after trial.

SEC. 378. Whenever upon the trial it is determined that the plaintiff is not entitled to the relief claimed, or any part thereof, a judgment shall be given dismissing the action, and such judgment shall have the effect to bar another action for the same cause or any part thereof, unless such determination be on account of a failure of proof on the part of the plaintiff, in which case the court may, on motion of such plaintiff, give such judgment without prejudice to another action by the plaintiff for the same cause or any part thereof.

Chapters 26, 27, and 28 to apply.

SEC. 379. The provisions of chapters twenty-six and twenty-seven of this title, from and inclusive of section two hundred and forty-one to and inclusive of section two hundred and forty-four, shall apply to actions of an equitable nature. The provisions of chapter twenty-eight shall apply to controversies which might be the subject of such an action.

When judgment may be given in vacation; entry, roll, and final record thereof.

SEC. 380. When upon the submission of such an action the court is unadvised as to what judgment ought to be given therein, it may reserve the case for further consideration, and may decide the same and give such judgment in vacation by filing the same with the clerk. When a judgment is given in an action of an equitable nature, unless otherwise ordered by the court, it shall be entered by the clerk within the day it is given. Sections two hundred and fifty-one, two hundred and fifty-two, two hundred and fifty-four, two hundred and fifty-five, and two hundred and fifty-nine, of this title shall apply to actions of an equitable nature. The provisions of chapter thirty of this title shall apply to judgments and the final record or roll thereof.

CHAPTER FORTY.

OF THE MODE OF ENFORCING A JUDGMENT IN ACTIONS OF AN EQUITABLE NATURE.

Sec.

381. When equivalent to performance.

Sec.

382. Certain chapters to apply.

When equivalent to performance.

SEC. 381. A judgment requiring a party to make a conveyance, transfer, release, acquittance, or other like act within a period therein specified shall, if such party do not comply therewith, be deemed and taken to be equivalent thereto. The court or judge thereof may enforce an order or judgment in an action of an equitable nature, other than for the payment of money, by punishing the party refusing or neglecting to comply therewith, as for a contempt.

Certain chapters to apply.

SEC. 382. The provisions of chapter thirty-one of this title shall apply to the enforcement of judgments so far as the nature of the judgment may require or admit of it, but the mode of trial of an issue of fact in a proceeding against a garnishee shall be according to the mode of trial of such issue in an action.

CHAPTER FORTY-ONE.

OF INJUNCTION.

Sec.

383. Definition of, and how permanent injunction enforced.

384. Allowance of injunction.

385. Service of the order allowing the injunction.

Sec.

386. When defendant may be restrained during the pendency of the action.

387. Allowance of injunction after answer.

388. Motion to vacate or modify injunction.

Definition of, and how permanent injunction enforced.

SEC. 383. An injunction is an order requiring a defendant in an action to refrain from a particular act. It is only allowed as a provisional remedy, and when a judgment is given enjoining a defendant,

such judgment shall be effectual and binding on such defendant without other proceeding or process, and may be enforced, if necessary, as provided in section three hundred and eighty-one.

SEC. 384. An injunction may be allowed by the court or judge thereof at any time after the commencement of the action and before judgment. Before allowing the same the court or judge shall require of the plaintiff an undertaking, with one or more sureties, to the effect that he will pay all costs and disbursements that may be decreed to the defendant, and such damages, not exceeding an amount therein specified, as he may sustain by reason of the injunction if the same be wrongful or without sufficient cause. Allowance of injunction.

SEC. 385. The undertaking and affidavits, if any, upon which the injunction is allowed, shall be filed with the clerk. The order may be served as a summons and returned to the clerk, with a proof of service indorsed thereon, except that the service shall be made upon the defendant personally. The order may be filed with the clerk at once, and shall be deemed to be served upon the defendant from the date of its allowance, if it appear therefrom that the defendant appeared before the court or judge at the allowance thereof. Service of the order allowing the injunction.

SEC. 386. When it appears by the complaint that the plaintiff is entitled to the relief demanded, and such relief, or any part thereof, consists in restraining the commission or continuance of some act the commission or continuance of which during the litigation would produce injury to the plaintiff; or when it appears by affidavit that the defendant is doing, or threatens or is about to do, or is procuring or suffering to be done, some act in violation of the plaintiff's rights concerning the subject of the action, and tending to render the judgment ineffectual; or when it appears by affidavit that the defendant threatens or is about to remove or dispose of his property, or any part thereof, with intent to delay or defraud his creditors, an injunction may be allowed to restrain such act, removal, or disposition. When defendant may be restrained during the pendency of the action.

SEC. 387. An injunction shall not be allowed after the defendant has answered, except upon notice, but in such case the defendant may be restrained until the decision of the court or judge allowing or refusing the injunction; and before answer, if the court or judge deem it proper that the defendant should be heard before allowing an injunction, an order may be made requiring the defendant to show cause, at a specified time and place, why the injunction should not be allowed, and in the meantime the defendant may be restrained. Allowance of injunction after answer.

SEC. 388. If the injunction be allowed without notice, the defendant may, at any time after answer, and before trial, apply, upon notice, to the court or judge thereof, to vacate or modify the same. The application may be made upon affidavits in addition to the answer, and if so, the plaintiff may oppose the same by affidavits, or other evidence, in addition to those upon which the injunction was allowed. If, upon the hearing of the motion, it satisfactorily appear that the injunction should not have been allowed, either in whole or in part, it shall be vacated or modified accordingly. Motion to vacate or modify injunction.

CHAPTER FORTY-TWO.

OF THE FORECLOSURE OF LIENS UPON REAL PROPERTY.

Sec.	Sec.
389. Liens upon real property, how foreclosed.	394. Action for foreclosure can not be maintained during pendency of action for the debt.
390. Parties defendant.	395. Nature of judgment where debt payable in installments some of which not due.
391. Where two or more liens upon the same property.	396. Effect of payment before sale.
392. How judgment enforced.	
393. Property sold upon foreclosure, how redeemed.	

SEC. 389. A lien upon real property, other than that of a judgment, whether created by mortgage or otherwise, shall be foreclosed, and Liens upon real property, how foreclosed.

the property adjudged to be sold to satisfy the debt secured thereby, by an action of an equitable nature. In such action, in addition to the judgment of foreclosure and sale, if it appear that a promissory note or other personal obligation for the payment of the debt has been given by the mortgagor or other lien debtor, or by any other person as principal or otherwise, the court shall also adjudge a recovery of the amount of such debt against such person or persons, as the case may be, as in the case of an ordinary judgment for the recovery of money.

Parties defendant.

SEC. 390. Any person having a lien subsequent to the plaintiff upon the same property or any part thereof, or who has given a promissory note or other personal obligation for the payment of the debt or any part thereof, secured by the mortgage or other lien which is the subject of the action, shall be made a defendant in the action, and any person having a prior lien may be made defendant at the option of the plaintiff, or by the order of the court when deemed necessary.

Where two or more liens upon the same property.

SEC. 391. When it is adjudged that any of the defendants have a lien upon the property, the court shall make a like judgment in relation thereto and the debt secured thereby as if such defendant were a plaintiff in the action; and when a judgment is given foreclosing two or more liens upon the same property or any portion thereof in favor of different persons not united in interest, such judgment shall determine and specify the order of time, according to their priority, in which the debts secured by such lien shall be satisfied out of the proceeds of the sale of the property.

How judgment enforced.

SEC. 392. The judgment may be enforced by execution as an ordinary judgment for the recovery of money, except as in this section otherwise or specially provided:

First. When a judgment of foreclosure and sale is given, an execution may issue thereon against the property adjudged to be sold. If the judgment is in favor of the plaintiff only, the execution may issue as in ordinary cases, but if it be in favor of different persons not united in interest, it shall issue upon the joint request of such persons, or upon the order of the court or judge thereof, on the motion of either of them;

Second. When the judgment is also against the defendants or any one of them in person, and the proceeds of the sale of the property upon which the lien is foreclosed is not sufficient to satisfy the judgment as to the sum remaining unsatisfied to either, the judgment may be enforced by execution as in ordinary cases. When in such case the judgment is in favor of different persons not united in interest, it shall be deemed a separate judgment as to such persons, and may be enforced accordingly.

Property sold upon foreclosure, how redeemed.

SEC. 393. A judgment of foreclosure shall have the effect to bar the equity of redemption, and property sold on execution issued upon a judgment may be redeemed in like manner and with like effect as real property sold on an execution issued on a judgment.

Action for foreclosure can not be maintained during pendency of action for the debt.

SEC. 394. During the pendency of an action for the recovery of a debt secured by any lien mentioned in section three hundred and eighty-nine, an action can not be maintained for the foreclosure of such lien, nor thereafter, unless judgment be given in such action that the plaintiff recover such debt or some part thereof, and an execution thereon against the property of the defendant in the judgment is returned unsatisfied in whole or in part.

Nature of judgment where debt payable in installments some of which not due.

SEC. 395. When an action is commenced to foreclose a lien by which a debt is secured, which debt is payable in installments, either of interest or principal, and any of such installments is not then due, the court shall adjudge a foreclosure of the lien, and may also adjudge a sale of the property for the satisfaction of the whole of such debt, or so much thereof as may be necessary to satisfy the installment then

due, with costs of action; and in the latter case the judgment of foreclosure as to the remainder of the property may be enforced by an order of sale, in whole or in part, whenever default shall be made in the payment of the installments not then due.

SEC. 396. If, before a judgment is given, the amount then due, with the costs of action, is brought into court and paid to the clerk, the action shall be dismissed, and if the same be done after judgment and before sale, the effect of the judgment as to the amount then due and paid shall be terminated, and the execution, if any have issued, be recalled by the clerk. When an installment not due is adjudged to be paid, the court shall determine and specify in the judgment what sum shall be received in satisfaction thereof, which sum may be equal to such installment, or otherwise, according to the present value thereof. The provisions of this chapter as to liens upon personal property are not to be construed so as to exclude a person having such a lien from any other remedy or right in regard to such property.

Effect of payment
before sale.

CHAPTER FORTY-THREE.

OF ACTIONS FOR THE PARTITION OF REAL PROPERTY.

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| Sec. | Sec. |
| 397. Who may maintain an action for partition. | 424. Mortgages and other securities, how taken by referees. |
| 398. Complaint, what it shall contain. | 425. Estate for life or years, how disposed of. |
| 399. What lien creditors may be made defendants, etc. | 426. Compensation of such estate in case of sale. |
| 400. Summons, how directed. | 427. If consent not given, court to determine the value of such estate. |
| 401. Upon whom summons may be served by publication. | 428. Rule for the determination of the value. |
| 402. Answer, what to contain. | 429. Rights of unknown tenants to be protected. |
| 403. Rights of the parties may be put in issue, etc. | 430. Inchoate or contingent interests, how provided for. |
| 404. When order of sale may be made instead of partition. | 431. Terms of sale to be made known at the time of sale. |
| 405. How referees to make partition. | 432. Referees not to purchase. |
| 406. Proceedings on report of referees. | 433. Report of referees, what to contain. |
| 407. Who not affected thereby. | 434. Report may be excepted to; effect of confirmation. |
| 408. Expenses of referees. | 435. Proceedings when a party or incumbrancer becomes purchaser. |
| 409. When order of sale may be made upon report of referees. | 436. When and what proceeds of sale to be invested. |
| 410. In case of partial sale, how estate for life or years set off. | 437. In whose name securities taken or investments made. |
| 411. When reference ordered to ascertain lien creditors. | 438. Same subject. |
| 412. Referees to ascertain amount of liens. | 439. When clerk to keep account and receive interest. |
| 413. Notice to lien creditors. | 440. When equal partition can not be made, court may adjudge compensation. |
| 414. Duties of referee. | 441. When proceedings of sale paid to guardian of infant. |
| 415. Exceptions to report. | 442. When paid to guardian of insane person. |
| 416. Effect of confirmation of report. | 443. Costs of partition, how apportioned. |
| 417. Distribution of proceeds of sale. | |
| 418. When party may be required to exhaust other securities. | |
| 419. Proceedings not to delay or affect certain parties. | |
| 420. Proceeds of sale to be distributed or paid into court. | |
| 421. When action to continue. | |
| 422. Sale by referees, how made. | |
| 423. Court may direct sale to be made on credit. | |

SEC. 397. When several persons hold and are in possession of real property as tenants in common, in which one or more of them have an estate of inheritance, or for life or years, or when several persons hold as tenants in common a vested remainder or reversion in any real property, any one or more of them may maintain an action of an equitable nature for the partition of such real property, according to

Who may maintain
an action for partition

the respective rights of the persons interested therein, and for a sale of such property, or a part of it, if it appears that a partition can not be had without great prejudice to the owners.

Complaint, what it shall contain.

SEC. 398. The interest of all persons in the property, whether such persons be known or unknown, shall be set forth in the complaint, specifically and particularly, as far as known to the plaintiff; and if one or more of the parties, or the share or quantity of interest of any of the parties, be unknown to the plaintiff, or be uncertain or contingent, or the ownership of the inheritance depend upon an executory device, or the remainder be a contingent remainder, so that such parties can not be named, that fact shall be set forth in the complaint.

What lien creditors may be made defendants, etc.

SEC. 399. The plaintiff shall make creditors having liens upon the property or any portion thereof, defendants in the action. When the lien is upon an undivided interest or estate of any of the parties, such lien, if a partition be made, is thenceforth a lien only upon the share assigned to such party, but such share shall be first charged with its just proportion of the costs of the partition, in preference to such lien.

Summons, how directed.

SEC. 400. The summons shall be directed by name to all the tenants in common who are known, and in the same manner to all lien creditors who are made parties to the action, and generally to all persons unknown, having or claiming an interest or estate in the property.

Upon whom summons may be served by publication.

SEC. 401. If a party having a share or interest in or lien upon the property be unknown, or either of the known parties reside out of the district or can not be found therein, and such fact be made to appear by affidavit, the summons may be served upon such absent or unknown party by publication, directed by the court or judge, as in ordinary cases. When service of the summons is made by publication, it must be accompanied by a brief description of the property which is the subject of the action.

Answer, what to contain.

SEC. 402. The defendant shall set forth in his answer the nature and extent of his interest in the property, and if he be a lien creditor, how such lien was created, the amount of the debt secured thereby, and remaining due, and whether such debt is secured in any other way, and if so, the nature of such other security.

Rights of the parties may be put in issue, etc.

SEC. 403. The rights of the several parties, plaintiffs as well as defendants, may be put in issue, tried, and determined in such action, and where a defendant fails to answer, or where a sale of the property is necessary, the title shall be ascertained by proof to the satisfaction of the court before the judgment for partition or sale is given.

When order of sale may be made instead of partition.

SEC. 404. If it be alleged in the complaint and established by evidence, or if it appear by the evidence, without such allegation in the complaint, to the satisfaction of the court, that the property, or any part of it, is so situated that partition can not be made without great prejudice to the owners, the court may order a sale thereof, and for that purpose may appoint one or more referees. Otherwise, upon the requisite proofs being made, it shall adjudge a partition according to the respective rights of the parties, as ascertained by the court, and appoint three referees therefor, and shall designate the portion to remain undivided for the owners whose interests remain unknown or not ascertained.

How referees to make partition.

SEC. 405. In making the partition the referees shall divide the property and allot the several portions thereof to the respective parties, quality and quantity relatively considered, according to the respective rights of the parties as determined by the court, designating the several portions by proper landmarks, and may employ a surveyor with the necessary assistants to aid them therein. The referees shall make a report of their proceedings, specifying therein the manner of executing their trust, describing the property divided and the shares allotted to each party, with a particular description of each share.

SEC. 406. The court may confirm or set aside the report in whole or in part, and if necessary appoint new referees. Upon the report being confirmed, a judgment shall be given that such partition be effectual forever, which judgment shall be binding and conclusive—

Proceedings on report of referees.

First. On all parties named therein, and their legal representatives, who have at the time any interest in the property divided, or any part thereof, as owners in fee, or as tenants for life or for years, or as entitled to the reversion, remainder, or inheritance of such property or any part thereof after the termination of a particular estate therein, or who by any contingency may be entitled to a beneficial interest in the property, or who have an interest in any undivided share thereof as tenants for years or for life;

Second. On all persons interested in the property who may be unknown, to whom notice shall have been given of the application for partition by publication, as directed by section four hundred and one; and

Third. On all other persons claiming from such parties or persons, or either of them.

SEC. 407. But such judgment and partition shall not affect any tenants for years or for life of the whole of the property which is the subject of partition; nor shall such judgment or partition preclude any person, except such as are specified in the last section, from claiming title to the property in question, or from controverting the title of the parties between whom the partition shall have been made.

Who not affected thereby.

SEC. 408. The expenses of the referees, including those of a surveyor and his assistants, when employed, shall be ascertained and allowed by the court, and the amount thereof, together with the fees allowed by law to the referees, shall be paid by the plaintiff, and may be allowed as part of the charges.

Expenses of referees.

SEC. 409. If the referees report to the court that the property of which partition shall have been adjudged, or any separate portion thereof, is so situated that a partition thereof can not be made without great prejudice to the owners and the court is satisfied that such report is correct, it may thereupon, by an order, direct the referees to sell the property or separate portion thereof so situated.

When order of sale may be made upon report of referees.

SEC. 410. When a part of the property only is ordered to be sold, if there be an estate for life or years in an undivided share of the property, the whole of such estate may be set off in any part of the property not ordered to be sold.

In case of partial sale, how estate for life or years set off.

SEC. 411. If an order of sale be made, and before a distribution of the proceeds thereof, the plaintiffs shall produce to the court a certificate showing the liens remaining unsatisfied, if any, by judgment upon the property, or any portion thereof, and unless he do so the court shall order a referee to ascertain them.

When reference ordered to ascertain lien creditors.

SEC. 412. If it appear by such certificate, or reference in case the certificate is not produced, that any such liens exist, the court shall appoint a referee to ascertain what amount remains due thereon or secured thereby, respectively, and the order of priority in which they are entitled to be paid out of the property.

Referees to ascertain amount of liens.

SEC. 413. The plaintiff must cause a notice to be served, at least ten days before the time for appearance, on each person having such lien by judgment to appear before the referee at a specified time and place to make proof by his own affidavit or otherwise of the true amount due, or to become due, contingently or absolutely, on his judgment.

Notice to lien creditors.

SEC. 414. The referee shall receive the evidence and report the names of the creditors whose liens are established, the amounts thereon or secured thereby, and their priority, respectively, and whether contingent or absolute. He shall attach to his report the proof of service of the notices and the evidence before him.

Duties of referee.

Exceptions to report.

SEC. 415. The report of the referee may be excepted to by either party to the action or to the proceedings before the referee, in like manner and with like effect as in ordinary cases. If a lien creditor be absent from the district, or his residence therein be unknown, and that fact appear by affidavit, the court or judge thereof may by order direct that service of the notice may be made upon his agent or attorney of record or by publication thereof for such time and in such manner as the order may prescribe.

Effect of confirmation of report.

SEC. 416. If the report of the referee be confirmed, the order of confirmation is binding and conclusive upon all parties to the action and upon the lien creditors who have been duly served with the notice to appear before the referee as provided in section four hundred and thirteen.

Distribution of proceeds of sale.

SEC. 417. The proceeds of the sale of the incumbered property shall be distributed by the judgment of the court as follows:

First. To pay its just proportion of the general costs of the action;

Second. To pay the costs of the reference;

Third. To satisfy the several liens, in their order of priority, by payment of the sums due and to become due, according to the judgment;

Fourth. The residue among the owners of the property sold, according to their respective shares.

When party may be required to exhaust other securities.

SEC. 418. Whenever any party to the action or who holds a lien upon the property or any part thereof has other securities for the payment of the amount of such lien, the court may, in its discretion, order such securities to be exhausted before a distribution of the proceeds of sale, or may order a just deduction to be made from the amount of the lien on the property on account thereof.

Proceedings not to delay or affect certain parties.

SEC. 419. The proceedings to ascertain the amount of the liens and to determine their priority, as above provided, or those hereinafter authorized to determine the rights of parties to funds paid into court, shall not delay the sale nor affect any other party whose rights are not involved in such proceedings.

Proceeds of sale to be distributed or paid into court.

SEC. 420. The proceeds of sale and the securities taken by the referees, or any part thereof, shall be distributed by them to the persons entitled thereto whenever the court so directs. But if no such direction be given all such proceeds and securities shall be paid into court or deposited as directed by the court.

When action to continue.

SEC. 421. When the proceeds of sales of any shares or parcel belonging to persons who are parties to the action, and who are known, are paid into court, the action may be continued as between such parties for the determination of their respective claims thereto, which shall be ascertained and adjudged by the court. Further testimony may be taken in court, or by a referee, at the discretion of the court, and the court may, if necessary, require such parties to present the facts or law in controversy, by pleading, as in an original action.

Sale by referees, how made.

SEC. 422. All sales of real property made by the referees shall be made by public auction to the highest bidder, in the manner required for the sale of real property on execution. The notice shall state the time, place, and terms of sale, and if the property or any part of it is to be sold subject to a prior estate, charge, or lien, that shall be stated in the notice.

Court may direct sale to be made on credit.

SEC. 423. The court shall, in the order of sale, direct the terms of credit which may be allowed for the purchase money of any portion of the premises of which it may direct a sale on credit; and for that portion of which the purchase money is required by the provisions hereinafter contained to be invested for the benefit of unknown owners, infants, and parties out of the district.

SEC. 424. The referees may take separate mortgages and other securities for the whole or convenient portions of the purchase money of such parts of the property as are directed by the court to be sold on credit, in the name of the clerk of the court, and his successor in office; and for the shares of any known owner of full age, in the name of such owner.

Mortgages and other securities, how taken by referees.

SEC. 425. When the estate of any tenant for life or years, in any undivided part of the property in question, shall have been admitted by the parties, or ascertained by the court to be existing at the time of the order of sale, and the person entitled to such estate shall have been made a party to the action, such estate may be first set off out of any part of the property, and a sale made of such parcel, subject to the prior unsold estate of such tenant therein; but if in the judgment of the court a due regard to the interest of all the parties require that such estate be also sold, the sale may be so ordered.

Estate for life or years, how disposed of.

SEC. 426. Any person entitled to an estate for life or years in any undivided part of the property, whose estates shall have been sold, shall be entitled to receive such sum in gross as may be deemed upon principles of law applicable to annuities a reasonable satisfaction for such estate, and which the person so entitled shall consent to accept instead thereof, by an instrument duly acknowledged or proved in the same manner as deeds for the purpose of record, and filed with the clerk.

Compensation for such estate in case of sale.

SEC. 427. If such consent be not given, as provided in the last preceding section, before the report of sale, the court shall ascertain and determine what proportion of the proceeds of the sale, after deducting expenses, will be a just and reasonable sum to be invested for the benefit of the person entitled to such estate for life or years, and shall order the same to be deposited in court for that purpose.

If consent not given, court to determine the value of such estate.

SEC. 428. The proportion of the proceeds of the sale to be invested as provided in the section last preceding shall be ascertained and determined in the several cases as follows:

Rule for the determination of the value.

First. If an estate in dower be included in the order of sale, its proportion shall be one-third of the proceeds of the sale of the property, or of the sale of the undivided share in such property upon which the claim of dower existed;

Second. If an estate by the curtesy, or other estate for life or years, be included in the order of sale, its proportion shall be the whole proceeds of the sale of the property, or of the sale of the undivided share thereof in which such estate may be.

And in all cases the proportion of the expenses of the proceeding shall be deducted from the proceeds of the sale.

SEC. 429. If the persons entitled to such estate for life or years be unknown, the court shall provide for the protection of their rights in the same manner, as far as may be, as if they were known and had appeared.

Rights of unknown tenants to be protected.

SEC. 430. In all cases of sales in partition, when it appears that a married woman has an inchoate right of dower in any of the property sold, or that any person has a vested or contingent future right or estate therein, the court shall ascertain and settle the proportional value of such inchoate, contingent, or vested right or estate according to the principles of law applicable to annuities and survivorship, and shall direct such proportion of the proceeds of sale to be invested, secured, or paid over in such manner as to protect the right and interests of the parties.

Inchoate or contingent interests, how provided for.

SEC. 431. In all cases of sales of property, the terms shall be made known at the time; and if the premises consist of distinct farms or lots, they shall be sold separately, or otherwise if the court so directs.

Terms of sale to be made known at the time of sale.

SEC. 432. Neither of the referees, nor any person for the benefit of

Referees not to purchase.

either of them, shall be interested in any purchase; nor shall the guardian of an infant party be interested in the purchase of any real property, being the subject of the action, except for the benefit of the infant. All sales contrary to the provisions of this section shall be void.

Report of referees,
what to contain.

SEC. 433. After completing the sale, the referees shall report the same to the court, with a description of the different parcels of lands sold to each purchaser, the name of the purchaser, the price paid or secured, the terms and conditions of the sale, and the securities, if any, taken. The report shall be filed with the clerk.

Report may be ex-
cepted to; effect of
confirmation.

SEC. 434. The report of sale may be excepted to by any party entitled to a share of the proceeds, in like manner and with like effect as in ordinary cases. If the sale be confirmed, the order of confirmation shall direct the referees to execute conveyances and take securities pursuant to such sale, which acts they are hereby authorized to do. Such order shall have the effect to discharge the property of the estate or interest of every person mentioned in section four hundred and six, and of tenants for life or years of the property sold, and shall be binding and conclusive upon all such persons, as if the same were a decree for the partition of such property, and upon all persons whomsoever as to the regularity of the proceedings concerning such sale, except as provided in section four hundred and thirty-two.

Proceedings when a
party or incum-
brancer becomes pur-
chaser.

SEC. 435. When a party entitled to a share of the property or an incumbrancer entitled to have his lien paid out of the sale becomes a purchaser, the referees may take his receipt for so much of the proceeds of the sale as belongs to him.

When and what
proceeds of sale to be
invested.

SEC. 436. When there are proceeds of sale belonging to an unknown owner, or to a person without the district who has no legal representatives within it, or when there are proceeds arising from the sale of an estate subject to the prior estate of a tenant for life or years, which are paid into the court or otherwise deposited by order of the court, the same may be invested under such order in securities on interest for the benefit of the persons entitled thereto.

In whose name se-
curities taken or in-
vestments made.

SEC. 437. When the security for the proceeds of sale is taken, or when an investment of any such proceeds is made, it shall be done, except as herein otherwise provided, in the name of the clerk of the court and his successors in office, who shall hold the same for the use and benefit of the parties interested, subject to the order of the court.

Same subject.

SEC. 438. When security is taken by the referees on a sale, and the parties interested in such security, by an instrument in writing under their hands delivered to the referee, agree upon the shares and proportions to which they are respectively entitled, or when shares and proportions have been previously adjudged by the court, such securities shall be taken in the names of and payable to the parties respectively entitled thereto, and shall be delivered to such parties upon their receipt therefor. Such agreement and receipt shall be returned and filed with the clerk.

When clerk to keep
account and receive
interest.

SEC. 439. The clerk in whose name a security is taken or by whom an investment is made, and his successors in office, shall receive the interest and principal as it becomes due, and apply and invest the same as the court may direct; and shall file in his office all securities taken, and keep an account in a book provided and kept for that purpose in the clerk's office, free for inspection by all persons, of investments and moneys received by him thereon, and the disposition thereof.

When equal parti-
tion can not be made,
court may adjudge
compensation.

SEC. 440. When it appears that partition can not be made equal between the parties, according to their respective rights, without prejudice to the rights and interests of some of them, the court may adjudge compensation to be made by one party to another on account of inequality of partition; but such compensation shall not be required to be made to others by owners unknown, nor by infants unless in case

of an infant it appear that he has personal property sufficient for that purpose, and that his interest will be promoted thereby.

SEC. 441. When the share of an infant is sold the proceeds of the sale may be paid by the referees making the sale to his general guardian, or the special guardian appointed for him in the action, upon such guardian giving the security required by law or directed by order of the court.

When proceeds of sale paid to guardian of infant.

SEC. 442. The guardian who may be entitled to the custody and management of the estate of an insane person, or other person adjudged incapable of conducting his own affairs, whose interest in real property shall have been sold, may receive in behalf of such person his share of the proceeds of such real property from the referees on executing, with sufficient sureties, an undertaking, approved by the judge of the court, that he will faithfully discharge the trust reposed in him, and will render a true and just account to the person entitled, or to his legal representatives.

When paid to guardian of insane person.

SEC. 443. The costs of partition, including fees of referees and other disbursements, shall be paid by the parties respectively entitled to share in the lands divided, in proportion to their respective interests therein, and may be included and specified in the judgment. In that case they shall be a lien on the several shares, and the judgment may be enforced by execution against the parties separately. When, however, a litigation arises between some of the parties only, the court may require the expenses of such litigation to be paid by the parties thereto, or any of them.

Costs of partition, how apportioned.

CHAPTER FORTY-FOUR.

OF ACTIONS OF AN EQUITABLE NATURE BY AND AGAINST EXECUTORS, ADMINISTRATORS, LEGATEES, HEIRS, AND DEVISEES.

Sec.
444. In what actions chapter 37 shall apply.
445. An action against next of kin by creditor of the estate.
446. Each liable for the whole amount received.
447. Next of kin may maintain an action to compel contribution.
448. An action against legatees by creditor of the testator.
449. Apportionment of costs in an action against next of kin or legatees.
450. Payment of the amount recovered against any one satisfies the judgment as to such person.
451. Heirs or devisees liable for the debts of their ancestor or testator.
452. In what cases and to what extent not liable.

Sec.
453. Section 452 not to affect a case where debt charged upon real estate by will.
454. Preference of debts, and definition thereof.
455. How judgment against heir or devisee enforced.
456. When heirs or devisees personally liable.
457. Judgment against several heirs or devisees jointly to be apportioned among them.
458. Devisees not liable when there are assets.
459. Liable for deficiency only.
460. Two preceding sections not to affect a case where the debt is charged upon the real property by the will.

SEC. 444. The provisions of chapter thirty-seven of this title shall apply to actions of an equitable nature by and against executors and administrators, except as in this chapter otherwise or specially provided. Sections three hundred and fifty-one, three hundred and fifty-two, and three hundred and fifty-three of such chapter shall not so apply. All causes of actions of an equitable nature by one person against another, however arising, survive to the personal representatives of the former and against the personal representatives of the latter. When the cause of action survives, as herein provided, the executors or administrators may maintain an action of an equitable nature thereon against the party against whom the cause of action accrued, or after his death against his personal representatives.

In what actions chapter 37 shall apply.

An action against next of kin by creditor of the estate.

SEC. 445. The next of kin of a deceased person are liable to an action by a creditor of the estate to recover the distributive shares received out of such estate, or to so much thereof as may be necessary to satisfy his debt. The action may be against all the next of kin jointly or against any one or more of them severally.

Each liable for the whole amount received.

SEC. 446. In such action the plaintiff may recover the value of all the assets received by all the defendants in the action if necessary to satisfy his debt; and the amount of the recovery shall be apportioned among the defendants, in proportion to the value of the assets received by each; and no allowance or deduction shall be made from such amount on account of there being other next of kin to whom assets have also been delivered.

Next of kin may maintain an action to compel contribution.

SEC. 447. Any one of the next of kin against whom a recovery is had pursuant to section four hundred and forty-six may maintain an action against all the other next of kin of the deceased person to whom any such assets have been delivered jointly, or against any of them separately, for a just and equal contribution, and may recover of each defendant such amount as shall be in the same proportion to the whole sum collected of the plaintiff as the value of the assets delivered to such defendant bore to the value of all the assets delivered to all the next of kin of the deceased.

An action against legatees by creditor of the testator.

SEC. 448. Legatees are liable to an action by a creditor of the testator to recover the value of any legacy received by them. The action may be maintained against all the legatees jointly or against any one or more of them severally. In such action the plaintiff shall not recover unless he shows—

First. That no assets were delivered by the executor or administrator of the testator to his next of kin; or

Second. That the value of such assets has been recovered by some other creditor; or

Third. That such assets are not sufficient to satisfy the demand of the plaintiff.

And in the last case he shall recover only the deficiency. The whole amount which the plaintiff shall recover shall be apportioned among all the legatees of the testator in proportion to the value of their legacies respectively, and his proportion shall only be recovered of each legatee.

Apportionment of costs in an action against next of kin or legatees.

SEC. 449. In an action against several next of kin or legatees jointly for assets delivered to them, if a recovery be had against such next of kin or legatees, the cost of such action shall be apportioned among the several defendants in proportion to the amount recovered against each of them.

Payment of the amount recovered against any one satisfies the judgment as to such person.

SEC. 450. A decree against several next of kin or legatees shall be satisfied as to any one of them by the payment or satisfaction of the amount recovered against such defendant.

Heirs or devisees liable for the debts of their ancestor or testator.

SEC. 451. Heirs and devisees are liable to an action by a creditor of a deceased person to recover the debt of their ancestor or testator to the extent of the value of any real property inherited by or devised to them. If such action be against the heirs, all the heirs who are liable shall be made parties to the action.

In what cases and to what extent not liable.

SEC. 452. But the heirs are not liable for the debt, unless it appear that the personal assets of the deceased were insufficient to discharge it, or that after due proceedings the creditor has been unable to collect the debt from the personal representatives of the deceased, or from his next of kin or legatees. If the personal assets were sufficient to pay a part of the debt, or in case a part thereof shall have been collected, the heirs of such deceased person are liable for the residue.

Section 452 not to affect a case where debt charged upon real estate by will.

SEC. 453. The section last preceding shall not affect the liability of heirs for a debt of their ancestor where such debt was by his will

expressly charged exclusively on the real properties descended to such heirs, or where such debt is by the will expressly directed to be paid out of the real property descended before resorting to the personal property.

SEC. 454. In cases where the next of kin, legatees, heirs, and devisees are liable for the debts of their ancestors, as herein provided, they shall be liable therefor without other priority or preference than such ancestors would be. The word "debt," as used in this chapter, shall be construed to include all claims for the payment of money which survive against the personal representatives of the deceased, as provided in section four hundred and forty-four.

Preference of debts,
and definition thereof.

SEC. 455. A judgment against an heir or devisee on account of the debt of his ancestor or testator may be enforced by execution against the real property shown to have descended to the heir or devisee, and not otherwise. Such judgment shall have preference as a lien on such real property to any judgment or decree obtained against such heir or devisee on account of a debt or demand due in his own right.

How judgment
against heir or devisee
enforced.

SEC. 456. When it appears in the action that before the commencement thereof the heir or devisee has aliened the real property descended to him, or any part thereof, he shall be personally liable for the value of the property so aliened, and a judgment may be given against him therefor, to be enforced by execution, as if the judgment were for his own debt. No real property aliened in good faith and for a valuable consideration by an heir or devisee before action commenced against him is liable to an execution for the debt of his ancestor or testator, or in any manner affected by the judgment therefor against such heir or devisee.

When heirs or devisees
personally liable.

SEC. 457. In an action against several heirs jointly, or several devisees jointly, the amount which the plaintiff recovers must be apportioned among all the heirs of the ancestor or devisees of the testator in proportion to the value of the real property descended or devised, and such proportion only can be recovered of each heir or devisee.

Judgment against
several heirs or devisees
jointly to be apportioned
among them.

SEC. 458. A devisee shall not be liable to the creditor of his testator unless it appear that the personal assets of the testator and the real property descended to his heirs were insufficient to discharge the debt, or unless it appear that after due proceedings the creditor has been unable to recover the debt, or any part thereof, from the personal representatives of the testator or from his next of kin, legatees, or heirs.

Devisees not liable
when there are assets.

SEC. 459. In either of the cases specified in the section last preceding the amount of the deficiency of the personal assets, and of the real property descended, to satisfy the debt of the plaintiff, or the amount which such plaintiff may have failed to recover from the personal representatives of the testator, his next of kin, legatees, and heirs, may be recovered of the devisees of such testator, to the extent of the value of the real property devised to them respectively.

Liable for deficiency
only.

SEC. 460. The two sections last preceding shall not affect the liability of devisees for a debt of their testator where such debt was by his will expressly charged exclusively upon the real property devised, or by the terms of the will made payable by the devisee, or out of the real property devised, before resorting to the personal property or to any other real property descended or devised.

Two preceding sections
not to affect a case where the debt
is charged upon the real property by the will.

CHAPTER FORTY-FIVE.

ACTIONS TO DECLARE VOID OR DISSOLVE THE MARRIAGE CONTRACT.

Sec.		Sec.	
461.	Husband or wife may maintain action.	468.	Residence of parties.
462.	What marriages absolutely void.	469.	Same.
463.	What marriages void when so declared.	470.	Pleas in bar by defendant.
464.	At whose action marriages declared void.	471.	Maintenance and custody of children pending action.
465.	At whose action marriages declared voidable.	472.	Judgment for maintenance for the custody of children.
466.	Action to declare marriage valid.	473.	Power of court to modify decree.
467.	For what causes marriages may be dissolved.	474.	Right to remarry.

Husband or wife may maintain action.

SEC. 461. A husband or wife may maintain an action of an equitable nature against the other for the dissolution of the marriage contract, or to have the same declared void, as provided in this chapter.

What marriages absolutely void.

SEC. 462. All marriages which are prohibited by law on account of consanguinity between the parties, or on account of either of them having a former husband or wife then living, shall, if solemnized within the district, be absolutely void.

What marriages void when so declared.

SEC. 463. When either of the parties to a marriage shall be incapable of making such contract or assenting thereto for want of legal age or sufficient understanding, or when the consent of either party shall be obtained by force or fraud, such marriage shall be void from the time it is so declared by the decree of a court having jurisdiction thereof.

At whose action marriages declared void.

SEC. 464. A marriage may be declared void from the beginning, at the action of either party, for any of the causes specified in section four hundred and sixty-two, and whether so declared or not shall be deemed and held to be void in any action or proceeding whatever in which the same may come in question; but a marriage once declared to be valid by the judgment of a court having jurisdiction thereof, in an action for that purpose, can not afterwards be questioned for the same cause, directly or otherwise.

At whose action marriages declared voidable.

SEC. 465. A marriage shall not be declared void for any of the causes specified in section four hundred and sixty-three, except at the action or claim of the party laboring under the disability, or upon whom the force or fraud was imposed or practiced; nor at the action or claim of such party if it appears that the parties freely cohabited together as husband and wife after the party had arrived at legal age, acquired sufficient understanding, been restored to reason, freed from the force, or discovered the fraud, as the case may be.

Action to declare marriage valid.

SEC. 466. When either husband or wife shall claim or pretend that the marriage is void or voidable, as provided in sections four hundred and sixty-two and four hundred and sixty-three, the same may be declared valid and lawful at the action of the other; and in such action the court shall have power, if the pleadings and proof authorize it, to declare such marriage void from the beginning or from the time of the judgment, or that it is valid and lawful, and binding on the parties thereto.

For what causes marriages may be dissolved.

SEC. 467. The dissolution of the marriage contract may be declared at the action of the injured party for either of the following causes:

First. Impotency existing at the time of the marriage and continuing to the commencement of the action;

Second. Adultery;

Third. Conviction of felony;

Fourth. Willful desertion for the period of two years;

Fifth. Cruel and inhuman treatment calculated to impair health or endanger life;

Sixth. Habitual gross drunkenness contracted since marriage and continuing for one year prior to the commencement of the action.

SEC. 468. When a marriage has been solemnized in the district an action may be maintained to declare it void if the plaintiff is an inhabitant of the district at the commencement of the action. If the marriage has not been solemnized in the district, such action can only be maintained when the plaintiff has been an inhabitant thereof for three years prior to the commencement of the action.

Residence of parties.

SEC. 469. In an action for the dissolution of the marriage contract the plaintiff therein must be an inhabitant of the district at the commencement of the action and for three years prior thereto, which residence shall be sufficient to give the court jurisdiction without regard to the place where the marriage was solemnized or the cause of action arose.

Same.

SEC. 470. In an action for the dissolution of the marriage contract on account of adultery the defendant may admit the adultery and show in bar of the action either—

Pleas in bar by defendant.

First. That the act was committed by the procurement or with the connivance of the plaintiff; or,

Second. That the act had been expressly forgiven, or impliedly so, by the voluntary cohabitation of the parties after knowledge thereof; or,

Third. That the plaintiff has been guilty of adultery also without the procurement or connivance of the defendant and not forgiven as provided in subdivision second of this section; or,

Fourth. That the action has not been commenced within one year after the discovery of the act by the plaintiff.

When the action is for any of the causes specified in subdivisions third, fourth, fifth, or sixth of section four hundred and sixty-seven, the defendant may admit the charge and show in bar of the action that the act was committed by the procurement of the plaintiff, or that it has been expressly forgiven; and in case the action is founded on subdivision third of the section four hundred and sixty-seven, the defendant may also show in bar thereof that the action was not prosecuted within one year after the same occurred to the plaintiff.

SEC. 471. After the commencement of an action, and before a judgment therein, the court or judge thereof may, in its discretion, provide by order as follows:

Maintenance and custody of children pending action.

First. That the husband pay, or secure to be paid, to the clerk of the court such an amount of money as may be necessary to enable the wife to prosecute or defend the action, as the case may be;

Second. For the care, custody, and maintenance of the minor children of the marriage during the pendency of the action;

Third. For the freedom of the wife from the control of the husband during the pendency of the action, and the court may restrain either or both parties from disposing of the property of either party pending the action.

SEC. 472. Whenever a marriage shall be declared void or dissolved the court shall have power to further decree as follows:

Judgment for maintenance and for the custody of children.

First. For the future care and custody of the minor children of the marriage as it may deem just and proper, having due regard to the age and sex of such children, and unless otherwise manifestly improper giving the preference to the party not in fault;

Second. For the recovery of the party in fault, and not allowed the care and custody of such children, such an amount of money, in gross or installments, as may be just and proper for such party to contribute toward the nurture and education thereof;

Third. For the recovery of the party in fault such an amount of money, in gross or in installments, as may be just and proper for such party to contribute to the maintenance of the other;

Fourth. For the delivery to the wife, when she is not the party in

fault, of her personal property in the possession or control of the husband at the time of giving the judgment;

Fifth. For the appointment of one or more trustees to collect, receive, expend, manage, or invest, in such manner as the court shall direct, any sum of money adjudged for the maintenance of the wife or the nurture and education of minor children committed to her care and custody;

Sixth. To change the name of the wife when she is not the party in fault.

Power of court to modify decree.

SEC. 473. At any time after a judgment is given the court or judge thereof, upon the motion of either party, on notice shall have power to set aside, alter, or modify so much of the judgment as may provide for alimony or for the appointment of trustees for the care and custody of the minor children, or the nurture and education thereof, or the maintenance of either party to the action.

Right to remarry

SEC. 474. A judgment declaring a marriage void or dissolved by the action or claim of either party shall have the effect to terminate such marriage as to both parties, except that neither party shall be capable of contracting marriage with a third person, and if he or she does so contract, shall be liable therefor as if such judgment had not been given, until the action has been heard and determined on appeal, and if no appeal be taken, the expiration of the period allowed by law to take such appeal.

CHAPTER FORTY-SIX.

OF ACTIONS TO DETERMINE ADVERSE CLAIMS AND BOUNDARIES.

Sec.

475. An action to determine adverse claims.

476. An action to establish boundaries.

477. Pleadings in such action.

Sec.

478. Mode of proceeding thereafter.

479. Oath and duties of commissioners.

480. Their report.

An action to determine adverse claims.

SEC. 475. Any person in possession, by himself or his tenant, of real property, may maintain an action of an equitable nature against another who claims an estate or interest therein adverse to him, for the purpose of determining such claim, estate, or interest.

An action to establish boundaries.

SEC. 476. In any case where any dispute or controversy exists, or may hereafter arise, between two or more owners of adjacent or contiguous lands in the district, concerning the boundary lines thereof, or the location of the line or lines dividing such lands, either party or any party to such dispute or controversy may bring and maintain an action of an equitable nature in the district court of the district, for the purpose of having such controversy or dispute determined, and such boundary line or lines, or dividing lines, ascertained and marked by proper monuments, upon the ground where such line or lines may be ascertained to be, and established in such action.

Pleadings in such action.

SEC. 477. The complaint in such action shall be sufficient if it appears therefrom that the plaintiff and defendant or defendants are owners of adjacent lands; that there is a controversy or dispute between the parties concerning their boundary or dividing line or lines, and it shall not be necessary to set forth the nature of such dispute or controversy further than that the plaintiff shall describe the boundary or dividing line as he shall claim it to be. The defendant, in his answer, shall set forth the nature of his claim with reference to the location of the line in controversy.

Mode of proceeding thereafter.

SEC. 478. The mode of proceeding under this Act shall be analogous to that of other actions of an equitable nature: *Provided*, At the time of entering the judgment fixing the true location of the disputed boundary or dividing line the court shall appoint three disinterested com-

missioners, one of whom shall be a practical surveyor, and shall direct the commissioners to go upon the lands of the parties and establish and mark out upon the grounds, by proper marks and monuments, the boundary or dividing line as ascertained and determined by the court in its judgment.

SEC. 479. Before entering upon the discharge of their duties the commissioners shall make and file their oath, in writing, to faithfully and impartially perform their duties as such commissioners, and after designating the line by proper marks and monuments, they shall file, in the court and cause, a report of their doings as such commissioners, and the same shall be, when approved or confirmed by the court, a part of the judgment roll in the cause.

Oath and duties of commissioners.

SEC. 480. The report of the commissioners may be confirmed by the court, upon written motion of either party to such action, whenever it shall appear to the court that the motion was served upon the adverse party two days before the presentation thereof, and that no exceptions have been filed to the report within two days after the service. If exceptions are filed as aforesaid to the report, the exceptions may be heard with the motion to confirm, and the motion may confirm, modify, or set aside the report, as shall seem just, and in the latter case may appoint a new commission or refer the matter to the same commissioners with appropriate instructions.

Their report.

CHAPTER FORTY-SEVEN.

GENERAL PROVISIONS CONCERNING ACTIONS.

Sec.

- 481. Lost papers, how supplied.
- 482. Successive actions.
- 483. Consolidation of actions.
- 484. When court has jurisdiction.

Sec.

- 485. Jurisdiction over corporations.
- 486. Exercise of jurisdiction.
- 487. When majority of referees may act.
- 488. Computation of time.

SEC. 481. If an original paper or pleading be lost or withheld by any person, the court or judge thereof may order a verified copy thereof to be filed and used instead of the original.

Lost papers, how supplied.

SEC. 482. Successive actions may be maintained upon the same contract or transaction whenever, after the former action, a new cause of action arises therefrom.

Successive actions.

SEC. 483. Whenever two or more actions are pending at one time between the same parties and in the same court upon causes which might have been joined, the court may, upon the motion of the defendant, order the same to be consolidated. An action is deemed to be pending from the commencement thereof until its final determination upon appeal, or until the expiration of the period allowed to take an appeal.

Consolidation of actions.

SEC. 484. No natural person is subject to the jurisdiction of the district court of the district unless he appear in the court, or be found within the district, or be a resident thereof, or have property therein; and in the last case only to the extent of such property at the time the jurisdiction attached. But this section is not to be construed to limit the power of the said court to declare a marriage void or a dissolution thereof when the defendant is a nonresident of the district, in the cases provided for in chapter forty-five.

When court has jurisdiction.

SEC. 485. No corporation is subject to the jurisdiction of the district court of the district unless it appear in the court, or have been created by or under the laws of the district, or have an agency established therein for the transaction of some portion of its business, or have property therein; and in the last case only to the extent of such property at the time the jurisdiction attached.

Jurisdiction over corporations.

Exercise of jurisdiction.

SEC. 486. When the court has jurisdiction of the parties it may exercise it in respect to any cause of action, wherever arising, except for the specific recovery of real property situated without the district, or for injury thereto.

When majority of referees may act.

SEC. 487. Whenever there is more than one referee all must meet, but a majority of them may do any act which might be done by all; and whenever any authority is conferred on three or more persons it may be exercised by a majority of them, upon the meeting of all, unless expressly otherwise provided.

Computation of time.

SEC. 488. The time within which an act is to be done, as provided in this code, shall be computed by excluding the first day and including the last, unless the last day fall upon a Sunday, Christmas, or other legal holiday, in which case the last day shall also be excluded. The time for the publication of legal notices shall be computed so as to exclude the first day of publication and to include the day on which the act or event of which notice is given is to happen or which completes the full period required for publication.

CHAPTER FORTY-EIGHT.

OF OFFERS TO COMPROMISE AND THE INSPECTION OF WRITINGS.

Sec.

489. Offers to compromise, how accepted and effect thereof.

Sec.

490. Order for the inspection of papers.

Offers to compromise, how accepted and effect thereof.

SEC. 489. The defendant may, at any time before trial, serve upon the plaintiff and offer to allow judgment to be given against him for the sum, or the property, or to the effect therein specified. If the plaintiff accept the offer, he shall, by himself or attorney, indorse such acceptance thereon, and file the same with the clerk before trial, and within three days from the time it was served upon him; and thereupon judgment shall be given accordingly, as in case of a confession. If the offer be not accepted and filed within the time prescribed, it shall be deemed withdrawn, and shall not be given in evidence on the trial; and if the plaintiff fail to obtain a more favorable judgment, he shall not recover costs accruing after the service of the notice of the offer, but the defendant shall recover of him costs and disbursements from the time of such service.

Order for the inspection of papers.

SEC. 490. The court, or judge thereof, while an action is pending, may order either party to give the other, within a specified time, an inspection and copy, or permission to take a copy, of any book, document, or paper in his possession, or under his control, containing evidence or matters relating to the merits of the action, or the defense therein. If obedience to the order be neglected or refused, the court may exclude the book, document, or paper from being given in evidence, or, if wanted as evidence by the party applying therefor, may direct the jury to presume it to be such as he alleges it to be; and the court may also punish the party so neglecting or refusing as for a contempt. This section is not to be construed to prevent a party from compelling another to produce books, documents, or papers when he is examined as a witness.

CHAPTER FORTY-NINE.

OF MOTIONS AND ORDERS.

Sec.

491. Order and motion, definition of.

492. Motions, to whom and where made.

493. Notice of motion, time of, and when necessary.

Sec.

494. Application refused not to be repeated.

Order and motion, definition of.

SEC. 491. Every direction of a court or judge made or entered in writing, and not included in a judgment is denominated an order. An application for an order is a motion.

SEC. 492. Motions shall be made to the court or judge, as provided in other parts of this code. They shall be made at the place where the action is triable, except when made to a judge of the court before whom the action is pending and without notice, in which case an order may be made by such judge in any part of the district.

Motions, to whom and where made.

SEC. 493. When a notice of a motion is necessary, it shall be served twenty days before the time appointed for the hearing; but the court, or judge thereof, may prescribe, by order indorsed upon the notice, a shorter time. Notice of a motion is not necessary, except when this code requires it, or when directed by the court or judge in pursuance thereof.

Notice of motion, time of, and when necessary.

SEC. 494. If an application for an order, made to a judge of the court in which the action or proceeding is pending, be refused in whole or in part, or be granted conditionally, no subsequent application for the same order shall be made to any other judge. A violation of this section is punishable as a contempt, and an order made contrary thereto may be revoked by the judge who made it, or vacated by the court, or judge thereof, in which the action or proceeding is pending.

Application refused not to be repeated.

CHAPTER FIFTY.

OF NOTICE AND THE SERVICE AND FILING OF PAPERS.

Sec.
495. Notices to be in writing.
496. Notices and other papers, how served and upon whom.
497. When service may be made by mail; time allowed for distance.
498. How copy deposited and when service deemed to be made.
499. Appearance, how made; defendant not to be heard before appearance.

Sec.
500. When party absent from the district; when service to be made on attorney.
501. Foregoing provisions not to apply to summons.
502. Notice is valid, though defective in form.
503. Filing of papers.

SEC. 495. Notices shall be in writing, and notices and other papers shall be served on the party or attorney in the manner prescribed in this chapter where not otherwise provided by this code.

Notices to be in writing.

SEC. 496. The service or deposit in the post-office, when served by mail, may be made by any person other than the party himself. The proof of service shall be the same as proof of service of a summons, and shall be returned with the original notice, or other paper of which service is made, at the time and place therein prescribed for the hearing or other proceeding to be had thereon. The service may be personal by delivery of a copy of the notice or other paper to the party or attorney on whom the service is required to be made, or it may be as follows:

Notices and other papers, how served and upon whom.

First. If upon an attorney, it may be made during his absence from his office by leaving the copy with his clerk therein, or with the person having charge thereof; or when there is no person in the office, by leaving it between the hours of six in the morning and nine in the evening in a conspicuous place in the office, or if it be not open to admit of such service, then by leaving it at the attorney's residence with some person of suitable age and discretion.

Second. If upon a party, it may be made by leaving the copy at his residence between the hours of six in the morning and nine in the evening with some person of suitable age and discretion.

SEC. 497. Service by mail may be made when the person for whom the service is made and the person on whom it is made reside in different places, between which there is a communication by mail, adding one day to the time of service for every twenty miles of distance between the place of deposit and the place of address.

When service may be made by mail; time allowed for distance.

SEC. 498. In case of service by mail the copy must be deposited in the post-office, addressed to the person on whom it is to be served at

How copy deposited and when service deemed to be made.

his place of residence, and the postage paid. The service shall be deemed to be made on the first day after the deposit in the post-office that the mail leaves the place of deposit for the place of the address, and not otherwise.

Appearance, how made; defendant not to be heard before appearance.

SEC. 499. A defendant appears in an action when he answers, demurs, or gives the plaintiff written notice of his appearance, and until he does so appear he shall not be heard in such action or in any proceeding pertaining thereto, except the giving of the undertakings allowed to the defendant in the provisional remedies of arrest, attachment, and the delivery of personal property. When the defendant has not appeared, notice of a motion or other proceeding need not be served upon him, unless he be imprisoned for want of bail, or unless directed by the court, or judge thereof, in pursuance of this title.

When party absent from the district; when service to be made on attorney.

SEC. 500. When a party is absent from the district and has no attorney in the action, service may be made by mail if his residence be known; if not known, on the clerk for him. When a party, whether absent or not from the district, has an attorney in the action, service of notice or other papers shall be made upon the attorney.

Foregoing provisions not to apply to summons.

SEC. 501. The foregoing provisions do not apply to the service of a summons or other process, nor so much thereof as allows service to be made of any notice or other paper to bring a party into contempt, otherwise than upon such party personally.

Notice is valid, though defective in form.

SEC. 502. A notice or other paper is valid and effectual, although defective either in respect to the title of the action in which it is made, or the name of the court or the parties, if it intelligently refer to such action.

Filing of papers.

SEC. 503. All undertakings, affidavits, or other papers required by or provided for in this code shall be filed with the clerk, except when this code otherwise specially provides. A pleading or paper shall be filed by delivering the same to the clerk at his office, who shall indorse upon it the day of the month and the year, and subscribe his name thereto. The clerk shall not be required to receive for filing any paper unless the name of the court, the title of the cause and the paper, and the names of the parties, and the attorney, if there be one, is intelligibly indorsed on the back of it, or unless the contents thereof can be read by a person of ordinary skill.

CHAPTER FIFTY-ONE.

OF APPEALS AND WRITS OF ERROR.

Sec.

504. Appeals and writs of error, how taken.

505. What judgments shall be final.

506. When may be taken.

Sec.

507. From what an appeal may be taken.

508. Laws regulating procedure and practice on appeal.

Appeals and writs of error, how taken.

SEC. 504. Appeals and writs of error may be taken and prosecuted from the final judgments of the district court for the district of Alaska or any division thereof direct to the Supreme Court of the United States in the following cases, namely: In prize causes and in all cases which involve the construction or application of the Constitution of the United States, or in which the constitutionality of any law of the United States, or the validity or construction of any treaty made under its authority is drawn in question, or in which the constitution or law of a State is claimed to be in contravention of the Constitution of the United States; and that in all other cases where the amount involved or the value of the subject-matter exceeds five hundred dollars the United States circuit court of appeals for the ninth circuit shall have jurisdiction to review by writ of error or appeal the final judgments, orders, of the district court.

SEC. 505. The judgments of the circuit court of appeals shall be final in all cases coming to it from the district court, but whenever the judges of the circuit court of appeals may desire the instruction of the Supreme Court of the United States upon any question or proposition of law which shall have arisen in any case pending before the circuit court of appeals on writ of error to or appeal from the district court, judges may certify such question or proposition to the Supreme Court, and thereupon the Supreme Court shall give its instruction upon the questions and propositions certified to it, and its instruction shall be binding upon the circuit court of appeals.

What judgments shall be final.

SEC. 506. No appeal or writ of error by which any final order or judgment may be reviewed under the provisions of this Act shall be taken or sued out except within one year after the entry of the order or judgment sought to be reviewed.

When may be taken.

SEC. 507. An appeal may be taken to the circuit court of appeals from any interlocutory order granting or dissolving an injunction, refusing to grant or dissolve an injunction, made or rendered in any cause pending before the district court within sixty days after the entry of such interlocutory order. The proceedings in other respects in the district court in the cause in which such interlocutory order was made shall not be stayed during the pendency of such appeal, unless otherwise ordered by the district court.

From what an appeal may be taken.

SEC. 508. All provisions of law now in force regulating the procedure and practice in cases brought by appeal or writ of error to the Supreme Court of the United States or to the United States circuit court of appeals for the ninth circuit, except in so far as the same may be inconsistent with any provision of this Act, shall regulate the procedure and practice in cases brought to the courts, respectively, from the district court for the district of Alaska. The provisions of this chapter shall apply to all cases pending in the district court of Alaska at the time this Act takes effect.

Laws regulating procedure and practice on appeal.

CHAPTER FIFTY-TWO.

OF COSTS AND DISBURSEMENTS.

Sec.	Sec.
509. Costs; compensation of attorney.	519. Fees of referees.
510. When costs allowed to plaintiff.	520. Costs on postponement, etc.
511. Costs in several actions on same cause.	521. Plea of tender and effect as to costs.
512. Costs, when allowed to defendant.	522. Guardian of infant plaintiff liable.
513. Disbursements, when allowed.	523. Costs where person sues or defends in the right of another.
514. Costs and disbursements in an action of an equitable nature.	524. Costs on review of inferior court.
515. Who liable for fees.	525. Costs in certain cases.
516. Costs and disbursements, how taxed.	526. Security for costs.
517. When objections made.	527. Same subject.
518. Effect of such appeal.	528. Costs on motion, etc.

SEC. 509. The measure and mode of compensation of attorneys shall be left to the agreement, expressed or implied, of the parties; but there may be allowed to the prevailing party in the judgment certain sums by way of indemnity for his attorney fees in maintaining the action or defense thereto, which allowances are termed costs.

Costs; compensation of attorney.

SEC. 510. Costs are allowed of course to the plaintiff upon a judgment in the district court in his favor in the following cases:

When costs allowed to plaintiff.

First. In an action for the recovery of the possession of real property, or where a claim of title or interest in real property, or right to the possession thereof, arises upon the pleadings, or is certified by the court to have come in question upon the trial;

Second. In actions for fines and forfeitures, and the actions provided for in chapters thirty-five and thirty-six of this title;

Third. In an action involving an open mutual account, where it appears to the satisfaction of the court that the sum total of such accounts of both parties exceeds one hundred and fifty dollars;

Fourth. In an action for the recovery of personal property;

Fifth. In an action not hereinbefore specified, for the recovery of money or damages, when the plaintiff shall recover fifty dollars or more.

But in an action for assault, battery, false imprisonment, libel, slander, malicious prosecution, criminal conversation, seduction, or breach of promise of marriage, if the plaintiff recovers less than fifty dollars damages, he shall recover no more costs and disbursements than damages; and in an action to recover the possession of personal property, if the plaintiff recover property or the value thereof, as established on the trial, and damages for the detention of the same, in all less than fifty dollars, he shall recover no more costs and disbursements than the sum of such value and damages.

Costs in several actions on same cause.

SEC. 511. When several actions shall be prosecuted for the same cause of action, against several parties who might have been joined as defendants in the same action, disbursements shall be allowed the plaintiff in each action if he prevail therein; but costs shall not be allowed such plaintiff in more than one of such actions, which shall be at his election, unless the party or parties prosecuted in such other action or actions shall at the time of the commencement of the previous action have been without the district or sequestered therein.

Costs, when allowed to defendant.

SEC. 512. Costs are allowed of course to the defendant in the actions mentioned in section five hundred and eleven unless the plaintiff be entitled to costs therein; and when there are several defendants not united in interest, and making separate defenses by separate answers, costs shall be allowed or not to each of such defendants as if the action were commenced against him separately.

Disbursements, when allowed.

SEC. 513. A party entitled to costs shall also be allowed for all necessary disbursements, including the fees of officers and witnesses, the necessary expenses of taking depositions by commission or otherwise, the expense of publication of the summons or notices, and the postage where the same are served by mail, the compensation of referees, and the necessary expense of copying any public record, book, or document used as evidence on the trial.

Costs and disbursements in an action of equitable nature.

SEC. 514. In an action of equitable nature costs and disbursements shall be allowed to a party in whose favor a judgment is given in like manner and amount as in other actions, without reference to the amount recovered or the value of the subject of the action, unless the court otherwise directs.

Who liable for fees.

SEC. 515. Every officer, witness, or other person required to do or perform any act or service for any party to any action or proceeding whatever shall be entitled to demand and receive from such party the compensation which the law allows therefor in advance; but a party to any action or proceeding in any court of justice in the district may, at his option, pay the fees of the officers thereof in advance or give such officers an undertaking with sufficient sureties therefor. The costs and disbursements which a party is entitled to recover from another may be collected by the execution to enforce the judgment as a part thereof. The fees secured to the officers of the court, or either of them, by any party to the judgment may be collected by an execution against the property of such party and that of his sureties in the undertaking therefor. Such officers' execution may issue in the name of the clerk as plaintiff in the writ and for the benefit of all officers of the court to whom fees are so due and secured, whenever an execution might issue to enforce the judgment at the instance of the prevailing party therein.

Costs and disbursements, how taxed.

SEC. 516. Costs and disbursements shall be taxed and allowed by the clerk. No disbursements shall be allowed any party unless he shall

file with the clerk within five days from the entry of judgment a statement of the same, which statement must be verified except as to fees of officers. A statement of disbursements may be filed with the clerk at any time after five days, but in such case a copy thereof must be served upon the adverse party. A disbursement which a party is entitled to recover must be taxed, whether the same has been paid or not by such party. The statement of disbursements thus filed, and costs, shall be allowed of course unless the adverse party, within two days from the time allowed to file the same, shall file his objections thereto, stating the particulars of such objections.

SEC. 517. When objections are made to the claim for costs and disbursements, the clerk shall forthwith pass upon the same, and indorse upon the verified statement, or append thereto, the charges allowed or disallowed. Any party aggrieved by the decision of the clerk in the allowance of costs or disbursements may appeal from such decision to the court within five days from the date of such decision, by serving a notice of such appeal, and in what particulars, upon the adverse party or his attorney, which appeal shall be heard and determined by such court, or judge thereof, as soon thereafter as convenient.

SEC. 518. Such appeal shall stay the proceedings as to the costs and disbursements to which the appeal is taken or relates, unless the respondent file with the clerk an undertaking, with one or more sureties, to the effect that if the decision of the clerk be reversed or modified he will make such restitution as the court or judge may direct. The sufficiency of the sureties in the undertaking may be excepted to by the appellant, and they be required to justify in like manner and with like effect as in an ordinary undertaking for an appeal.

SEC. 519. The fees of referees shall be four dollars per day to each for every day spent in the business of the reference, but the parties may agree in writing upon any other rate of compensation, and thereupon such rates shall be allowed.

SEC. 520. Upon an application to postpone a trial, the payment to the adverse party of a sum, not exceeding ten dollars, as costs may be imposed by the court as a condition of granting the postponement; and in all cases where this code authorizes a court or judge to allow a party to do any act in an action or proceeding upon terms, such court or judge may, as a condition of such allowance, impose upon such party the payment of a like sum as costs.

SEC. 521. When in any action for the recovery of money or damages only the defendant shall allege in his answer that before the commencement thereof he tendered to the plaintiff a certain amount of money in full payment or satisfaction of the cause of action, and now brings the same into court and deposits it with the clerk for the plaintiff, if such allegation of tender be found true, and the plaintiff do not recover a greater sum than the amount so tendered, he shall not recover costs off the defendant, but the defendant shall recover them off him.

SEC. 522. When costs or disbursements are adjudged against an infant plaintiff, the guardian by whom he appeared in the action shall be responsible therefor, as if he were the actual plaintiff in such action, and payment thereof may be enforced against him accordingly.

SEC. 523. In an action prosecuted or defended by an executor, administrator, trustee of an express trust, or a person expressly authorized by statute to prosecute or defend therein, costs shall be recovered as in ordinary cases, but such costs shall only be chargeable upon or collected off the estate, fund, or party represented, unless the court or judge thereof shall order the same to be recovered off the plaintiff or defendant personally for mismanagement or bad faith in such action or the defense thereto.

SEC. 524. When the decision of any officer, tribunal, or court of inferior jurisdiction is brought before a court for review, such review

When objections made.

Appeal.

Effect of such appeal.

Fees of referees.

Costs on postponement, etc.

Plea of tender and effect as to costs.

Guardian of an infant plaintiff liable.

Costs where person sues or defends in the right of another

Costs on review of inferior court.

shall, for all the purposes of costs or disbursements, be deemed an appeal to such court upon errors in law, and costs therein shall be allowed and recovered accordingly.

Costs in certain cases.

SEC. 525. In all actions prosecuted or defended in the name and for the use of any public corporation in the district the public corporation shall be liable for and may recover costs in like manner and with like effect as in the case of natural persons. When the action is upon the information of any natural person, he shall be liable in the first instance for the defendant's costs; and such costs shall not be recovered from the United States until after execution issued therefor against such person and returned unsatisfied in whole or in part.

Security for costs.

SEC. 526. The attorney of a plaintiff who resides out of the district, or is a foreign corporation, against whom costs are adjudged in favor of the defendant, is liable to such defendant therefor; and if he neglect to pay the same upon the information of such defendant, shall be punished as for a contempt. The attorney may relieve or discharge himself from such liability by filing an undertaking at the commencement of the action, or at any time thereafter before judgment, for the payment to the defendant of the costs and disbursements that may be adjudged to him, executed by one or more sufficient sureties.

Same subject.

SEC. 527. The sureties in such undertaking shall possess the qualifications of sureties in an undertaking for bail on arrest, and their sufficiency may be excepted to by the defendant at any time within five days from notice of filing the same, and if so, they shall justify in an amount not less than two hundred dollars, in like manner and with like effect as such sureties for bail on arrest. Until the time for excepting to the sufficiency of the sureties has expired, or if excepted to, until they be found sufficient, the attorney is liable as if no undertaking had been given. A deposit of two hundred dollars, or other sum which the court or judge may direct, with the clerk may be made in lieu of such undertaking.

Costs on motion, etc.

SEC. 528. A sum not exceeding five dollars as costs may be allowed to the prevailing party on a motion, in the discretion of the court, and may be absolute or directed to abide the event of the action. In any action or proceeding as to which the allowance and recovery of costs may not be provided for in this title, costs may be allowed or not, according to the measure herein prescribed, and apportioned among the parties, in the discretion of the court.

CHAPTER FIFTY-THREE.

OF THE RECORDS AND FILES OF COURT.

Sec.

529. Records of court, what constitute.
530. Register, how kept.
531. Journal, what to be entered therein.
532. Judgment docket, how arranged.
533. Execution docket, how kept.
534. Fee book, what to be entered therein.

Sec.

535. Final record, what to be recorded therein.
536. Jury book, how kept.
537. Files of the court, what are.
538. Custody of the records and files.
539. Search and examination of records and files.

Records of court, what constitute.

SEC. 529. The records of the district court are a register, journal, judgment docket, execution docket, fee book, jury book, and final record.

Register, how kept.

SEC. 530. The register is a book wherein the clerk shall enter, by its title, every action or proceeding commenced in, or transferred or appealed to, the court whereof he is clerk, according to the date of its commencement, transfer, or appeal; and thereafter, until the entry of judgment, note therein, according to the date thereof, the filing or return of any paper or process, or the making of any order, rule, or other direction in or concerning such action or proceeding.

SEC. 531. The journal is a book wherein the clerk shall enter the proceedings of the court during term time, and such proceedings in vacation as this code specially directs. Journal, what to be entered therein.

SEC. 532. The judgment docket is a book wherein the judgments are docketed, as elsewhere provided in this code. Each page thereof shall be divided into eight columns, and headed as follows: Judgment debtors; Judgment creditors; Amount of judgment; Date of entry in journal; When docketed; Appeal, when taken; Decision on appeal; Satisfaction, when entered. Judgment docket, how arranged.

SEC. 533. The execution docket is a book wherein the clerk shall note, under the title of every cause, the issue and return of execution, and generally the filing or return of any paper or process, or the making of any order, rule, or other direction therein, from and after the entry of judgment or decree until satisfaction or performance thereof. Execution docket how kept.

SEC. 534. The fee book is one wherein the clerk shall enter, under the title of every cause, against the party to which the service is rendered, the clerk's fees earned, and received or not received, and none other, except as specially directed by this code. Fee book, what to be entered therein.

SEC. 535. The final record is a book wherein the clerk shall record the papers, pleadings, and proceedings in a cause, as elsewhere provided in this code. Final record, what to be recorded therein.

SEC. 536. The jury book is one wherein the clerk shall enter the names of the persons attending upon the court at a particular term as grand or trial jurors, the time of the attendance of each, and when discharged or excused, and the amount of fees and mileage earned by each. Jury book, how kept.

SEC. 537. The files of the court are all papers or process filed with or by the clerk of the court in any action or proceeding therein or before the judge thereof. Files of the court, what are.

SEC. 538. The records and files of the court are to be kept in the clerk's office in the custody of the clerk, and he is responsible for them. They shall not be taken out of the office by anyone, except by the judge of the court, or an attorney thereof when allowed by special order of the court or judge, or some general rule therefor prescribed by the court and entered in the journal. Custody of the records and files.

SEC. 539. Whenever requested the clerk, upon being tendered legal fees therefor, shall furnish to any person a certified copy of any portion of such records or files, and no person other than such clerk is entitled to make such copy or to the use of the records or files for such purposes. Whenever requested the clerk shall search such records and files and give a certificate thereof according to the nature of the inquiry. Search and examination of records and files.

CHAPTER FIFTY-FOUR.

GENERAL PROVISIONS CONCERNING SPECIAL PROCEEDINGS.

Sec. 540. Parties to special proceedings, how designated.	Sec. 541. Judgments, orders, and motions.
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SEC. 540. The party prosecuting a writ of review, writ of mandamus, writ of habeas corpus, or a proceeding for contempt shall be known as the plaintiff, and the adverse party as the defendant. Parties to special proceedings, how designated.

SEC. 541. A judgment in a special proceeding is the final determination of the rights of the parties therein. The definition of a motion and an order in an action are applicable to similar acts in a special proceeding. Judgments, orders, and motions.

CHAPTER FIFTY-FIVE.

OF THE WRIT OF REVIEW.

Sec.	Sec.
542. Writ of certiorari to be known as writ of review.	547. To whom directed.
543. Who may prosecute.	548. Stay of proceedings; when returnable.
544. By whom allowed and how applied for.	549. When and by whom writ issued; how served.
545. When allowed.	550. Incomplete return; limitation of writ.
546. Undertaking of plaintiff.	551. Power of court to review.

Writ of certiorari to be known as writ of review.

Whom may prosecute.

SEC. 542. The writ formerly known as the writ of certiorari is known in this title as the writ of review.

SEC. 543. Any party to any process or proceeding before or by any inferior court, officer, or tribunal may have the decision or determination thereof reviewed for errors therein as in this chapter prescribed. Upon a review, the court may review any intermediate order involving the merits necessarily affecting the decision or determination sought to be reviewed.

By whom allowed and how applied for.

SEC. 544. The writ shall be allowed by the district court or judge thereof, upon the petition of the plaintiff, describing the decision or determination sought to be reviewed with convenient certainty, and setting forth the errors alleged to have been committed therein. Such petition shall be signed by the plaintiff or his attorney, and verified by the certificate of an attorney of the court, to the effect that he had examined the process or proceeding and the decision or determination therein, and that the same is erroneous, as alleged in the petition.

When allowed.

SEC. 545. The writ shall be allowed in all cases where there is no appeal or other plain, speedy, and adequate remedy, and where the inferior court, officer, or tribunal in the exercise of judicial functions appears to have exercised such functions erroneously, or to have exceeded it or his jurisdiction, to the injury of some substantial right of the plaintiff.

Undertaking of plaintiff.

SEC. 546. Before allowing the writ, the court or judge shall require the party applying therefor to give an undertaking, with one or more sureties, subject to its or his approval, in the amount to be fixed by it or him, conditioned that he will perform the judgment or decision sought to be reviewed in case the district court shall so order, and judgment may be given by said court against the applicant and his surety or sureties in case the judgment or decision sought to be reviewed shall be affirmed for the amount thereof, and the costs of said proceeding.

To whom directed.

SEC. 547. The writ shall be directed to the court, officer, or tribunal whose decision or determination is sought to be reviewed, or to the clerk or other person having the custody of its records or proceedings, requiring it or them to return the writ to the district court, within a time therein specified, with a certified copy of the record or proceedings in question annexed thereto, that the same may be reviewed by such district court, and requiring the defendant to desist from further proceedings in the matter to be reviewed.

Stay of proceedings; when returnable.

SEC. 548. The words in the writ requiring the stay of proceedings may be inserted or omitted in the discretion of the court or judge issuing the same, and the proceedings shall be stayed or not accordingly. The writ shall be made returnable at the next term of the district court, or in vacation, and if the latter, the same may be tried and judgment given therein, by the judge thereof, in like manner and with like effect as in term time.

When and by whom writ issued; how served.

SEC. 549. Upon the filing of the order allowing the writ, and the petition and undertaking of the plaintiff, the clerk shall issue the writ,

according to the direction of the order. The writ shall be served by delivering a copy of the original to the opposite party in the action or proceeding sought to be reviewed, at least ten days before the return of the original writ, and may be served by an officer or person authorized to serve a summons, who shall indorse on the original writ the manner of service thereof.

SEC. 550. If the return to the writ be incomplete, the court may order a further return to be made. In no case shall a writ be allowed unless the application therefor be made within six months from the date of the decision or determination complained of.

Incomplete return:
limitation of writ.

SEC. 551. Upon the review the court shall have power to affirm, modify, reverse, or annul the decision or determination reviewed, and, if necessary, to award restitution to the plaintiff, or, by mandate, direct the inferior court, officer, or tribunal to proceed in the matter reviewed according to its decision. From the judgment of the district court on review an appeal may be taken in like manner and with like effect as from a judgment of such district court in an action.

Power of court to
review.

CHAPTER FIFTY-SIX.

OF THE WRIT OF MANDAMUS.

Sec.	Sec.
552. Mandamus to be known as in this chapter.	559. If defendant fail to show cause, peremptory writ to issue.
553. To whom writ may issue; not to control judicial discretion.	560. Pleadings and mode of proceeding therein.
554. How writ applied for and by whom allowed and issued.	561. Recovery of damages.
555. How directed and served.	562. Recovery of damages a bar to other suit or action.
556. Either alternative or peremptory; what to contain.	563. When court may impose fine upon defendant.
557. When peremptory writ shall be issued in first instance.	564. How tried.
558. When defendant may show cause, and how.	565. Appeal from judgment of district court.

SEC. 552. The writ of mandamus is known in this code as prescribed and regulated in this chapter.

Mandamus to be
known as in this
chapter.

SEC. 553. It may be issued to any inferior court, corporation, board, officer, or person, to compel the performance of an act which the law specially enjoins as a duty resulting from an office, trust, or station. But though the writ may require such court, corporation, board, officer, or person to exercise its or his judgment, or proceed to the discharge of any of its or his functions, it shall not control judicial discretion. The writ shall not be issued in any case where there is a plain, speedy, and adequate remedy in the ordinary course of the law.

To whom writ may
issue; not to control
judicial discretion.

SEC. 554. The writ shall be allowed by the court, or judge thereof, upon the petition, verified as a complaint in an action, of the party beneficially interested. It may be allowed with or without notice to the adverse party, as in the case of a writ of review. Upon the filing of the petition and order of allowance, the writ shall be issued by the clerk in accordance therewith.

How writ applied
for and by whom
allowed and issued.

SEC. 555. The writ shall be directed to the court, corporation, board, officer, or person mentioned or designated in the order of allowance, and may be served thereon by any officer or person authorized to serve a summons by delivery of a copy of the original to such officer or person, or to any member of such court, or to any officer of such corporation upon whom this code authorizes a summons to be served. The proof of service shall be the same as in a writ of review, and obedience to the writ may be enforced in such manner as the court, or judge thereof, shall direct.

How directed and
served.

Either alternative or peremptory; what to contain.

SEC. 556. The writ is either alternative or peremptory. When it is alternative, it shall state concisely the facts according to the petition, showing the obligation of the defendant to perform the act, and his omission to perform it, and command him that immediately after the receipt of the writ, or at some other specified time, he do the act required to be performed, or show cause before the court or judge thereof by whom the writ was allowed, at a time and place therein specified, why he has not done so; and that he then and there return the writ, with his certificate annexed, of having done as he is commanded, or the cause of his omission thereof. When peremptory, the writ shall be in similar form, except that the words requiring the defendant to show cause why he has not done as commanded, and to return the cause therefor, shall be omitted.

When peremptory writ shall be issued in first instance.

SEC. 557. When the right to require the performance of the act is clear, and it is apparent that no valid excuse can be given for not performing it, a peremptory mandamus shall be allowed in the first instance; in all other cases the alternative writ shall be first issued.

When defendant may show cause, and how.

SEC. 558. On the return day of the alternative writ, or such further day as the court or judge thereof may allow, the defendant on whom the writ shall have been served may show cause by demurrer or answer to the writ in the same manner as to a complaint in an action.

If defendant fail to show cause, peremptory writ to issue.

SEC. 559. If the defendant do not show cause by demurrer or answer, a peremptory mandamus shall be allowed against him. If the answer contain new matter, the same may be demurred or replied to by the plaintiff within such time as the court or judge may prescribe. If the replication contain new matter, the same may be demurred to by the defendant within such time as the court or judge may prescribe, or he may countervail such matter on the trial or other proceedings by proof, either in direct denial or by way of avoidance.

Pleadings and mode of proceedings therein.

SEC. 560. The pleadings in the proceeding by mandamus are those mentioned in the two sections last preceding. They are to have the same effect, and to be construed and may be amended in the same manner, as pleadings in an action. Either party may move to strike out, or be allowed to plead over after motion or demurrer allowed or disallowed, and the issues joined shall be tried and the further proceedings thereon had in like manner and with like effect as in an action.

Recovery of damages.

SEC. 561. If judgment be given for the plaintiff, he shall recover the damages which he shall have sustained by reason of the premises, to be ascertained in the same manner as in an action, together with costs and disbursements, and a peremptory mandamus shall be awarded without delay.

Recovery of damages a bar to other suit or action.

SEC. 562. A recovery of damages by virtue of this chapter against a party who shall have made a return to a writ of mandamus is a bar to any other action against the same party for the same cause.

When court may impose fine upon defendant.

SEC. 563. Whenever a peremptory mandamus is directed to a public officer or body commanding the performance of any public duty specially enjoined by law, if it appear to the court or judge thereof that such officer or any member of such body has without just excuse refused or neglected to perform the duty so enjoined, the court or judge may imprison, or impose a fine, not exceeding one thousand dollars, upon every such officer or member of such body for each refusal.

How tried.

SEC. 564. In the district court the writ may be made returnable either in term time or vacation, and if the latter, may be tried and determined before the judge thereof in like manner and with like effect as in term time.

Appeal from judgment of district court.

SEC. 565. From the judgment of the district court, or judge thereof, refusing to allow a mandamus, or directing a peremptory mandamus, an appeal may be taken in like manner and with like effect as in an action.

CHAPTER FIFTY-SEVEN.

OF THE WRIT OF HABEAS CORPUS.

Sec.	Sec.
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SEC. 566. Every person imprisoned, or otherwise restrained of his liberty, within the district, under any pretense whatsoever, except in the cases specified in the next section, may prosecute a writ of habeas corpus according to the provisions of this chapter, to inquire into the cause of such imprisonment or restraint, and if illegal to be delivered therefrom.

Who may prosecute.

SEC. 567. Persons properly imprisoned or restrained by virtue of the legal judgment of a competent tribunal of civil or criminal jurisdiction, or by virtue of an execution regularly and lawfully issued upon such judgment or decree, shall not be allowed to prosecute the writ.

Who not entitled to prosecute.

SEC. 568. The writ shall be allowed by the court, or the judge thereof, upon the petition of the party for whose relief it is intended, or by some other person in his behalf, signed and verified by the oath of the petitioner, to the effect that he believes it to be true.

By whom allowed, and application therefor.

SEC. 569. The petition shall state in substance—

Petition for writ; what it shall contain.

First. That the party in whose behalf the writ is applied for is imprisoned or restrained of his liberty, the place where, and officer or person by whom he is imprisoned or restrained, naming both parties, if their names be known, or describing them, if not known;

Second. That such person is not imprisoned or restrained by virtue of any order, judgment, or process specified in section five hundred and sixty-seven;

Third. The cause or pretense of such imprisonment or restraint, according to the best knowledge or belief of the petitioner;

Fourth. If the imprisonment or restraint be in virtue of any order, warrant, or process, a copy thereof shall be annexed to the petition,

or it must be alleged that, by reason of the removal or concealment of the party before the application, a demand of such copy could not be made, or that such demand was made, and the legal fees therefor tendered to the person having the party in his custody, and that a copy was refused;

Fifth. If the imprisonment or restraint be alleged to be illegal, in what the alleged illegality consists;

Sixth. That the legality of the imprisonment or restraint has not been already adjudged upon a prior writ of habeas corpus to the knowledge or belief of the petitioner.

When allowed.

SEC. 570. The court or judge to whom the petition is presented must allow the writ without delay, unless it appears from the petition itself, or from the documents annexed thereto, that the person for whose relief it is intended is by the provisions of this chapter prohibited from prosecuting the writ. Upon the filing of the petition and the order of allowance with the clerk, the clerk shall issue the writ immediately in accordance therewith.

What the writ shall contain.

SEC. 571. The writ shall command the defendant to produce the person imprisoned or restrained, by whatsoever name he may be charged or called, and certify and return therewith the time and cause of his imprisonment or restraint, before the court or judge allowing the writ, at a time and place therein specified, or immediately after the receipt of the writ, to do and receive what shall then and there be considered concerning the person so imprisoned or restrained; or when it appears by the petition and documents thereto annexed that the cause or offense for which the person is imprisoned or restrained is not bailable, the production of the party may be dispensed with, though such production be prayed for in the petition, and the writ issued accordingly.

Not to be disobeyed for want of form.

SEC. 572. The writ shall not be disobeyed for any defect of form. It is sufficient—

First. If the officer or person having the custody of the party imprisoned or restrained be designated either by his name of office, if he have any, or by his own name, or if both such names be unknown or uncertain, he may be described by an assumed appellation; and anyone who may be served with the writ is to be deemed the officer or person to whom it was directed, although it may be directed to him by a wrong name or description, or to another person;

Second. If the person who is directed to be produced be designated by name, or if his name be uncertain or unknown, he may be described in any other way, so as to designate the person intended.

What the return shall contain.

SEC. 573. The officer or person upon whom the writ shall have been duly served shall state in his return, plainly and unequivocally—

First. Whether he has or has not the party in his custody or power or under his restraint, and if he have not, whether he has had the party in his custody or under his power or restraint at any and what time prior or subsequent to the date of the writ;

Second. If he has the party in his custody or power, or under his restraint, the authority and true cause of such imprisonment or restraint, setting forth the same at large;

Third. If the party be detained by virtue of any writ, warrant, or other written authority, a copy thereof shall be annexed to the return, and the original shall be produced and exhibited on the return of the writ to the court or judge before whom the same is returnable;

Fourth. If the person upon whom such writ shall have been served shall have had the party in his power or custody or under his restraint at any time prior or subsequent to the date of the writ, but has transferred such custody or restraint to another, the return shall state particularly to whom, at what time, for what cause, and by what authority such transfer took place. The return shall be signed by the person making the same; and, except where such person shall be a sworn

public officer and shall make his return in his official capacity, it shall be verified by oath.

SEC. 574. The person or officer on whom the habeas corpus shall have been served shall also bring the body of the person in his custody, according to the command of such writ, except in the case of the sickness of such person, as hereinafter provided. Person to be produced.

SEC. 575. If the person upon whom such writ shall have been duly served shall refuse or neglect to obey the same by producing the party named in such writ and making a full and explicit return thereto within the time required, and no sufficient excuse be shown, it shall be the duty of the court or judge before whom such writ shall have been made returnable, upon due proof of the service thereof, forthwith to issue a warrant against such person, directed to the marshal, and commanding him forthwith to apprehend such person and bring him immediately before such court or judge; and on such person being so brought he shall be committed to close custody until he shall make return to such writ and comply with any order that may be made in relation to the person for whose relief such writ shall have been issued. Warrant to issue in case of neglect or refusal to obey.

SEC. 576. If the marshal or any deputy shall have neglected to return such writ, the warrant may be directed to any other person to be designated therein, who shall have full power to execute the same, and such marshal or deputy upon being brought up may be committed to any jail or other place of imprisonment in the district. If officer neglects, to whom warrant to issue.

SEC. 577. The court or judge by whom any such warrant shall be issued may also, at the same time or afterwards, issue a precept to the marshal or other person to whom such warrant shall have been directed, commanding him to bring forthwith before such court or judge the party for whose benefit such writ shall have been allowed, who shall thereafter remain in the custody of such marshal or person until discharged or remanded. Precept to marshal.

SEC. 578. The court or judge before whom the party shall be brought on such writ shall, immediately after the return thereof, proceed to examine into the facts contained in such return and into the cause of the imprisonment or restraint of such party, whether the same shall have been upon commitment for any criminal or supposed criminal matter or not. When cause to be inquired into.

SEC. 579. If no legal cause be shown for such imprisonment or restraint, or for the continuation thereof, the court or judge shall discharge such party from the custody or restraint under which he is held. If any legal cause shown, discharge granted.

SEC. 580. It shall be the duty of the court or judge forthwith to remand such party if it shall appear that he is legally detained in custody. When party to be remanded.

SEC. 581. If it appear on the return that the prisoner is in custody by virtue of an order or civil process of any court legally constituted, or issued by an officer in the course of judicial proceedings before him, authorized by law, such prisoner shall be discharged in either of the following cases: In certain cases, when to be discharged.

First. When the jurisdiction of such court or officer has been exceeded, either as to matter, place, sum, or person;

Second. When, though the original imprisonment was lawful, yet by some act, omission, or event which has taken place afterwards the party has become entitled to be discharged;

Third. When the order or process is defective in some matter of substance required by law, rendering such process void;

Fourth. When the order or process, though in proper form, has been issued in a case not allowed by law;

Fifth. When the person having the custody of the prisoner under such order or process is not the person empowered by law to detain him; or,

Sixth. When the order or process is not authorized by any judgment of any court, nor by any provision of law.

Legality of certain judgments and process not to be inquired into.

SEC. 582. But no court or judge, on the return of a writ of habeas corpus, has power to inquire into the legality or justice of any order, judgment, or process specified in section five hundred and sixty-seven, nor into the justice, propriety, or legality of any commitment for a contempt made by a court, officer, or body, according to law, and charged in such commitment, as provided by law.

On commitment for criminal offenses, how to proceed.

SEC. 583. If it appear that the party has been legally committed for a criminal offense, or if he appear by the testimony offered with the return, or upon the hearing thereof, to be probably guilty of such offense, although the commitment be irregular, he shall forthwith be remanded to the custody or placed under the restraint from which he was taken, if the officer or person under whose custody or restraint he was be legally entitled thereto; if not so entitled, he shall be committed to the custody of the officer or person so entitled.

Until judgment given, how to be kept.

SEC. 584. Until judgment be given upon the return, the party may either be committed to the custody of the marshal or placed in such care or under such custody as his age and other circumstances may require.

When notice to be given to third party.

SEC. 585. When it appears, from the return to the writ, that the party named therein is in custody on an order or process under which another person has an interest in continuing his imprisonment or restraint, no order shall be made for his discharge until it shall appear that the party so interested, or his attorney, shall have had notice of the time and place at which such writ shall have been made returnable.

Notice, when given to the district attorney.

SEC. 586. When it appears from the return that the party is imprisoned or restrained on a criminal accusation, the court or judge shall make no order for his discharge until notice of the return is given to the district attorney.

Return may be controverted.

SEC. 587. The plaintiff in the proceeding, on the return of the writ, may, by replication, verified as in an action, controvert any of the material facts set forth in the return, or he may allege therein any fact to show, either that his imprisonment or restraint is unlawful, or that he is entitled to his discharge; and thereupon the court or judge shall proceed in a summary way to hear such evidence as may be produced in support of the imprisonment or restraint, or against the same, and to dispose of the party as the law and justice of the case may require.

Pleadings on the return.

SEC. 588. The plaintiff may demur to the return, or the defendant may demur to the new matter, if any, set forth in the replication of the plaintiff, or by proof controvert the same, as upon a direct denial or avoidance. The pleadings herein provided for shall be made within such time as the court or judge shall direct, and they shall be construed and have the same effect as in an action.

When production of person dispensed with.

SEC. 589. Whenever, from the sickness or infirmity of the party, he can not without danger be produced, the officer or person in whose custody he is may state that fact in his return to the writ, and if satisfied of the truth of the allegation, and the return be otherwise sufficient, the court or judge shall proceed to decide on the return and to dispose of the matter in the same manner as if the party had been produced.

Judgment of discharge or dismissal of proceedings.

SEC. 590. If it appear that the party detained is illegally imprisoned or restrained, judgment shall be given that he be forthwith discharged; otherwise judgment shall be given that the proceeding be dismissed and the party remanded.

Precept requiring the production of the person.

SEC. 591. Notwithstanding the issuing of the writ without requiring the production of the person, the court or judge before whom the same was returnable may, before final decision, issue a precept to

the officer or other person to whom the writ was directed, requiring the production of the person.

SEC. 592. Obedience to a judgment for the discharge of a person imprisoned or restrained, pursuant to the provisions of this chapter, may be enforced by the court or judge by proceedings for a contempt. No officer or other person is liable to any action or proceeding for obeying such judgment of discharge.

Obedience to judgment of discharge, how enforced.

SEC. 593. No person who has been finally discharged upon a proceeding by habeas corpus, pursuant to the provisions of this chapter, shall be again imprisoned, restrained, or kept in custody, for the same cause; but it is not to be deemed the same cause—

Person once discharged not again imprisoned.

First. If he have been discharged from a commitment on a criminal charge, and be afterwards committed for the same offense by the legal order or process of the court, wherein he is bound by recognizance or undertaking to appear, or in which he is indicted or convicted for the same offense; or,

Second. If, after a judgment or discharge for a defect of evidence, or for a material defect in the commitment, in a criminal case, the party be again arrested on sufficient evidence, and committed by legal process for the same offense; or,

Third. If, after a civil action, the party have been discharged for any illegality in the judgment, decree, or process hereinbefore specified, and be afterwards imprisoned for the same cause of action; or,

Fourth. If, in a civil action, he have been discharged from commitment on a writ of arrest, and be afterwards committed on execution, in the same action, or on a writ of arrest in another action, after the dismissal of the first one.

SEC. 594. Whenever it appears by satisfactory evidence that any person is illegally imprisoned or restrained, and that there is good reason to believe that he will be carried out of the district, or suffer some irreparable injury before he can be relieved by the issuing of a writ of habeas corpus, any court or judge authorized to issue such writ may issue a warrant reciting the facts, and directed to the marshal or any other person therein designated, commanding such officer or person to take such person, and forthwith to bring him before such court or judge, to be dealt with according to law.

When warrant to issue in lieu of habeas corpus.

SEC. 595. When the proof mentioned in the last section shall also be sufficient to justify an arrest of the person having the party in his custody, as for a criminal offense, committed in the taking or detaining of such party, the warrant may also contain an order for the arrest of such person for such offense.

Arrest of the person having custody of the party.

SEC. 596. Any officer or person to whom such warrant shall be directed shall execute the same by bringing the party therein named and the person who detains him, if so commanded by the warrant, before the court or judge issuing the same; and thereupon the person detaining such party shall make a return in like manner, and the like proceeding shall be had thereon as if a writ of habeas corpus had been issued in the first instance.

Warrant, how executed and the proceedings thereon.

SEC. 597. If the person having such party in his custody be brought before the court or judge as for a criminal offense, he shall be examined, committed, bailed, or discharged by the court or judge in like manner as in other criminal cases of the like nature.

Person arrested to be committed or bailed.

SEC. 598. Any officer or other person refusing to deliver a copy of any order, warrant, process, or other authority by which he shall detain any person to anyone who shall demand such copy and tender the fees therefor shall forfeit two hundred dollars to the person so detained.

Penalty for refusing copy of order.

SEC. 599. Whenever a writ of habeas corpus is required in any action or proceeding, civil or criminal, to which the United States is a party, the application therefor may be made by the district attorney, and

When district attorney may apply for a writ.

whenever so issued the court or judge shall state in the order of allowance that it was issued on such application.

By whom served;
tender of fees and un-
dertaking.

SEC. 600. A writ of habeas corpus may be served by the marshal, or by any other person therein designated, at any place within the district, and the service thereof shall not be deemed complete, so as to require the prisoner to be brought up before the court or judge issuing the same, unless the party serving the same shall tender to the person in whose custody the prisoner may be, if such person be a marshal or other officer, the fees allowed by law for bringing up such prisoner; nor unless he shall also enter into an undertaking to such marshal or other officer, as the case may be, in a penalty double the amount of the sum for which such prisoner may be detained, if he be detained for any specific amount of money, and if not, then in such a sum as the judge granting the writ shall direct, not exceeding one thousand dollars, to the effect that such person shall pay the charges for carrying back such prisoner if he shall be remanded, and that such prisoner will not escape by the way, either in going to or returning from the place to which he is taken. If such fees be not paid, or such security be not tendered, the officer to whom the writ is directed shall make return thereto, in the manner required by section five hundred and seventy-three, and shall state therein the reason why such prisoner is not produced, and thereupon the court or judge granting the writ may proceed as if the prisoner were produced. But this section, from and inclusive of the words "and the service thereof," does not apply to a case wherein the writ is issued on the application of the district attorney.

How served

SEC. 601. The writ of habeas corpus may be served by delivery of a certified copy of the original to the officer or person to whom it is directed, or, if he can not be found, by leaving such copy at the jail or other place in which the party is imprisoned or restrained, with any under officer or other person having charge for the time of such party.

Same subject.

SEC. 602. If the officer or person on whom the writ ought to be served conceal himself, or refuse admittance to the person attempting to serve it, it may be served by affixing it in some conspicuous place on the outside either of his dwelling house or the jail or other place where the party is confined.

Duty to obey writ.

SEC. 603. It is the duty of the marshal or other officer upon whom a writ of habeas corpus has been served, whether such writ be directed to him or not, upon payment or tender of the fees allowed by law and the delivery or tender of the undertaking herein prescribed, to obey and return the writ according to the exigency thereof; and it is the duty of every other person upon whom the writ is served, having the custody of the person for whose benefit it is issued, to obey and return it in like manner without requiring the payment of any fees, unless the judgment of such fees has been required by the court or judge allowing such writ.

When charges for
producing party may
be ordered paid.

SEC. 604. Every court or judge allowing a writ of habeas corpus, directed to a person other than the marshal or other officer, may, in its discretion, require, in order to render the service effectual, that the charges of producing the party be paid by the applicant; and in such case the court or judge shall, in the order allowing the writ, specify the amount of such charges, which shall not exceed the fees allowed by law to marshals for similar services.

Proof of service.

SEC. 605. The proof of service of the writ of habeas corpus shall be the same as in the service of a summons, except that the same shall be indorsed upon a copy of the writ made by the officer or person serving it, and returned to the clerk who issued the writ.

Within what time
return to be made.

SEC. 606. If the writ be returnable at a certain time, such return shall be made and the party produced, if required or there be no valid

excuse therefor, as herein provided, at the time and place specified therein; if it be returnable forthwith, and the place of return be within twenty miles of the place of service, the return must be made and the party produced within twenty-four hours, and the same time is allowed for every additional twenty miles.

SEC. 607. At any time after the allowance of such writ or warrant by the court or judge thereof, the plaintiff therein, or the person applying therefor on his behalf, may give notice to the judge issuing the same, and thereupon, if necessary to avoid delay, such judge shall by order require that the return be made and the party produced before him at such time and place as may be convenient.

What court has jurisdiction.

SEC. 608. Any party to a proceeding by habeas corpus, including the United States when the district attorney appears therein, may appeal from the judgment of the district court refusing to allow such writ or any final judgment therein, either in term time or vacation, in like manner and with like effect as in an action. No question once finally determined upon a proceeding by habeas corpus shall be reexamined upon another or subsequent proceeding of the same kind.

Appeal from judgment; question not to be reexamined.

CHAPTER FIFTY-EIGHT.

OF THE PUNISHMENT OF CONTEMPTS.

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SEC. 609. The following acts or omissions, in respect to a court of justice, or proceedings therein, are deemed to be contempts of the authority of the court:

Contempts defined.

First. Disorderly, contemptuous, or insolent behavior toward the judge while holding the court, tending to impair its authority or to interrupt the due course of a trial or other judicial proceeding;

Second. A breach of the peace, boisterous conduct, or violent disturbance, tending to interrupt the due course of a trial or other judicial proceeding;

Third. Misbehavior in office, or other willful neglect or violation of duty, by an attorney, clerk, marshal, or other person appointed or selected to perform a judicial or ministerial service;

Fourth. Deceit, or abuse of the process or proceedings of the court, by a party to an action or special proceeding;

Fifth. Disobedience of any lawful judgment, order, or process of the court;

Sixth. Assuming to be an attorney or other officer of the court, and acting as such without authority in a particular instance;

Seventh. Rescuing any person or property in the custody of an officer by virtue of an order or process of such court;

Eighth. Unlawfully detaining a witness or party to an action or proceeding while going to, remaining at, or returning from the court where the same is for trial;

Ninth. Any other unlawful interference with the process or proceedings of the court;

Tenth. Disobedience of a subpoena duly served, or refusing to be sworn or answer as a witness;

Eleventh. When summoned as a juror in a court, improperly conversing with a party to an action or proceeding to be tried at such court, or with any other person in relation to the merits of such action, or proceeding, or receiving a communication from a party or other person in respect to it without immediately disclosing the same to the court;

Twelfth. Disobedience by an inferior tribunal, magistrate, or officer of the lawful judgment, order, or process of a superior court, or proceeding in an action or proceeding contrary to law, after such action or proceeding shall have been removed from the jurisdiction of such inferior tribunal, magistrate, or officer. The conduct specified in subdivisions first and second of this section, when committed before a judicial officer, or disobedience of the lawful order or process of such officer made in the cases specified in section seven hundred and eleven, is also to be deemed a contempt of the authority of such officer.

Punishment for contempt.

SEC. 610. Every court of justice and every judicial officer has power to punish contempt by fine or imprisonment, or both. But such fine shall not exceed three hundred dollars nor the imprisonment six months; and when the contempt is not one of those mentioned in subdivisions first and second of the last section, or in subdivision first of section seven hundred and eleven it must appear that the right or remedy of a party to an action or proceeding was defeated or prejudiced thereby before the contempt can be punished otherwise than by fine not exceeding one hundred dollars.

In presence of court, how punished.

SEC. 611. When a contempt is committed in the immediate view and presence of the court or officer, it may be punished summarily, for which an order must be made reciting the facts as occurring in such immediate view and presence, determining that the person proceeded against is thereby guilty of a contempt, and that he be punished as therein prescribed. In other cases of contempt the trial shall proceed upon testimony produced as in criminal cases and the accused shall be entitled to be confronted with the witnesses against him, but such trial shall be by the court or, in the discretion of the court, upon application of the accused, a trial by jury may be had as in any criminal case.

In other cases, mode of proceeding.

SEC. 612. In cases other than those mentioned in the section last preceding, before any proceedings can be taken therein the facts constituting the contempt must be shown by an affidavit presented to the court or judicial officer, and thereupon such court or officer may either make an order upon the person charged to show cause why he should not be arrested to answer, or issue a warrant of arrest to bring such person to answer in the first instance.

If defendant imprisoned, may be brought out.

SEC. 613. If the party charged be in the custody of an officer, by virtue of a legal order or process, civil or criminal, except upon a sentence for a felony, an order may be made for the production of such person by the officer having him in custody, that he may answer, and he shall thereupon be produced and held, until an order be made for his disposal.

The United States is plaintiff; when district attorney may prosecute.

SEC. 614. In the proceeding for a contempt the United States is the plaintiff. In all cases of public interest the proceeding may be prosecuted by the district attorney on behalf of the United States; and in all cases where the proceeding is commenced upon the relation of a private party, such party shall be deemed a coplaintiff with the United States.

When defendant bailed; how warrant executed.

SEC. 615. Whenever a warrant of arrest is issued pursuant to this chapter the court or judicial officer shall direct therein whether the person charged may be let to bail for his appearance upon the war-

rant or detained in custody without bail, and if he may be bailed, the amount in which he may be let to bail. Upon executing the warrant of arrest, the marshal must keep the person in actual custody, bring him before the court or judicial officer, and detain him until an order be made in the premises, unless the person arrested entitle himself to be discharged as provided in section six hundred and sixteen.

SEC. 616. The defendant shall be discharged from the arrest upon executing and delivering to the marshal, at any time before the return day of the warrant, an undertaking, with two sufficient sureties, to the effect that the defendant will appear on such return day, and abide the order or judgment of the court or officer thereupon, or pay, as may be directed, the sum specified in the warrant.

Bail, how given.

SEC. 617. The marshal shall return the warrant of arrest, and the undertaking, if any, given him by the defendant, by the return day therein specified. When the defendant has been brought up or has appeared, the court or judicial officer shall proceed to investigate the charge by examining such defendant and witnesses for or against him, for which an adjournment may be had from time to time if necessary.

Return of warrant, and proceedings on appearance.

SEC. 618. Upon the evidence so taken the court or judicial officer shall determine whether or not the defendant is guilty of the contempt charged, and if it be determined that he is so guilty, shall sentence him to be punished as provided in this chapter.

Determination and sentence.

SEC. 619. If any loss or injury to a party in an action or proceeding, prejudicial to his rights therein, have been caused by the contempt, the court or judicial officer, in addition to the punishment imposed for the contempt, may give judgment that the party aggrieved recover off the defendant a sum of money sufficient to indemnify him and to satisfy his costs and disbursements, which judgment, and the acceptance of the amount thereof, is a bar to any action or proceeding by the aggrieved party for such loss or injury.

Judgment to indemnify party injured.

SEC. 620. When the contempt consists in the omission or refusal to perform an act which is yet in the power of the defendant to perform, he may be imprisoned until he shall have performed it; and in such case the act must be specified in the warrant of commitment.

When party may be imprisoned.

SEC. 621. Persons proceeded against according to the provisions of this chapter are also liable to indictment for the same misconduct, if it be an indictable offense; but the court, before his conviction is had on the indictment, in passing sentence, shall take into consideration the punishment before inflicted.

Person also liable to indictment.

SEC. 622. When a warrant of arrest has been returned served, if the defendant do not appear on the return day, the court or judicial officer may issue another warrant of arrest, or may order the undertaking to be prosecuted, or both. If the undertaking be prosecuted, and the aggrieved party join in the action, and the sum specified therein be recovered, so much thereof as will compensate such party for the loss or injury sustained by reason of the misconduct for which the warrant was issued shall be deemed to be recovered for such party exclusively.

If party do not appear, proceedings thereon.

SEC. 623. Either party to a judgment in a proceeding for a contempt may appeal therefrom in like manner and with like effect as from a judgment in an action; but such appeal shall not have the effect to stay the proceeding in any other action or proceeding, or upon any judgment, decree, or order therein concerning which or wherein such contempt was committed. Contempts of justices' courts are punishable in the manner specially provided in the procedure before them.

Appeal from judgment.

CHAPTER FIFTY-NINE.

OF THE MEANS OF THE PRODUCTION OF EVIDENCE.

Sec.	Sec.
624. Subpœna for witness defined.	632. Disobedience to subpœna, how punished.
625. Subpœna, how and by whom issued.	633. Forfeiture therefor.
626. Subpœna, when and to whom issued in blank.	634. When warrant may be issued to bring witness.
627. Subpœna, how served.	635. Warrant of arrest or commitment.
628. How served if witness concealed.	636. If witness be a prisoner, how produced or examined.
629. Proof of service.	
630. When witness obliged to attend.	
631. Person present compelled to testify.	

Subpœna for witness defined.

SEC. 624. The process by which the attendance of a witness is required is a subpœna. It is a writ directed to a person and requiring his attendance at a particular time and place, to testify as a witness in a particular action, suit, or proceeding therein specified, on behalf of a particular party therein mentioned. It may also require him to bring with him any books, documents, or other things under his control which he is bound by law to produce in evidence.

Subpœna, how and by whom issued.

SEC. 625. The subpœna is as follows:

First. To require attendance before a court of record, or at the trial of an issue therein, or out of such court in an action, suit, or proceeding pending therein, by the clerk of such court;

Second. To require attendance before a commissioner appointed to take testimony by a court of the United States, or any State or Territory, or any foreign country, by any clerk of a court of record, in places within the jurisdiction of such court;

Third. To require attendance before the judge, justice of the peace, or other person authorized by law to take the testimony or affidavit of another, by such judge, justice of the peace, or other person, in the places within their respective jurisdiction.

Subpœna, when and to whom issued in blank.

SEC. 626. The subpœnas authorized by subdivisions first and second of the last section, upon the request of a party and an attorney of the court, shall be issued by the clerk in blank, and delivered to such party or attorney, who may thereafter fill up such blank with the name of the witness or witnesses that he may desire to be subpœnaed, and cause the same to be served as in this chapter required.

Subpœna, how served.

SEC. 627. A subpœna may be served by the party or any other competent person over eighteen years of age. The service is made by reading and showing the original and delivering a copy to the witness personally, giving or offering to him at the same time the fees to which he is entitled for travel to and from the place designated, and one day's attendance there. Such service must be made so as to allow the witness a reasonable time for preparation and travel to the place of attendance.

How served if witness concealed.

SEC. 628. The marshal or any deputy or any person specially appointed by him, but none other, is authorized and required to break into any building or vessel in which a witness may be concealed, so as to prevent the service of a subpœna, and serve the same upon such witness.

Proof of service.

SEC. 629. Proof of service of a subpœna shall be made in the same manner as in the service of a summons.

When witness obliged to attend.

SEC. 630. A witness is not obliged to attend for oral examination or otherwise at a place distant more than one hundred miles from the place where he resides or at which he may be served with a subpœna; except that in an action or proceeding pending in a court of record the court or judge thereof, upon the affidavit of the party, or some one on his behalf, showing that the testimony of the witness is material

and his oral examination important and desirable, may indorse upon the subpoena an order for the attendance of the witness; the service of such subpoena and order and the payment of legal fees to the witness are sufficient to require his attendance, if he be served within the district.

SEC. 631. A person present in court or before a judicial officer may be required to testify in the same manner as if he were in attendance before such court or officer on a subpoena.

Person present compelled to testify.

SEC. 632. Disobedience to a subpoena, or a refusal to be sworn, or to answer as a witness, or to subscribe an affidavit or deposition when required, may be punished as a contempt by the court or officer before whom he is required to attend or the refusal takes place, and if the witness be a party his complaint, answer, or reply may be stricken out.

Disobedience to subpoena, how punished.

SEC. 633. A witness disobeying a subpoena duly served shall forfeit to the party requiring his attendance the sum of fifty dollars and all damages which he may sustain by the failure of the witness to attend, which forfeiture and damages may be recovered by an action at law.

Forfeiture therefor.

SEC. 634. In case of the failure of a witness to attend, the court or officer before whom he is required to attend, upon proof of the due service of the subpoena and tender of his fees, may issue a warrant to the marshal requiring him to arrest the witness and bring him before the court or officer where his attendance was required.

When warrant may be issued to bring witness.

SEC. 635. Every warrant of commitment issued by a court or officer pursuant to this chapter shall specify therein the cause of the commitment; and if it be for refusing to answer a question such question shall be stated in the warrant.

Warrant of arrest or commitment.

SEC. 636. If the witness be a prisoner, confined in a prison within the district, an order for his examination in the prison upon a deposition, or for his temporary removal and production, before a court or officer, for the purpose of being orally examined, may be made as follows:

If witness be a prisoner, how produced or examined.

First. By the court or judge thereof in which the action or proceeding is pending, unless it be a court of a justice of the peace;

Second. By any judge of a court of record, when the action or proceeding is pending in a justice's court, or when the witness's deposition, affidavit, or oral examination is required before a judge or other person out of court;

Third. Such order shall only be made upon the affidavit of the party desiring the order, or some one on his behalf, showing the nature of the action or proceeding, the testimony expected from the witness, and its materiality;

Fourth. If the witness be imprisoned at the place where the action or proceeding is pending, and for a cause other than a sentence for felony, his production may be required; in all other cases his examination shall be taken by deposition.

CHAPTER SIXTY.

OF THE MODE OF TAKING THE TESTIMONY OF WITNESS.

Sec.

637. How authenticated if taken outside the district.

638. Affidavit, when may be used.

639. When deponent to be produced for cross-examination.

Sec.

640. Proof of publication by affidavit.

641. Where affidavit may be filed, and effect thereof.

SEC. 637. An affidavit or deposition taken in any State or Territory of the United States, the District of Columbia, or in a foreign coun-

How authenticated if taken outside the district.

try, otherwise than upon commission, must be authenticated as follows before it can be used in the district:

First. It must be certified by a commissioner appointed by the governor of the district to take affidavits and depositions in such State, Territory, District, or country, or

Second. It must be certified by a judge of a court having a clerk and a seal to have been taken and subscribed before him at a time and place therein specified, and the existence of the court, the fact that such judge is a member thereof, and the genuineness of his signature shall be certified by the clerk of the court, under the seal thereof.

Affidavit, when may be used.

SEC. 638. An affidavit may be used to prove the service of a summons, notice, or other paper in an action or proceeding to obtain a provisional remedy, the examination of a witness, or a stay of proceedings, or upon a motion, and in any other case expressly provided for by law, except as provided in the next section.

When deponent to be produced for cross-examination.

SEC. 639. Whenever a provisional remedy has been allowed upon affidavit, the party against whom it is allowed may serve upon the party by whom it was obtained a notice requiring the person making the affidavit to be produced before some officer authorized to administer oaths, therein named, for cross-examination. Thereupon the party to whom the remedy was allowed shall lose the benefit of the affidavit and all proceedings founded thereon, unless within eight days, or such other time as the court or judge thereof may direct, upon a previous notice to his adversary of at least three days, he produce the deponent for examination before the officer mentioned in the notice, or some other of like authority, provided for in the order of the court or judge. Upon such production the deponent may be examined by either party, but a party shall not be obliged to produce a witness for examination as in this section provided, except within the district where the provisional remedy was allowed.

Proof of publication by affidavit.

SEC. 640. Proof of the publication of a document or notice required by law, or by an order of court or a judge, to be published in a newspaper, may be made by the affidavit of the printer of the newspaper or his foreman or principal clerk, annexed to a copy of the document or notice, specifying the times when and the paper in which the publication was made. But such affidavit must be made within six months after the last day of publication.

Where affidavit may be filed, and effect thereof.

SEC. 641. If such affidavit be made in an action or proceeding pending in a court, it may be filed with the clerk thereof; and the same is primary evidence of the facts therein stated.

CHAPTER SIXTY-ONE.

OF DEPOSITIONS.

Sec.

642. Deposition, when used.

643. Testimony of witness out of the district.

Sec.

644. When deposition taken of witness within district.

Deposition, when used.

SEC. 642. In all cases other than those mentioned in section six hundred and thirty-eight where a written declaration under oath is used, it must be a deposition.

Testimony of witness out of the district.

SEC. 643. The testimony of a witness out of the district may be taken by deposition in an action at any time after the service of the summons or the appearance of the defendant, and in a special proceeding at any time after a question of fact has arisen therein.

When deposition taken of witness within district.

SEC. 644. The testimony of a witness in the district may be taken by deposition, in an action, at any time after the service of the summons, or the appearance of the defendant; and in a special proceeding after a question of fact has arisen therein, in the following cases:

First. When the witness is a party to the action or proceeding, by the adverse party;

Second. When the witness's residence is such that he is not obliged to attend in obedience to the subpoena, as provided in section six hundred and thirty;

Third. When the witness is about to go more than one hundred miles beyond the place of trial;

Fourth. When the witness, otherwise liable to attend the trial, is nevertheless too infirm to attend;

Fifth. When the testimony is required upon a motion, or in any other case where the oral examination of the witness is not required.

CHAPTER SIXTY-TWO.

OF THE MANNER OF TAKING DEPOSITIONS OUT OF THE DISTRICT.

Sec.	Sec.
645. Testimony of a witness out of the district, how taken.	649. Trial, when postponed therefor.
646. Commission, how and by whom issued.	650. Deposition taken out of district before commission.
647. Interrogatories may be annexed.	651. Either party may attend or require written interrogatories.
648. Contents of commission.	

SEC. 645. The deposition of a witness out of the district may be taken upon commission issued from the court, or without commission before a commissioner appointed by the governor of the district to take depositions in any State, Territory, or District of the United States, or in any foreign country.

Testimony of a witness out of the district, how taken.

SEC. 646. The commission may be issued by the clerk of the court, or by a justice of the peace in a cause in his own court, on the application of either party upon five days' previous notice to the other. It shall be issued to a person agreed upon by the parties, or if they do not agree, to a judge, justice of the peace, notary public, or clerk of a court, selected by the officer issuing it.

Commission, how and by whom issued.

SEC. 647. Such interrogatories, direct and cross, as the respective parties may prepare, to be settled by the clerk or justice in a summary manner as to the form thereof, if the parties disagree, may be annexed to the commission, or when the parties agree to that mode, the examination may be without written interrogatories.

Interrogatories may be annexed.

SEC. 648. The commission shall authorize the commissioner to administer an oath to the witness and to take his deposition in answer to the interrogatories, or when the examination is to be without them, in respect to the question in dispute, and to certify the deposition to the court in a sealed envelope, directed to the clerk or justice who issued the commission, or other person designated and agreed upon, and forward it to him by mail or other usual channel of conveyance.

Contents of commission.

SEC. 649. A trial or other proceeding shall not be postponed by reason of a commission not being returned, except it appear by affidavit that the testimony of the witness is material and necessary, and that proper diligence has been used to obtain it.

Trial, when postponed therefor.

SEC. 650. The deposition of a witness out of the district, and in any State, Territory, or District of the United States, may also be taken before a commissioner appointed by the governor of the district to take depositions in such State, Territory, or District, upon giving to the adverse party eight days' notice of the time and place of the examination, the name of the commissioner, and the witness, if the distance of the place of examination from the place where the testimony is to be used does not exceed fifty miles, and one day in addition for every additional twenty-five miles.

Deposition taken out of district before commission.

SEC. 651. Either party may attend upon such examination and examine the witnesses upon oral interrogatories, but if either party,

Either party may attend or require written interrogatories.

by a written notice to the other within three days from the service of the original notice, require it, it shall be taken upon written interrogatories, to be settled, if not agreed upon, by the same officer and in the same manner as in case of a deposition upon commission; and in such case the deposition shall be taken, certified, and directed by the commissioner in the same manner as a deposition upon commission.

CHAPTER SIXTY-THREE.

OF THE MANNER OF TAKING DEPOSITIONS IN THE DISTRICT.

Sec.	Sec.
652. Depositions in the district, when taken, and notice thereof.	656. May be used by either party; objections to relevancy or form.
653. How taken; either party may attend.	657. Proof before using certain depositions; insufficient notice.
654. Certificate of officer.	658. Depositions may be read at any time; exclusion of a portion.
655. Deposition, to whom forwarded.	

Depositions in the district, when taken, and notice thereof.

SEC. 652. Either party may take the testimony of a witness in the district by deposition, in the cases allowed by this code, before the clerk of a court of record, or other person authorized to administer oaths, on giving the adverse party previous notice of the time and place of the examination, the name of the officer, and the witness; such notice shall be given at least three days before the day of the examination, if the distance of the place of examination from the residence of the person to whom notice is given does not exceed twenty-five miles, and one day in addition for every additional twenty-five miles, unless the court or judge thereof by order prescribe a shorter time. When a shorter time is prescribed the order shall be served with the notice.

How taken; either party may attend.

SEC. 653. Either party may attend upon such examination and examine the witness upon oral interrogatories. The deposition shall be written by the officer taking the same, or by the witness, or by some disinterested person, in the presence and under the direction of such officer. When completed it shall be read to or by the witness and subscribed by him. Before subscribing it the witness shall be allowed, if he desire it, to correct or explain any statement in the deposition, but such statement, although corrected and explained, shall remain a part of the deposition.

Certificate of officer.

SEC. 654. The officer taking the deposition shall append thereto his certificate, under the seal of his office, if there be a seal, to the effect that the deposition was taken before him, at a place mentioned, between certain hours of a day or days mentioned, and reduced to writing by a person therein named; that, before proceeding to the examination, the witness may be duly sworn to tell the truth, the whole truth, and nothing but the truth; that the deposition was read to or by the witness and then by him subscribed.

Deposition, to whom forwarded.

SEC. 655. The officer taking the deposition shall inclose the same in a sealed envelope, directed to the clerk of the court, or the justice of the peace before whom the action or proceeding is pending, or such other person as may by writing be agreed upon, and deliver or forward the same accordingly by mail or other usual channel of conveyance.

May be used by either party; objections to relevancy or form.

SEC. 656. A deposition taken pursuant to the provisions of this chapter may be used by either party upon the trial or proceeding against any party giving or receiving the notice, subject to all legal exceptions. But no objections can be made at the trial to the relevancy of the testimony or the form of the interrogatory, unless the same appear by the deposition or written interrogatories to have been taken at the time of the examination or the settling of such interrogatories. Section six hundred and fifty-three, except the first sentence thereof, and sections six hundred and fifty-four and six hundred and

fifty-five shall apply to depositions taken out of the district on oral interrogatories.

SEC. 657. If a deposition be taken under subdivisions two, three, or four of section six hundred and sixty, before the same can be used proof shall be made that the witness did reside beyond the service of a subpoena, or that he still continues absent or infirm, as the case may be. A deposition taken, whether in the district or without, upon insufficient notice or otherwise, not substantially in conformity with the provisions of this chapter, may be excluded from the case, unless such insufficient notice or other omission has been waived by the consent or conduct of the adverse party.

Proof before using certain depositions; insufficient notice.

SEC. 658. When a deposition has once been taken, it may be read in the same action or proceeding, or in any other action or proceeding, between the same parties or their representatives upon the same subject, and is then to be deemed the evidence of the party reading it. When any portion of a deposition is excluded from a case, so much of the adverse examination as relates thereto is excluded also.

Depositions may be read at any time; exclusion of a portion.

CHAPTER SIXTY-FOUR.

OF THE GENERAL RULES OF EXAMINATION.

Sec. 659. Order of proof, how regulated.	Sec. 666. Cross-examination, as to what it extends.
660. Witness not under examination may be excluded.	667. Party not to impeach his own witness.
661. Interpreter sworn, when.	668. Witness, how reexamined.
662. Court may control mode of interrogation.	669. How witness impeached.
663. Direct and cross-examination defined.	670. Same subject.
664. Leading questions defined.	671. Evidence of good character, when allowed.
665. When witness may testify or refresh his memory from writing.	672. Writing shown to witness may be inspected by adverse party.

SEC. 659. The order of proof shall be regulated by the sound discretion of the court. Ordinarily, the party beginning the case shall exhaust his evidence before the other begins.

Order of proof, how regulated.

* SEC. 660. If either party require it, the judge may exclude from the court room any witness of the adverse party not at the time under examination, so that he may not hear the testimony of other witnesses.

Witness not under examination may be excluded.

SEC. 661. When a witness does not understand and speak the English language, an interpreter shall be sworn to interpret for him.

Interpreter sworn, when.

SEC. 662. The court may exercise a reasonable control over the mode of interrogation, so as to make it as rapid, as distinct, as little annoying to the witness, and as effective for the extraction of the truth as may be; but, subject to this rule, the parties may put such legal and pertinent questions as they see fit. The court, however, may stop the production of further evidence, upon any particular point, when the evidence upon it is already so full as to preclude reasonable doubt.

Court may control mode of interrogation.

SEC. 663. The examination of a witness by the party producing him is denominated the direct examination; the examination of the same witness upon the same matter, by the adverse party, the cross-examination. The direct examination must be completed before the cross-examination begins, unless the court otherwise direct.

Direct and cross examination defined.

SEC. 664. A question which suggests to the witness the answer which the examining party desires is denominated a leading or suggestive question. On a direct examination, leading questions are not allowed, unless merely formal or preliminary, except in the sound discretion of the court, under special circumstances, making it appear that the interests of justice require it.

Leading questions defined.

When witness may testify or refresh his memory from writing.

SEC. 665. A witness is allowed to refresh his memory, respecting a fact, by anything written by himself or under his direction at the time when the fact occurred or immediately thereafter, or at any other time when the fact was fresh in his memory and he knew that the same was correctly stated in the writing. But in either case the writing must be produced, and may be inspected by the adverse party, who may, if he choose, cross-examine the witness upon it, and may read it to the jury. So, also, a witness may testify from such a writing, though he retain no recollection of the particular facts; but such evidence shall be received with caution.

Scope of cross-examination.

SEC. 666. The adverse party may cross-examine the witness as to any matter stated in his direct examination or connected therewith, and in so doing may put leading questions; but if he examine him as to other matters, such examination is to be subject to the same rules as a direct examination.

Party not to impeach his own witness.

SEC. 667. The party producing a witness is not allowed to impeach his credit by evidence of bad character, but he may contradict him by other evidence, and may also show that he has made at other times statements inconsistent with his present testimony, as provided in section six hundred and seventy.

Witness, how reexamined.

SEC. 668. A witness once examined shall not be reexamined as to the same matter without leave of the court; but he may be reexamined as to any new matter upon which he has been examined by the adverse party. After the examinations on both sides are concluded the witness shall not be recalled without leave of the court. Leave is granted or withheld in the exercise of a sound discretion.

How witness impeached.

SEC. 669. A witness may be impeached by the party against whom he was called, by contradictory evidence, or by evidence that his general reputation for truth is bad, or that his moral character is such as to render him unworthy of belief, but not by evidence of particular wrongful acts; except that it may be shown by the examination of the witness or the record of the judgment that he has been convicted of a crime.

Same subject.

SEC. 670. A witness may also be impeached by evidence that he has made at other times statements inconsistent with his present testimony; but before this can be done the statements must be related to him, with the circumstances of times, places, and persons present; and he shall be asked whether he has made such statements, and, if so, allowed to explain them. If the statements be in writing, they shall be shown to the witness before any question is put to him concerning them.

Evidence of good character, when allowed.

SEC. 671. Evidence of the good character of a party is not admissible in a civil action or proceeding unless the issue therein involve his character, nor of a witness in any action or proceeding until the character of such witness has been impeached.

Writing shown to witness may be inspected by adverse party.

SEC. 672. Whenever a writing is shown to a witness it may be inspected by the adverse party, and if proved by the witness, shall be read to the jury before his testimony is closed, or it shall not be read, except on recalling the witness.

CHAPTER SIXTY-FIVE.

OF THE EFFECT OF EVIDENCE.

Sec.

673. On what points jury to be instructed.

On what points jury to be instructed.

SEC. 673. The jury, subject to the control of the court in the cases specified in this code, are the judges of the effect and value of evidence addressed to them, except when it is thereby declared to be conclusive. They are, however, to be instructed by the court on all proper occasions:

First. That their power of judging the effect of evidence is not arbi-

trary, but to be exercised with legal discretion and in subordination to the rules of evidence;

Second. That they are not bound to find in conformity with the declarations of any number of witnesses which do not produce conviction in their minds against a less number, or against a presumption or other evidence satisfying their minds;

Third. That a witness willfully false in one part of his testimony may be distrusted in others;

Fourth. That the testimony of an accomplice ought to be viewed with distrust and of the oral admissions of a party with caution;

Fifth. That in civil cases the affirmative of the issue shall be proved, and when the evidence is contradictory the finding shall be according to the preponderance of evidence; that in criminal cases guilt shall be established beyond reasonable doubt;

Sixth. That evidence is to be estimated not only by its own intrinsic weight, but also according to the evidence which it is in the power of one side to produce and of the other to contradict; and, therefore,

Seventh. That if the weaker and less satisfactory evidence is offered when it appears that stronger and more satisfactory was within the power of the party, the evidence offered should be viewed with distrust.

CHAPTER SIXTY-SIX.

OF THE RIGHTS AND DUTIES OF WITNESSES.

Sec

674. Witness bound to attend when subpoenaed.

675. What questions witness bound to answer.

676. Right of witness to protection.

Sec.

677. When witness protected from arrest.

678. To make affidavit if arrested.

679. Court may discharge witness from arrest.

SEC. 674. It is the duty of a witness, duly served with a subpoena and tendered mileage and fees for the day named, to attend at the time appointed, with any papers, books, documents, or other thing under his control required by the subpoena, to answer all pertinent and legal questions, and, unless sooner discharged, to remain until the testimony is closed; but a witness, at the end of each day's attendance, may demand of the party or his attorney the payment of his legal fees for the next following day, and if not then paid he is not obliged to remain longer in attendance. Witness bound to attend when subpoenaed.

SEC. 675. A witness shall answer questions legal and pertinent to the matter in issue, though his answer may establish a claim against himself. But he need not give an answer which will have a direct tendency to subject him to criminal prosecution, or to degrade his character, unless, in the latter case, it be as to the very fact in issue, or to a fact from which the fact in issue would be presumed. This privilege is the privilege of the witness, but a witness must answer as to the fact of his previous conviction for felony. What questions witness bound to answer.

SEC. 676. It is the right of the witness to be protected from irrelevant, insulting, or improper questions, or from harsh or insulting demeanor; to be detained only so long as the interests of justice require it; to be examined only as to matters legal and pertinent to the issue. Right of witness to protection.

SEC. 677. Every person who has been, in good faith, served with a subpoena to attend as a witness before a court, judge, commissioner, referee, or other officer, is exonerated from arrest in a civil case while going to the place of attendance, necessarily remaining there, and returning therefrom. The arrest of a witness contrary to this section is void, and when willfully made is a contempt of court; and the officer making it is responsible to the witness arrested for double the amount of damages which may be assessed against him therefor, and is also liable to When witness protected from arrest.

an action at the suit of the party serving the witness with the subpoena for the damages sustained by him in consequence of the arrest.

To make affidavit if arrested.

SEC. 678. But the officer making the arrest is not liable in any way therefor, unless the person making the exception make, if required, an affidavit stating—

First. That he has been served with a subpoena to attend as a witness before a court, judge, or other officer, specifying the same, the place of attendance, and the action or proceeding in which the subpoena was issued; and

Second. That he has not been thus served by his own procurement, with the intention of avoiding an arrest. The affidavit may be taken by the officer, and exonerates him from liability for not making the arrest or for discharging the witness when arrested.

Court may discharge witness from arrest.

SEC. 679. The court, judge, or officer before whom the attendance of the witness is required may discharge a witness from an arrest made in violation of section six hundred and seventy-seven.

CHAPTER SIXTY-SEVEN.

OF EVIDENCE IN PARTICULAR CASES.

Sec.
680. Whoever pays or delivers entitled to receipt.
681. Objections to tender must be specified.
682. Rules for construing description of real property.

Sec.
683. Offer of compromise not an admission.
684. Confession of adultery in divorce cases.

Whoever pays or delivers entitled to receipt.

SEC. 680. Whoever pays money, or delivers an instrument or property, is entitled to a receipt therefor from the person to whom the payment or delivery is made, and may demand a proper signature to such receipt as a condition of the payment or delivery.

Objections to tender must be specified.

SEC. 681. The person to whom a tender is made shall at the time specify any objection he may have to the money, instrument, or property, or he must be deemed to have waived it; and if the objection be to the amount of money, the terms of the instrument, or the amount or kind of property, he must specify the amount, terms, or kind which he requires, or be precluded from objecting afterwards.

Rules for construing description of real property.

SEC. 682. The following are the rules for construing the descriptive part of a conveyance of real property when the construction is doubtful and there are no other sufficient circumstances to determine it:

First. Where there are certain definite and ascertained particulars in the description, the addition of others which are indefinite, unknown, or false does not frustrate the conveyance, but it is to be construed by such particulars, if they constitute a sufficient description to ascertain its application;

Second. When permanent and visible or ascertained boundaries or monuments are inconsistent with the measurement, either of lines, angles, or surfaces, the boundaries or monuments are paramount;

Third. Between different measurements which are inconsistent with each other, that of angles is paramount to that of surfaces, and that of lines paramount to both;

Fourth. When a road or stream of water not navigable is the boundary, the rights of the grantor to the middle of the road or the thread of the stream are included in the conveyance, except where the road or bed of the stream is held under another title;

Fifth. When tide water is the boundary, the rights of the grantor to low-water mark are included in the conveyance;

Sixth. When the description refers to a map, and that reference is inconsistent with other particulars, it controls them, if it appear that the parties acted with reference to the map; otherwise the map is subordinate to other definite and ascertained particulars.

SEC. 683. An offer of compromise is not an admission that anything is due; and no evidence thereof shall be permitted.

Offer of compromise not an admission.

SEC. 684. In an action for the dissolution of the marriage contract on the ground of adultery, a confession of adultery, whether in or out of the pleadings, is not of itself sufficient to justify a decree of dissolution.

Confession of adultery in divorce cases.

CHAPTER SIXTY-EIGHT.

OF PROCEEDINGS TO PERPETUATE TESTIMONY.

Sec.

685. Evidence may be perpetuated.

686. Order for examination, how obtained.

687. Service of the order and notice in case of nonresidents.

688. How taken and where filed.

Sec.

689. Papers filed with deposition, primary evidence.

690. When the deposition may be used.

691. How objected to when produced.

692. Power and duty of the officer taking deposition.

SEC. 685. The testimony of a witness may be taken conditionally and perpetuated as provided in this chapter.

Evidence may be perpetuated.

SEC. 686. The order for taking the testimony may be made by any judge of the district court upon the application of the party desiring it, when it appears from the petition of such party, verified as a complaint—

Order for examination, how obtained.

First. That the applicant is a party or expects to be a party to an action or proceeding in a court in the district, or that he has an interest in real property or some easement or franchise therein about which a controversy may arise which would be the subject of such an action or proceeding;

Second. That the testimony of a witness, whose name and place of residence is stated, is material to the prosecution or defense, as the case may be, of such action or proceeding, or possible controversy, and generally the question involved therein, and the facts expected to be proved by the witness;

Third. The names and residence of the adverse parties or persons adversely interested, so far as the applicant knows or can ascertain them.

The judge may thereupon in his discretion make an order allowing the examination, prescribing therein the place thereof, and how long before the examination the order and notice of the time and place therefor shall be served.

SEC. 687. If it appear that the adverse parties or persons adversely interested, or any of them, reside out of the district, or are unknown, the judge shall direct that, as to such parties or persons, service of the order and notice shall be made by publication, in the same manner as a summons. Upon proof of the service, the deposition may be taken conditionally by the judge who made the order of examination, or by any other officer or person therein designated.

Service of the order and notice in case of nonresidents.

SEC. 688. Every interrogatory or answer, or declaration of the witness, shall be taken down, unless the parties otherwise agree. The deposition, when completed, shall be carefully read to and subscribed by the witness, and then certified by the judge or other officer or person taking the same and immediately thereafter filed in the office of the clerk of the court, together with the order for the examination of the witness, the petition on which the same was granted, the notice, and the proof of service of the order and notice.

How taken and where filed.

SEC. 689. The papers filed with the deposition, as required by the last section, or a certified copy thereof, are primary evidence of the facts stated therein to show compliance with the provisions of this chapter.

Papers filed with deposition, primary evidence.

SEC. 690. If thereafter a trial be had between the persons named in the petition as parties actual, expectant, or possible, or their representatives or successors in interest, upon proof of the death or insan-

When the deposition may be used.

ity of the witness, or that he is beyond the district and his residence unknown, or of his inability to attend the trial by reason of age, sickness, or settled infirmity, the deposition or a certified copy thereof may be given in evidence by either party.

How objected to when produced.

SEC. 691. The deposition when so taken, when produced in evidence, may be objected to as if it was the oral testimony of the witness, except that the form of the interrogatory shall not be objected to.

Power and duty of the officer taking deposition.

SEC. 692. The judge, officer, or other person taking the deposition shall control the examination, to the end that the whole truth may be declared by the witness, and if no one appears other than the applicant, he shall prevent leading and suggestive interrogatories by such applicant, except when the same may be necessary or merely formal, and shall himself cross-examine the witness, concluding with the general interrogatory to the effect whether the witness knows anything further in relation to the matter which would be of benefit to either party.

CHAPTER SIXTY-NINE.

OF OATHS AND AFFIRMATIONS.

Sec.

693. Who authorized to take testimony and administer oaths.

694. Form may be varied to suit witness' belief.

Sec.

695. Same subject.

696. Who may affirm.

697. Affirmation equivalent to oath; when false to be deemed perjury.

Who authorized to take testimony and administer oaths.

SEC. 693. Every court, judge, clerk of a court, commissioner, justice of the peace, or notary public is authorized to take testimony in any action or proceeding, and such other persons in particular cases as this code elsewhere authorizes. Every such court or officer is authorized to administer oaths and affirmations generally, and every such other person in the particular case authorized.

Form may be varied to suit witness' belief.

SEC. 694. Whenever the court or officer before which a person is offered as a witness is satisfied that he has a peculiar mode of swearing, connected with or in addition to the usual form of administration, which, in his opinion, is more solemn or obligatory, the court or officer may in its discretion adopt that mode.

Same subject.

SEC. 695. When a person is sworn who believes in any other than the Christian religion, he may be sworn according to the peculiar ceremonies of his religion, if there be any such.

Who may affirm.

SEC. 696. Any person who has conscientious scruples against taking an oath may make his solemn affirmation.

Affirmation equivalent to oath; when false to be deemed perjury.

SEC. 697. Whenever by any provision of this title an oath is required, an affirmation is to be deemed equivalent thereto, and a false affirmation is to be deemed perjury equally with a false oath.

CHAPTER SEVENTY.

OF COURTS OF JUSTICE.

Sec.

698. Judicial power, how vested.

699. The district court.

700. Justice's court.

701. Mode of proceeding.

702. Jurisdiction of justice's court.

703. Jurisdiction not to include certain cases.

704. Where action may be commenced.

705. Power of court respecting judicial proceedings.

706. Power, how exercised.

Sec.

707. Judicial officer, definition of. When disqualified to act.

708. Appointment of judge pro tempore.

709. Judicial officer not to act as attorney, except.

710. Power of a judge out of court.

711. Power of judicial officers.

712. Powers, how exercised.

713. Power to take and certify affidavits.

714. Same subject.

Judicial power, how vested.

SEC. 698. The judicial power in the district of Alaska is vested in a district court, in commissioners exercising the powers of probate courts, and in commissioners as ex officio justices of the peace.

SEC. 699. The district court is a court of general jurisdiction, civil and criminal, and also shall have admiralty jurisdiction.

The district court.

SEC. 700. A justice's court is a court held by a commissioner as ex officio justice of the peace within the precinct for which he may be appointed. There are no particular terms of such court, but the same is always open for the transaction of business, according to the mode of proceeding prescribed for it.

Justice's court.

SEC. 701. The mode of proceeding and the rules of evidence are the same in a justice's court as in a like action or proceeding in a court of record, except where otherwise specially provided.

Mode of proceeding.

SEC. 702. A justice's court has jurisdiction, but not exclusive, of the following actions:

Jurisdiction of justice's court.

First. For the recovery of money or damages only, when the amount claimed does not exceed one thousand dollars;

Second. For the recovery of specific personal property, when the value of the property claimed and the damages for the detention do not exceed one thousand dollars;

Third. For the recovery of any penalty or forfeiture, whether given by statute or arising out of contract, not exceeding one thousand dollars;

Fourth. Also, to give judgment without action upon the confession of the defendant for any of the cases specified in this section, except for a penalty or forfeiture imposed by statute.

SEC. 703. The jurisdiction conferred by the last section does not extend, however—

Jurisdiction not to include certain cases.

First. To an action in which the title to real property shall come in question;

Second. To an action for false imprisonment, libel, slander, malicious prosecution, criminal conversation, seduction, upon a promise to marry, in actions of an equitable nature or in admiralty causes.

SEC. 704. In an action in a justice's court to recover a penalty or forfeiture given by statute the cause of action or some part thereof must have arisen within the precinct where the action is commenced, or upon a lake, river, or other water bordering upon such precinct and opposite thereto; but otherwise than this the jurisdiction of justice's court does not depend upon where the cause arose, provided that the defendant shall reside in the precinct where the action is commenced, or personal service can be had on the defendant in such precinct; and if the defendant do not reside in the district, the action may be commenced in the precinct in which the plaintiff resides.

Where action may be commenced.

SEC. 705. Every court of justice has power—

First. To preserve and enforce order in its immediate presence;

Second. To enforce order in the proceedings before it, or before a person or body empowered to conduct a judicial investigation under its authority;

Power of court respecting judicial proceedings.

Third. To provide for the orderly conduct of proceedings before it or its officers;

Fourth. To compel obedience to its judgments, orders, and process, and to the orders of a judge out of court in an action or proceeding pending therein;

Fifth. To control, in furtherance of justice, the conduct of its ministerial officers, and of all other persons in any manner connected with a judicial proceeding before it in every matter appertaining thereto;

Sixth. To compel the attendance of persons to testify in an action or proceeding therein in the cases and manner provided by this code;

Seventh. To administer oaths in an action, or proceeding pending therein, and in all other cases where it may be necessary in the exercise of its powers or the performance of its duties.

Power, how exercised.

SEC. 706. For the effectual exercise of the powers specified in the last section, the court may punish for contempt in the cases and the manner provided in this code.

Judicial officer, definition of. When disqualified to act.

SEC. 707. A judicial officer is a person authorized to act as a judge in a court of justice. Such officer shall not act as such in a court of which he is a member in any of the following cases:

First. In an action or proceeding to which he is a party, or in which he is directly interested;

Second. When he was not present and sitting as a member of the court at the hearing of a matter submitted for its decision;

Third. When he is related to either party by consanguinity or affinity within the third degree;

Fourth. When he has been attorney in the action or proceeding in question for either party.

But this section does not apply to an application to change the place of trial or the regulation of the order of business in court. In the cases specified in subdivisions three and four the disqualification may be waived by the parties, and shall be deemed to be waived unless an application be made as provided in this code.

Appointment of judge pro tempore.

SEC. 708. Whenever it appears that the judge of the district court presiding in the division where the action is pending is disqualified under the provisions of the section last preceding the action shall be transferred to another division of said court unless a judge of another division will appear and preside during the disposition thereof: *Provided, however*, That the parties may by written stipulation agree upon a member of the bar of said court to try the same.

Judicial officer not to act as attorney, except.

SEC. 709. Any judicial officer may act as an attorney in any action or proceeding to which he is a party or in which he is directly interested. A justice of the peace, otherwise authorized by law, may act as an attorney in any court other than the one of which he is judge, except in an action or proceeding removed therefrom to another court for review; but no judicial officer shall act as attorney in any court, or otherwise other than as in this section allowed: *Provided*, No justice of the peace or other judicial officer shall have a partner who shall practice law or act as attorney in the court over which he presides.

Power of a judge out of court.

SEC. 710. A judge may exercise, out of court, all the powers expressly conferred upon a judge as contradistinguished from a court, and not otherwise.

Power of judicial officers.

SEC. 711. Every judicial officer has power—

First. To preserve and enforce order in his immediate presence, and in the proceedings before him, when he is engaged in the performance of a duty imposed upon him by this code or other statute;

Second. To compel obedience to his lawful orders, as provided in this code;

Third. To compel the attendance of persons to testify in a proceeding pending before him in the cases and manner provided in this code;

Fourth. To administer oaths to persons, in a proceeding pending before him, and in all other cases where it may be necessary, in the exercise of his powers and the performance of his duties.

Powers, how exercised.

SEC. 712. For the effectual exercise of the powers specified in the last section, a judicial officer may punish for contempt in the cases and manner provided in this code.

Power to take and certify affidavits.

SEC. 713. The judge of the district court has power in any part of the district to take and certify—

First. The proof and acknowledgment of a conveyance of real property, or any other written instrument authorized or required to be proved or acknowledged;

Second. The acknowledgment of satisfaction of a judgment in any court;

Third. An affidavit or deposition to be used in any court of justice or other tribunal of the district;

Fourth. To exercise any other power and perform any other duty conferred or imposed upon him by this code or other statutes.

SEC. 714. Every other judicial officer may, within the precinct in which he is chosen—

Same subject.

First. Exercise the powers mentioned in subdivisions one, two, and three of the last section;

Second. Exercise any other power and perform any other duty conferred or imposed upon him by this code or other statutes.

CHAPTER SEVENTY-ONE.

MISCELLANEOUS PROVISIONS RESPECTING THE COURTS AND JUDICIAL OFFICERS.

Sec.

715. Sittings of court to be public; exceptions.

716. Nonjudicial days; what legal business may be done.

717. If court appoint or adjourn for such day to be deemed for next judicial day.

718. When judge does not attend.

719. Proceedings not affected by failure of term or vacancy.

Sec.

720. Application to court or judge, how addressed.

721. Proceedings to be in English.

722. Power of court to adjourn proceedings.

723. Means to be used by court to execute its powers.

SEC. 715. The sittings of every court of justice are public, except as provided in this section. Upon the agreement of the parties to a civil action or proceeding, filed with the clerk or entered upon the journal, the court may direct the trial of an issue of law or fact, or any other proceeding therein, to be private; and upon such order being made all persons shall be excluded except the officers of the court, the parties, their witnesses, and counsel.

Sittings of court to be public; exceptions.

SEC. 716. Courts of justice may be held, and judicial business transacted, on any day except as provided in this section. No court can be opened, nor can any judicial business be transacted, on a Sunday, on a legal holiday, or on a day appointed by the Executive authority of the United States or of the district as a day of fasting or thanksgiving, except for the following purposes:

Nonjudicial days; what legal business may be done.

First. To give instructions to a jury then deliberating on their verdict;

Second. To receive the verdict of a jury;

Third. For the exercise of the powers of a magistrate in criminal actions, or in proceedings of a criminal nature: *Provided*, That this section shall not be so construed as to prevent the issuance of any writ or order for which the judge granting the same may think an emergency exists.

SEC. 717. If any of the days mentioned in the last section happen to be a day appointed for holding a court, or to which it is adjourned, it is deemed appointed for or adjourned to the next judicial day.

If court appoint or adjourn for such day to be deemed for next judicial day.

SEC. 718. If no judge attend on the day appointed for holding a court before four o'clock in the afternoon, the court shall stand adjourned until the next day at nine o'clock; and if no judge attend on that day before four o'clock in the afternoon it shall then stand adjourned for the term.

When judge does not attend.

SEC. 719. No proceeding in a court of justice, in any action or proceeding pending therein, is affected by a vacancy in the office of the judge, or by the failure of a term thereof.

Proceedings not affected by failure of term or vacancy.

Application to court or judge, how addressed.

SEC. 720. An application or other proceeding addressed to a court shall be addressed to it by its style, as given in this code; an application or other proceeding addressed to a judicial officer shall be addressed to him by his name, without any other title than his style of office.

Proceedings to be in English.

SEC. 721. Every writing in any action or proceeding whatever, in a court of justice of the district, or before a judicial officer, shall be in the English language; but such abbreviations as are now commonly used in that language may be used, and numbers may be expressed by figures or numerals in the customary manner.

Power of court to adjourn proceedings.

SEC. 722. A court or judicial officer has power to adjourn any proceeding before it or him from time to time, as may be necessary, unless otherwise expressly provided by this code.

Means to be used by court to execute its powers.

SEC. 723. When jurisdiction is by any law of the United States conferred on a court or judicial officer, all the means to carry it into effect are also given; and in the exercise of the jurisdiction, if the course of proceeding be not specially pointed out by this code, any suitable process or mode of proceeding may be adopted which may appear most conformable to the spirit of this code.

CHAPTER SEVENTY-TWO.

OF REFEREES.

Sec.

724. Referee, definition of.

Referee, definition of.

SEC. 724. A referee is a person appointed by the court or a judicial officer, with power—

First. To try an issue of law or of fact in a civil action or proceeding, and report thereon;

Second. To ascertain any other fact in a civil action or proceeding when necessary for the information of the court, and report the fact, or to take and report the evidence in an action of an equitable nature;

Third. To execute an order, judgment, or decree, or to exercise any other power or perform any other duty expressly authorized by this code.

CHAPTER SEVENTY-THREE.

OF COMMISSIONERS TO ACKNOWLEDGE DEEDS.

Sec.

725. How appointed, tenure of office, powers and duties.

Sec.

726. Seal and oath of office, and when and where filed.

How appointed, tenure of office, powers and duties.

SEC. 725. The governor may appoint as many commissioners in each State, Territory, and District of the United States as he may deem expedient, who shall hold their offices for four years, and may within the State, Territory, or District for which they are appointed, and not otherwise, take and certify—

First. The proof or acknowledgment of a conveyance of real property within the district or of any other written instrument to be used or operated therein;

Second. The acknowledgment of satisfaction of any judgment of a court of this district;

Third. An affidavit or deposition to be used in any court of justice or before any judicial officer of the district; and

Fourth. To exercise any other power, and perform any other duty, conferred or imposed upon them by this code or other statutes.

Seal and oath of office, when and where filed.

SEC. 726. A commissioner appointed under the last section shall, before he can exercise the powers therein conferred, provide himself

with a seal of office, and take and subscribe an oath before a judicial officer in the county, city, or town where he resides, faithfully to perform the duties of the office of a commissioner to take affidavits, depositions, and the proof and acknowledgment of deeds, out of the district, according to the laws thereof, and file such oath and an impression of such seal in the office of the secretary of the district. The secretary of the district shall collect five dollars for each certificate of appointment made under this chapter and disburse the same as provided in section thirty-two, title one, chapter one of this Act.

CHAPTER SEVENTY-FOUR.

OF THE CLERK OF THE DISTRICT COURT.

Sec.

727. Office hours.

728. Deputy, how appointed.

Sec.

729. Can not act as attorney.

730. Powers and duties of clerks.

SEC. 727. The clerk of the district court shall keep his office open for the transaction of business on every judicial day from nine to twelve in the forenoon and from one to five in the afternoon.

Office hours.

SEC. 728. The clerk of the district court or any division thereof may have a deputy, to be appointed by such clerk in writing, at each place where regular or special terms of court are held and to continue during his pleasure. Such deputy has the power to perform any act or duty relating to the clerk's office that his principal has, and his principal is responsible for his conduct; and for all money received by him in his official capacity each deputy clerk shall be entitled to such compensation as the court or judge thereof may, subject to the approval of the Attorney-General, allow, the same to be paid by the clerk on order of the court as other court expenses are allowed and paid.

Deputy, how appointed.

SEC. 729. The clerk of the district court is prohibited during his continuance in office from acting, or having a partner who acts, as an attorney of the court of which he is clerk.

Can not act as attorney.

SEC. 730. The clerk of the district court has power to take and certify the proof and acknowledgment of a conveyance of real property or any other written instrument authorized or required to be proved or acknowledged, and it is the duty of such clerk—

Powers and duties of clerks.

First. To keep the seal of the court and affix it in all cases where he is required by law;

Second. To record the proceedings of the court;

Third. To keep the records, files, and other books and papers appertaining to the court;

Fourth. To file all papers delivered to him for that purpose in any action or proceeding in the court;

Fifth. To attend the terms of the court of which he is clerk, to administer oaths, and receive the verdict of a jury in any action or proceeding therein in the presence and under the direction of the court;

Sixth. To keep the journal of the proceedings of the court at its terms, and under the direction of the court to enter its orders and judgments;

Seventh. To authenticate by certificate or transcript, as may be required, the records, files, or proceedings of the court, or any other paper appertaining thereto, and filed with him;

Eighth. To exercise the powers and perform the duties conferred and imposed upon him elsewhere by this code or other statute;

Ninth. In the performance of his duties to conform to the direction of the court.

CHAPTER SEVENTY-FIVE.

OF ATTORNEYS.

Sec.	Sec.
731. When cause may be prosecuted or defended in person or by attorney.	734. Women may be admitted.
732. Attorney a public officer; who may act as such.	735. Oath of office; order of admission.
733. Application for admission and proof thereon.	736. Attorneys of other States and countries may appear as counsel.

When cause may be prosecuted or defended in person or by attorney.

SEC. 731. Any action or proceeding may be prosecuted or defended by a party in person or by attorney, except that the United States or a corporation, either public or private, appears by attorney in all cases; and where a party appears by attorney the written proceedings must be in the name of the attorney, who is the sole representative of his client as between him and the adverse party.

Attorney a public officer; who may act as such.

SEC. 732. An attorney is a public officer, but any person may act in that capacity who has been admitted as such by the district court of the district, or may be hereafter admitted, as provided in this chapter.

Application for admission and proof thereon.

SEC. 733. An applicant for admission as attorney must apply to the district court, and must show—

First. That he is a citizen of the United States, or has declared his intention to become such, and is a resident of said district, and of the age of twenty-one years, which proof may be made by his own affidavit;

Second. That he is a person of good moral character, which may be proved by any evidence satisfactory to the court;

Third. That he has the requisite learning and ability, which must be shown by the examination of the applicant by the judges, or under their direction, at the term at which the application is made.

Women may be admitted.

SEC. 734. Hereafter women shall be admitted to practice law as attorneys in the courts of said district upon the same terms and conditions as men.

Oath of office; order of admission.

SEC. 735. If, upon the examination, the applicant be found qualified, the court shall administer an oath to the applicant to support the Constitution and laws of the United States and of the district, and to faithfully and honestly demean himself or herself in office. The court shall then direct an order to be entered to the effect that the applicant is a citizen of the United States and of the district, of the age of twenty-one years, of good moral character, and possessed of the requisite learning and ability to practice as an attorney in all the courts of the district, and has taken the oath of office; and upon the entry of the order and payment of the legal fee, he or she is entitled to practice as such attorney, and not otherwise.

Attorneys of other States and countries may appear as counsel.

SEC. 736. Whenever an applicant for admission as attorney shall present to the district court a certificate showing him to have been duly admitted to practice as an attorney in the highest courts of any State or Territory of the United States, or in one of the circuit courts, or the Supreme Court of the United States, such applicant may be admitted to practice as an attorney without further examination.

CHAPTER SEVENTY-SIX.

OF THE DUTIES OF ATTORNEYS, AND THEIR AUTHORITY.

Sec.	Sec.
737. Authority of an attorney.	747. If accused do not appear, court to proceed.
738. Proceedings when party alleges that attorney appears for him without authority.	748. May demur to or controvert the accusation.
739. When attorney may be compelled to show authority.	749. If demurrer not sustained must answer forthwith; judgment for want of answer or trial.
740. Attorney, how changed.	750. Accusation on knowledge of the court presumed to be true, but may be shown otherwise.
741. Notice of change.	751. Proceeding to compel an attorney to deliver over money or papers.
742. Lien of attorneys.	752. How court to proceed if attorney claim a lien.
743. By what court and for what causes an attorney may be removed or suspended.	
744. By whom the proceedings to be instituted.	
745. Accusation, how made.	
746. Order for accused to appear and answer.	

SEC. 737. An attorney has authority—

Authority of an attorney.

First. To bind his client in any of the proceedings in an action or proceeding by his agreement filed with the clerk or entered upon the journal of the court, and not otherwise;

Second. To receive money or property claimed by his client in an action or proceeding during the pendency thereof, or within three years after judgment, and, upon the payment or delivery thereof, and not otherwise, to discharge the claim or acknowledge satisfaction of the judgment. But this section does not prevent a party from employing a new attorney to issue execution upon a judgment, or to take the other proceedings prescribed by this code for its enforcement, and when he does so the authority of the former attorney ceases.

SEC. 738. If it be alleged by a party for whom an attorney appears that he does so without authority, and the allegation be verified by the affidavit of the party, the court may, if it find the allegation true, at any stage of the proceedings, relieve the party for whom the attorney has assumed to appear from the consequences of his act.

Proceedings when party alleges that attorney appears for him without authority.

SEC. 739. The court or judge thereof may, on motion of either party, and on showing reasonable grounds therefor, require the attorney for the adverse party, or for any one of several adverse parties, to produce or prove the authority under which he appears, and until he does so may stay all proceedings by him on behalf of the party for whom he assumes to appear.

When attorney may be compelled to show authority.

SEC. 740. The attorney in an action or proceeding may be changed at any time before judgment or final determination, as follows:

Attorney, how changed.

First. Upon his own consent, filed with the clerk or entered upon the journal; or,

Second. Upon the order of the court or judge thereof, on the application of the client or the attorney, for sufficient cause.

SEC. 741. When an attorney is changed, as provided in the last section, written notice of the change and of the substitution of a new attorney, or of the appearance of the party in person, shall be given to the adverse party. Until then, he is bound to recognize the former attorney.

Notice of change.

SEC. 742. An attorney has a lien for his compensation, whether specially agreed upon or implied, as provided in this section—

Lien of attorneys.

First. Upon the papers of his client which have come into his possession in the course of his professional employment;

Second. Upon money in his hands belonging to his client;

Third. Upon money in the hands of the adverse party in an action

or proceeding in which the attorney was employed from the time of giving notice of the lien to that party;

Fourth. Upon a judgment to the extent of the costs included therein, or, if there be a special agreement, to the extent of the compensation specially agreed on, from the giving notice thereof to the party against whom the judgment is given and filing the original with the clerk where such judgment is entered and docketed. This lien is, however, subordinate to the rights existing between the parties to the action or proceeding.

By what court and for what causes an attorney may be removed or suspended.

SEC. 743. An attorney may be removed or suspended by the district court for either of the following causes, arising after his admission to practice:

First. Upon his being convicted of any felony or of a misdemeanor involving moral turpitude, in either of which cases the record of his conviction is conclusive evidence;

Second. For a willful disobedience or violation of the order of a court requiring him to do or forbear an act connected with or in the course of his profession;

Third. For being guilty of any willful deceit or misconduct in his profession;

By whom the proceedings to be instituted.

SEC. 744. The proceeding to remove an attorney as provided in the last section shall be taken by the court, of its own motion, for matters within its knowledge, or that of any of the judges thereof; otherwise it may be taken upon the information of another.

Accusation, how made.

SEC. 745. If the proceedings be upon the motion of the court or judges thereof, for matters within its knowledge, the accusation shall be made by an order of the court reciting the facts charged. If upon the information of another, the accusation must be presented to the court, in writing, and verified by the oath of the person making it, or of some other person, to the effect that the charges therein contained are true, as he believes.

Order for accused to appear and answer.

SEC. 746. After the accusation has been made or received the court shall forthwith make an order requiring the accused to appear and answer the accusation at a specified time in the same or a subsequent term, and shall cause a copy of the order and of the accusation to be served upon the accused within a prescribed time before the day appointed in the order to appear and answer. But when the proceeding is upon the information of another, the accusation shall be dismissed at once unless it appear therefrom that the accused should be required to appear and answer the same.

If accused do not appear, court to proceed.

SEC. 747. The accused must appear at the time appointed in the order and answer the accusation, unless, for sufficient cause, the court assign another day for that purpose. If he do not appear, the court may proceed and determine the accusation in his absence.

May demur to or controvert the accusation.

SEC. 748. The accused may demur to the accusation for insufficiency or controvert it by answer. The demurrer and answer shall be in writing, and the latter shall be verified by the oath of the accused in the same manner as a pleading in an action.

If demurrer not sustained must answer forthwith: judgment for want of answer or trial.

SEC. 749. If a demurrer, for insufficiency, be not sustained, the accused shall answer forthwith. If he plead guilty, or refuse to answer the accusation, the court shall proceed to judgment of removal or suspension. If he controvert the matters charged, the court shall then, or at such time as it may appoint, proceed to try the accusation, and give a judgment of removal, suspension, or acquittal, according to law and the right of the case.

Accusation on knowledge of the court presumed to be true, but may be shown otherwise.

SEC. 750. When an accusation is made upon the knowledge of the court, or the judges thereof, the facts shall be set forth as in other cases, and the accused may controvert the accusation, whereupon the issues of fact shall be by the court referred to at least three disinterested members of the bar, who shall report their findings of fact to the

court, and the judgment of the court shall be entered according to such findings.

SEC. 751. When an attorney refuses to deliver over money or papers to a person from or for whom he has received them in the course of professional employment, whether in a judicial proceeding or not, he may be required, by an order of the court, to do so within a specified time or show cause why he should not be punished for a contempt.

Proceeding to compel an attorney to deliver over money or papers.

SEC. 752. If, however, the attorney claim a lien upon the money or papers, under the provisions of section seven hundred and forty-two, the court shall—

How court to proceed if attorney claim a lien.

First. Impose, as a condition of making the order, that the client give security, in form and amount to be directed, to satisfy the lien when determined in an action; or,

Second. Summarily inquire into the facts on which the claim of a lien is founded, and determine the same; or,

Third. Direct the trial of the controversy by a jury, or refer it, and upon the verdict or report determine the same as in other cases.

CHAPTER SEVENTY-SEVEN.

OF RECEIVERS.

Sec.

753. In what cases he may be appointed.

Sec.

754. His oath and undertaking.

SEC. 753. A receiver may be appointed in any civil action or proceeding, other than an action for the recovery of specific personal property—

In what cases he may be appointed.

First. Provisionally, before judgment, on the application of either party, when his right to the property which is the subject of the action or proceeding, and which is in the possession of an adverse party, is probable, and the property or its rents or profits are in danger of being lost or materially injured or impaired;

Second. After judgment, to carry the same into effect;

Third. To dispose of the property according to the judgment, or to preserve it during the pendency of an appeal, or when an execution has been returned unsatisfied and the debtor refuses to apply his property in satisfaction of the judgment;

Fourth. In cases provided in this code, or by other statutes, when a corporation has been dissolved, or is insolvent or in imminent danger of insolvency, or has forfeited its corporate rights;

Fifth. In the cases when a debtor has been declared insolvent.

SEC. 754. A receiver, before entering upon his duties, shall be sworn faithfully to perform his trust to the best of his ability, and shall also file with the clerk of the court an undertaking, of one or more sufficient sureties, in a specified sum, to be fixed by the court or judge thereof, to the effect that he will faithfully discharge the duties of receiver and will obey the orders of the court or judge thereof in respect thereto. The sureties must justify in the same manner as bail upon an arrest.

His oath and undertaking.

CHAPTER SEVENTY-EIGHT.

OF THE TRIAL FEE.

Sec.

755. Trial fees.

756. Amount of.

757. Recovered as disbursement.

758. Public corporation need not pay.

759. In justice's court, when and to whom paid.

Sec.

760. When party too poor to pay.

761. Trial fee to be paid to the clerk.

762. Trial fee in justice's court.

SEC. 755. Parties to a judicial proceeding are required to contribute toward the expense of maintaining courts of justice, or a particular

Trial fees.

Amount of.	action or proceeding therein, by the payment of certain sums of money, as provided in this chapter, which are denominated trial fees.
Recovered as disbursement.	<p>SEC. 756. The trial fee is as follows:</p> <p>First. In the district court, for every trial by jury, twelve dollars; for every trial by the court, six dollars; for every judgment given without trial, three dollars;</p> <p>Second. In justice's court, for every trial by jury, six dollars.</p>
Public corporation need not pay.	<p>SEC. 757. The trial fee is to be paid by the plaintiff, appellant, or moving party before he is entitled to or can claim the trial or other proceeding upon which such fee is imposed; and if the party paying such fee prevail in the action, or proceeding, so as to be entitled to recover costs therein, such fee shall be allowed and taxed as a disbursement and collected off the adverse party.</p> <p>SEC. 758. When the United States or any public corporation is a party to a judicial proceeding it need not pay the trial fee in advance, and if it be entitled to recover costs therein, such fee shall be allowed and taxed in its favor as a disbursement and collected off the adverse party as in ordinary cases.</p>
In justice's court, when and to whom paid.	<p>SEC. 759. The trial fee in a justice's court shall be paid to the justice for the demand for a jury, and unless so paid the demand shall be disregarded and the trial proceed as if no such demand had been made, except when a party is prosecuted in a criminal action at the suit of the United States, in which case the party is entitled to a jury trial without the prepayment of such fee; and if judgment be given against him, the fee shall be allowed and taxed in favor of the United States as other disbursements in ordinary cases.</p>
When party too poor to pay.	<p>SEC. 760. If at any time it appear to the satisfaction of the court or judge thereof, from the affidavit of the party or other evidence, that he can not pay the trial fee, such court or judge may direct that he be allowed to proceed without the prepayment thereof; but if such party prevail so as to be entitled to collect such fee as a disbursement off the adverse party, when collected it shall be retained by the clerk as if paid in advance.</p>
Trial fee to be paid to the clerk.	<p>SEC. 761. The trial fees shall be paid to the clerk of the court, who shall keep a regular account of them and by whom paid in his fee book, and deposit them in the manner provided in the case of other moneys collected by virtue of his office.</p>
Trial fee in justice's court.	<p>SEC. 762. In justice's court the trial fee shall be paid to a justice. He shall keep an account of them and by whom paid, and distribute the amount among the jury in the particular case in payment of their legal fees.</p>

CHAPTER SEVENTY-NINE.

OF GENERAL PROVISIONS RESPECTING THE ADMINISTRATION OF ESTATES.

<p>Sec.</p> <p>763. Probate jurisdiction of commissioner.</p> <p>764. Forms of pleadings.</p> <p>765. Nature of procedure.</p> <p>766. Books and records.</p>	<p>Sec.</p> <p>767. Index to such books.</p> <p>768. Costs and disbursements.</p> <p>769. Orders and decrees for the payment of money, how enforced.</p>
<p>Probate, jurisdiction of commissioner.</p>	<p>SEC. 763. The commissioners appointed in pursuance of this Act and other laws of the United States have jurisdiction within their respective precincts, subject to the supervision of the district judge, in all testamentary and probate matters; that is,</p> <p>First. To take proof of wills;</p> <p>Second. To grant and revoke letters testamentary, of administration, and of guardianship;</p> <p>Third. To direct and control the conduct and settle the accounts of executors, administrators, and guardians;</p>

Fourth. To direct the payment of debts and legacies, and the distribution of the estates of intestates;

Fifth. To order the sale and disposal of the real and personal property of deceased persons;

Sixth. To order the renting, sale, or other disposal of the real and personal property of minors;

Seventh. To take the care and custody of the person and estate of a lunatic or habitual drunkard, and to appoint and remove guardians therefor; to direct and control the conduct of such guardians, and to settle their accounts;

Eighth. To direct the admeasurement of dower.

SEC. 764. There are no particular pleadings or forms thereof in proceedings before commissioners when exercising the jurisdiction of probate matters, as specified in the section last preceding, other than as provided in this chapter.

Forms of pleadings.

SEC. 765. The mode of proceeding is in the nature of a suit in equity as distinguished from an action at law. The proceedings are in writing, and are had upon the application of a party or the order of the court. The court exercises its powers by means of—

Nature of proceeding.

First. A citation to the party;

Second. An affidavit or the verified petition or statement of a party;

Third. A subpoena to a witness;

Fourth. Orders, judgments, and decrees;

Fifth. An execution of warrant to enforce them.

SEC. 766. The proceedings in probate matters shall be entered and recorded in the following books:

Books and records.

First. A register, in which shall be entered a memorandum of all official business transacted by the court or judge thereof appertaining to the estate of each person deceased under the name of such person; that pertaining to the guardianship of an infant under the name of such infant; that pertaining to an insane person or a drunkard under his name;

Second. A record of wills, in which shall be recorded all wills proven before the court or judge thereof, with the order of probate thereof, and of all wills proved elsewhere upon which letters of administration are issued by the direction of such court or judge;

Third. A record of the appointment of administrators, whether general or special, or of a partnership and of executors;

Fourth. A record of the appointment of guardians of infants, insane persons, and drunkards;

Fifth. A record of accounting and distribution, in which shall be entered a summary balance sheet of the accounts of administrators, executors, and guardians, with the orders and decrees relating to the same; a memorandum of executions issued thereon, with a note of satisfaction when satisfied; also orders and decrees relating to the sale of real property and to the distribution of the proceeds thereof; and notices of all money or securities paid or deposited in court as proceeds of such sales or otherwise; and a statement showing the names of creditors, and the debts established and entitled to distribution, the amount to which each person is entitled out of such fund, and the amount actually paid to each person, and when paid;

Sixth. A record of the appointment of admeasurer of dower, with all orders and decrees relating to the same, and the admeasurer's report;

Seventh. An order book, in which shall be entered orders directing the conduct of executors, administrators, or guardians; orders for publication of notice to creditors; orders in behalf of creditors, directing debts to be paid or allowing an execution to be issued; appointments of special guardians, appraisers, and referees; orders relating to the production of a will, to removal of executors, administrators, or guard-

ians, or to sureties therefor; and, generally, all other orders not required to be entered in some other book.

Index to such books.

SEC. 767. To each of such books there shall be attached an index, securely bound in the volume, referring to the entries or records, in alphabetical order, under the name of the person to whose estate or business they relate, and naming the page of the book where the entry or record is made.

Costs and disbursements.

SEC. 768. Costs may be awarded in favor of one party against another, to be paid personally or out of the estate or fund, in any proceedings contested adversely, but such costs can not exceed those allowed in the trial of a civil action in the district court. Witness fees and other disbursements similar to those allowed on the trial of a civil action may also be allowed, to be paid in like manner.

Orders and decrees for the payment of money, how enforced.

SEC. 769. Orders, judgments, or decrees for the payment of money may be enforced, by execution or otherwise, in the same manner as orders, judgments, or decrees for the payment of money in the district court.

CHAPTER EIGHTY.

OF THE COMMISSIONERS' COSTS IN THE EXERCISE OF PROBATE JURISDICTION.

Sec.

770. Commissioners shall have seal and may appoint clerk.

Sec.

771. Fees of commissioners.

Commissioners, probate jurisdiction of, etc.

SEC. 770. In the exercise of the jurisdiction conferred upon commissioners by this code in the administration of the estates of deceased persons, and of minors, lunatics, and habitual drunkards, such commissioners shall sit as a probate court, which shall be always open for the transaction of business. Such court shall have a seal, upon which there shall be engraved the words "Probate court, district of Alaska, ——— precinct;" and such courts may appoint a clerk who shall have the authority to attest such seal when attached to the lawful orders and certificates of such court.

Fees of commissioners.

SEC. 771. For the services rendered in the administration of the estates of decedents and of minors, lunatics, and habitual drunkards, the commissioners shall receive fees as follows:

First. For the granting of letters of administration or guardianship, two dollars;

Second. For every other order made in the course of administration, fifty cents; allowance or disallowance of claims, fifty cents;

Third. For the hearing of any objection, one dollar;

Fourth. For making and certifying transcripts to the district court, ten cents per folio.

CHAPTER EIGHTY-ONE.

OF THE PROOF OF WILLS AND THE APPOINTMENT OF EXECUTORS AND ADMINISTRATORS.

Sec.

772. In what precinct will may be proven.

773. Letters testamentary with the will annexed.

774. Who entitled to letters of administration.

775. When persons entitled must apply.

776. Administration to be granted to the husband, unless.

777. Undertaking of executor or administrator.

778. Qualification and justification of sureties.

779. Nonresidents and minors as executors.

Sec.

780. Special administrator.

781. Petition to state facts.

782. When will found after administration granted.

783. Heir may apply for removal of executor or administrator.

784. Nonresident executor or administrator may be removed.

785. New undertaking when old insufficient.

786. Effect of new undertaking or failure to give it.

787. Effect of vacancy.

Sec.	Sec.
788. New administrator may maintain action against former one.	794. When administration of partnership property devolves upon the general administrator.
789. Power of the court over an administrator.	795. Duty of surviving partner toward administrator.
790. When deceased a member of a co-partnership.	796. How last section may be enforced.
791. Partnership property may be administered by surviving partner.	797. Who not qualified to act as executor or administrator.
792. His power and duties in such cases.	798. Form of letters testamentary.
793. Undertaking of administrator of the partnership.	799. Form of letters of administration.
	800. Resignation of executor or administrator.

SEC. 772. Proof of a will shall be taken by the commissioner as follows: In what precinct will may be proven.

First. When the testator, at or immediately before his death, was an inhabitant of the precinct, in whatever place he may have died;

Second. When the testator, not being an inhabitant of the district, shall have died in the precinct, leaving assets therein;

Third. When the testator, not being an inhabitant of the district, shall have died out of the district, leaving assets in the precinct;

Fourth. When the testator, not being an inhabitant of the district, shall have died out of the district, not leaving assets therein, but where assets thereafter came into the precinct;

Fifth. When real property, devised by the testator, is situated in the precinct and no other commissioner has gained jurisdiction under either of the preceding subdivisions of this section.

SEC. 773. When a will is proven, letters testamentary shall be issued to the persons therein named as executors, or to such of them as give notice of their acceptance of the trust and are qualified. If all the persons therein named decline to accept or be disqualified, letters of administration, with the will annexed, shall be issued to the person to whom the administration would have been granted if there had been no will. Letters testamentary with the will annexed.

SEC. 774. Administration of the estate of an intestate shall be granted by the commissioner authorized to take proof of a will as prescribed in section seven hundred and seventy-two in case such intestate had made a will. Administration shall be granted, and letters thereof issued, as follows: Who entitled to letters of administration.

First. To the widow or next of kin, or both, in the discretion of the court;

Second. To one or more of the principal creditors; or

Third. To any other person competent and qualified whom the court may select.

SEC. 775. The persons named in the subdivisions of the last section, if qualified and competent for the trust, shall be entitled to the administration in the order therein named. If those named in subdivision one do not apply for the administration within thirty days from the decease of the intestate, they shall be deemed to have renounced their right thereto; but the commissioner in his discretion may, if they reside within the precinct, direct that a citation issue to them, requiring them within such period to apply for or renounce their right of administration; and if the persons named in subdivision two do not make such application within forty days from such decease, they shall be deemed to have renounced their right to the administration also. When persons entitled must apply.

SEC. 776. If the deceased were a married woman the administration of her estate shall in all cases be granted to her husband, if he be qualified and competent for the trust and apply therefor within thirty days from her decease, unless by force of a marriage settlement or otherwise she shall have made some testamentary disposition of her property which shall render it necessary and proper to grant the administration to some other person. Administration to be granted to the husband unless.

Undertaking of executor or administrator.

SEC. 777. No executor or administrator is authorized to act as such until he shall file with the commissioner having jurisdiction of the estate an undertaking in a sum not less than double the probable value of the estate, with one or more sufficient sureties, to be approved by the commissioner, to be void upon condition that such executor or administrator shall faithfully perform the duties of his trust according to law: *Provided*, When by the terms of his will a testator shall expressly declare that no bonds shall be required of his executor, such executor may act upon taking an oath to faithfully fulfill trust without filing the undertaking in this section mentioned: *Provided further*, Such executor shall be criminally and civilly liable as other executors and administrators are for any dereliction of duty.

Qualification and justification of sureties.

SEC. 778. Whenever the penal sum mentioned in the undertaking prescribed in the preceding section exceeds two thousand dollars, three or more sureties may become severally liable for portions of the sums if the aggregate sum for which such sureties became liable shall equal the penal sum required in the undertaking.

Nonresidents and minors as executors.

SEC. 779. If a person be named in a will as executor who is a non-resident of the district or a minor, upon the removal of such disability he is entitled to qualify as such executor, if he apply therefor within thirty days from the removal of such disability, if otherwise competent. If in the meantime an administrator with the will annexed has been appointed, his powers and duties cease with the qualification of such executor; but if another executor has qualified and is acting as such they thereby become joint executors.

Special administrator.

SEC. 780. When for any reason there shall be a delay in issuing letters testamentary or of administration, and the property of the deceased is in danger of being lost, injured, or depreciated, the commissioner may appoint a special administrator to take charge of the estate, who shall qualify in like manner and have the powers and perform the duties of an administrator generally, except that he is not authorized to pay the debts of or otherwise discharge any obligations against the deceased. Upon the issuing of letters testamentary or of administration the powers of the special administrator cease.

Petition to state facts.

SEC. 781. In an application to prove a will or for the appointment of an executor or administrator the petition shall set forth the facts necessary to give the court jurisdiction, and also state whether the deceased left a will or not, and the names, age, and residence, so far as known, of his heirs.

When will found after administration granted.

SEC. 782. If, after administration has been granted upon an estate, a will of the deceased be found and proven, the letters of administration shall be revoked and letters testamentary or of administration with the will annexed shall be issued; and if, after a will has been proven and letters testamentary or of administration with the will annexed have been issued thereon, such will should be set aside, declared void or inoperative, such letters shall be revoked and letters of administration issued.

Heir may apply for removal of executor or administrator.

SEC. 783. Any heir, legatee, devisee, creditor, or other person interested in the estate may apply for the removal of an executor or administrator who has become of unsound mind or been convicted of any felony or a misdemeanor involving moral turpitude, or who has in any way been unfaithful to or neglectful of his trust, to the probable loss of the applicant. Such application shall be by petition and upon notice to the executor or administrator, and if the court find the charge to be true it shall make an order removing such executor or administrator and revoke his letters.

Nonresident executor or administrator may be removed.

SEC. 784. If an executor or an administrator become a nonresident of the district he may be removed and his letters revoked in the manner prescribed in the last section, except that the notice may be given

by publication or posting for such time as the court or judge thereof may direct.

SEC. 785. Whenever the amount of an executor's or administrator's undertaking is insufficient, or the sureties therein, or either of them, have become nonresidents of the district, or are likely to or have become insolvent, such executor or administrator shall be required to give a new and sufficient undertaking. The application for such new undertaking may be made by any heir, legatee, devisee, creditor, or other person interested in the estate, and in the manner prescribed in section seven hundred and eighty-three for the removal of executors and administrators.

New undertaking when old insufficient.

SEC. 786. Such new undertaking, when given and received, shall discharge the sureties in the former undertaking from any liabilities on account of their principal arising from his acts or omissions subsequent thereto. When a new undertaking is ordered, if the executor or administrator fail to comply therewith within five days from the entry thereof, or such further time as the order may prescribe, thenceforward the authority of such executor or administrator shall cease, and he shall be deemed removed and his letters revoked.

Effect of new undertaking or failure to give it.

SEC. 787. Whenever an executor or administrator shall die, resign, or be removed, if there be a coexecutor or coadministrator, he shall thenceforward exercise the powers and perform the duties of the trust; and if all the executors or administrators shall die, resign, or be removed, administration of the estate remaining unadministered shall be granted to those next entitled, if they be competent and qualified.

Effect of vacancy.

SEC. 788. The surviving or remaining executor or administrator, or the new administrator, as the case may be, is entitled to the exclusive administration of the estate, and for that purpose may maintain any necessary and proper action or proceeding on account thereof, against the executor or administrator ceasing to act, or against his sureties or representatives.

New administrator may maintain action against former one.

SEC. 789. Whenever it appears probable to the commissioner that any of the causes for removal of an executor or administrator exist or have transpired, as specified in section seven hundred and eighty-three it shall be the duty of such commissioner to cite such executor or administrator to appear and show cause why he should not be removed, and if he fail to appear or show sufficient cause an order shall be made removing him and revoking his letters; and it is the duty of the commissioner to exercise a supervisory control over the executor or administrator, to the end that he faithfully and diligently perform the duties of his trust according to law.

Power of the court over an administrator.

SEC. 790. The executor or administrator of a deceased person who was a member of a copartnership shall include in the inventory of such person's estate, in a separate schedule, the whole of the property of such partnership; and the appraisers shall estimate the value thereof, and also the value of such person's individual interest in the partnership property after the payment or satisfaction of all the debts and liabilities of the partnership.

When deceased a member of a copartnership.

SEC. 791. After the inventory is taken the partnership property shall be in the custody and control of the executor or administrator for the purpose of administration unless the surviving partner shall, within five days from the filing of the inventory, or such further time as the commissioner may allow, apply for the administration thereof and give the undertaking therefor hereinafter prescribed.

Partnership property may be administered by surviving partner.

SEC. 792. If the surviving partner apply therefor, as provided in the last section, he is entitled to the administration of the partnership estate if he have the qualifications and competency required for a general administrator. He is denominated an administrator of the partnership, and his powers and duties extend to the settlement of the

His power and duties in such cases.

partnership business generally and the payment or transfer of the interest of the deceased in the partnership property remaining after the payment or satisfaction of the debts and liabilities of the partnership to the executor or general administrator within six months from the date of his appointment, or such further time, if necessary, as the commissioner may allow. In the exercise of his powers and the performance of his duties the administrator of the partnership is subject to the same limitations and liabilities and control and jurisdiction of the court as a general administrator.

Undertaking of administrator of the partnership.

SEC. 793. The undertaking of the administrator of the partnership shall be in a sum not less than double the value of the partnership property and shall be given in the same manner and be to the same effect as the undertaking of a general administrator.

When administration of partnership property devolves upon the general administrator.

SEC. 794. In case the surviving partner is not appointed administrator of the partnership, the administration thereof devolves upon the executor or general administrator; but, before entering upon the duties of such administration, he shall give an additional undertaking in double the value of the partnership property.

Duty of surviving partner toward administrator.

SEC. 795. Every surviving partner, on the demand of an executor or administrator of a deceased partner, shall exhibit and give information concerning the property of the partnership at the time of the death of the deceased partner, so that the same may be correctly inventoried and appraised; and in case the administration thereof shall devolve upon the executor or administrator, such survivor shall deliver or transfer to him on demand all the property of the partnership, including all books, papers, and documents pertaining to the same, and shall afford him all reasonable information and facilities for the performance of the duties of his trust.

How last section may be enforced.

SEC. 796. Any surviving partner who shall refuse or neglect to comply with the requirements of the last section may be cited to appear before the commissioner, and unless he show cause to the contrary the commissioner shall require him to comply with such section in the particular complained of.

Who not qualified to act as executor or administrator.

SEC. 797. The following persons are not qualified to act as executors or administrators: Nonresidents of the district; minors; judicial officers; persons of unsound mind, or who have been convicted of any felony, or of a misdemeanor involving moral turpitude.

Form of letters testamentary.

SEC. 798. Letters testamentary may be in the following form:

DISTRICT OF ALASKA, } ss.
 ——— Precinct.

To all persons to whom these presents shall come, greeting:

Know ye, that the will of ———, deceased, a copy of which is hereto annexed, has been duly proven before the commissioner for the precinct aforesaid, and that ———, who is named executor therein, has been duly appointed such executor by the commissioner aforesaid. This, therefore, authorizes the said ——— to administer the estate of the said ———, deceased, according to law.

In testimony whereof I have hereunto subscribed my name and affixed the seal of this court said ——— day of ———, anno Domini 19—.

A B, Commissioner.

Form of letters of administration.

SEC. 799. Letters of administration may be in the following form:

DISTRICT OF ALASKA, } ss.
 ——— Precinct.

To all persons to whom these presents shall come, greeting:

Know ye, that it appearing to the commissioner aforesaid that ——— has died intestate, leaving at the time of his death property in this district, such commissioner has duly appointed ———

administrator of the estate of such ————, deceased; this, therefore, authorizes the said ————, to administer the estate of said ———— according to law.

In testimony whereof, et cetera;
the same as in letters testamentary. Letters to an administrator of the partnership with the will annexed, or to a special administrator, may be issued according to the foregoing forms, with such variations as may be proper in the particular case.

SEC. 800. The commissioner, in his discretion, may allow an executor or administrator to resign when it appears that such executor or administrator is not in default in any matter connected with the duties of his trust. Such executor or administrator shall pay the cost of the proceeding, and, if the application is allowed, he shall surrender his letters to be canceled, and his powers as such shall cease from that time forward.

Resignation of executor or administrator.

CHAPTER EIGHTY-TWO.

OF THE INVENTORY OF THE ESTATE.

Sec.	Sec.
801. When and how made and verified.	809. Who entitled to possession and control of property.
802. What to contain.	810. When person charged with secreting property or writings.
803. Appraisement and appointment of appraisers.	811. Mode of examination of such persons.
804. Oath of appraisers.	812. Proceeding in case such person refuses to appear.
805. Appraisement of money and debts.	813. Proceeding to compel account.
806. Debt due by person named in will as executor.	814. Damages for conversion before administration.
807. Discharge or bequest of a claim by will.	
808. Property discovered after filing inventory.	

SEC. 801. An executor or administrator shall within one month from the date of his appointment, or such further time as the commissioner may allow, make and file with the commissioner an inventory, verified by his oath, of all the real and personal property of the deceased which shall come to his possession or knowledge.

When and how made and verified.

SEC. 802. The inventory shall contain an account of all money belonging to the deceased, or a statement that none has come to the possession or knowledge of the executor or administrator; also a statement of all debts due the deceased, the written evidence thereof, and the security therefor, if any exist, specifying the name of each debtor, the date of each written evidence of debt, the security therefor, the sum originally payable, the indorsements thereon, if any, and their dates, and the sum appearing then to be due thereon.

What to contain.

SEC. 803. Before the inventory is filed the property therein specified shall be appraised at its true cash value by three disinterested and competent persons, who shall be appointed by the commissioner; but if any part of the property shall be in a precinct other than that wherein administration is granted, the appraisers thereof may be appointed by such commissioner or the commissioner of the precinct wherein the property shall be; in the latter case a certified copy of the order of appointment shall be filed with the inventory.

Appraisement and appointment of appraisers.

SEC. 804. Before making the appraisement the appraisers shall each make and subscribe an affidavit, to be filed with the inventory, to the effect that he will honestly and impartially appraise the property which shall be exhibited to him according to the best of his knowledge and ability.

Oath of appraisers.

SEC. 805. The appraisers shall appraise each article of property separately and set down the value thereof in dollars and cents opposite the entry of the article in the inventory. Money, of whatever nature.

Appraisement of money and debts.

that is a legal tender is to be appraised at its nominal value; but debts of all descriptions or kinds are to be appraised at that sum which, in the judgment of the appraisers, may be realized from them by due process of law. When the appraisement is completed, the inventory shall be signed by the appraisers.

Debt due by person named in will as executor.

SEC. 806. The naming anyone executor in a will shall not operate to discharge such executor from any claim which the testator had against him, but the claim shall be included in the inventory; and if the person so named afterward take upon himself the administration of the estate he shall be liable for such sum as for so much money in his hands at the time the claim became due and payable; otherwise he is liable for such claim as any other debtor of the deceased.

Discharge or bequest of a claim by will.

SEC. 807. The discharge or bequest in a will of any claim of the testator against a person named as executor therein, or against any other person, shall, as against the creditors of the deceased, be invalid. Such claim shall be included in the inventory, and for all purposes of administration is to be deemed and treated as a specific legacy of that amount.

Property discovered after filing inventory.

SEC. 808. If, after the filing of the inventory, property not mentioned therein shall come to the knowledge or possession of the executor or administrator, it is his duty immediately to make an inventory thereof and cause the same to be appraised in the manner prescribed in this title and file the same with the commissioner.

Who entitled to possession and control of property.

SEC. 809. The executor or administrator is entitled to the possession and control of the property of the deceased, both real and personal, and to receive the rents and profits thereof until the administration is completed, or the same is surrendered to the heirs or devisees by order of the court or judge thereof; but where such property, or any portion thereof, is in the possession of a third person, by virtue of a valid subsisting lease or bailment, the possession and control of the executor or administrator is subordinate to the right of the lessee or bailee. During the time the property is in the possession or control of the executor or administrator, it is his duty to keep the same in repair and preserve it from loss or decay as far as possible.

When person charged with secreting property or writings.

SEC. 810. Whenever it appears probable from the affidavit of an executor or administrator, or of an heir or other person interested in the estate, that any person has concealed or in any way secreted or disposed of any property of the estate, or any writing relating or pertaining thereto, or that such person has knowledge of any such property or writing being so concealed, secreted, or disposed of, and refuses to disclose the same to the executor or administrator, the commissioner, upon the application of such executor or administrator, may cite such person to appear and answer under oath concerning the matter charged.

Mode of examination of such persons.

SEC. 811. Such examination may be oral or upon written interrogatories filed by the applicant, but in either case the answers of the persons cited shall be reduced to writing and subscribed by him and filed. If such person be not in the precinct where administration is granted, the proceeding may be either before the commissioner of such precinct or before the commissioner of the precinct where such person resides or may be found. In the latter case a certified copy of the written interrogatories, if any, and the examination or other proceeding thereon, or connected therewith, shall be filed with the commissioner where administration is granted.

Proceeding in case such person refuses to appear.

SEC. 812. If the person so cited refuses to appear or answer such interrogatories as may be allowed to be put to him touching the matter charged, he may be punished for a contempt or may at once be committed, by the warrant of the commissioner, to jail, there to remain in close custody until he submits to the order of the commissioner.

Proceeding to compel account.

SEC. 813. The commissioner, upon the application of the executor or administrator, may cite any person who has been intrusted with any

of the property of the deceased to appear and answer concerning the same when it appears probable that such person refuses or neglects to render to the executor or administrator a true account thereof. The application shall be made and the proceeding conducted in a manner prescribed in sections eight hundred and ten, eight hundred and eleven, and eight hundred and twelve, concerning property or writings alleged to be concealed, and with like effect.

SEC. 814. If any person shall, before administration is granted, embezzle, alien, or in any way convert to his own use any of the property of a deceased person, he shall be liable to the executor or administrator in double the amount of damages which may be assessed therefor.

Damages for conversion before administration.

CHAPTER EIGHTY-THREE.

OF THE SUPPORT OF THE WIDOW AND MINOR CHILDREN.

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| <p>Sec.
815. Provision for widow and minor children before administration.
816. Property to be set apart, and effect of.
817. Further order for support, when made.</p> | <p>Sec.
818. When the whole of estate to be set apart to widow and children.
819. When estate all deemed assets.</p> |
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SEC. 815. Until administration of the estate has been granted and the inventory filed, the widow and minor children of the deceased are entitled to remain in possession of the homestead, all the wearing apparel of the family, and household furniture of the deceased, and also to have a reasonable provision allowed for their support during such period, to be allowed by the commissioner.

Provision for widow and minor children before administration.

SEC. 816. Upon the filing of the inventory the commissioner shall make an order setting apart for the widow or minor children of the deceased, if any, all the property of the estate by law exempt from execution. The property thus set apart, if there be a widow, is her property, to be used or expended by her in the maintenance of herself and minor children, if any; or if there be no widow, it is the property of the minor child, or if more than one, of the minor children, in equal shares, to be used and expended in the nurture and education of such child or children by the guardian thereof as the law directs.

Property to be set apart, and effect of.

SEC. 817. If the property so exempt is insufficient for the support of the widow and minor children, according to their circumstances and condition in life, for one year after the filing of the inventory, the commissioner may order that the executor or administrator pay to such widow, if any, and if not, then to the guardian of such minor children, an amount sufficient for that purpose.

Further order for support, when made.

SEC. 818. If from the inventory of an intestate's estate, who died leaving a widow or minor children, it appears that the value of the estate does not exceed one hundred and fifty dollars over and above property exempt from execution, upon the filing of the inventory the commissioner shall make a decree providing that the whole of the estate, after the payment of funeral expenses and expenses of administration, be set apart for such widow or minor children in like manner and with like effect as in case of property exempt from execution. There shall be no further proceeding in the administration of such estate unless further property be discovered.

When the whole of estate to be set apart to widow and children.

SEC. 819. If an intestate leave neither widow nor minor children all the property of the estate is assets in the hands of the administrator, for the payment of funeral expenses, expenses of administration, payment of the debts of the deceased, or distribution according to law.

When estate all deemed assets.

CHAPTER EIGHTY-FOUR.

OF CLAIMS AGAINST THE ESTATE.

Sec.	Sec.
820. Publication of notice and contents thereof.	825. Judgment against deceased in his lifetime.
821. Proof of publication; effect of not presenting claim.	826. When and how claim may be referred.
822. Claim, how presented, and verification of.	827. Proceeding by referee, and effect of.
823. Claim to be allowed or rejected; if barred, not to be allowed.	828. Claim of executor or administrator.
824. Effect of judgment against executor or administrator.	829. How such claim may be determined.

Publication of notice and contents thereof.

SEC. 820. Every executor or administrator shall, immediately after his appointment, publish a notice thereof in some newspaper published in the precinct, if there be one, or otherwise in such paper as may be designated by the commissioner, as often as once a week for four successive weeks, and oftener if the commissioner shall so direct. In case of publication in a paper published without the precinct, the executor or administrator shall also post a notice in at least three public places, to be designated by the commissioner in his order, one of which shall be at or immediately adjacent to the post-office nearest the residence of the decedent at the time of his death. Such notice shall require all persons having claims against the estate to present them, with the proper vouchers, within six months from the date of such notice, to the executor or the administrator, at a place within the precinct therein specified.

Proof of publication; effect of not presenting claim

SEC. 821. Before the expiration of the six months mentioned in the last section, a copy of the notice as published, with the proper proof of publication, shall be filed with the commissioner. A claim not presented within six months after the first publication of the notice is not barred, but it can not be paid until the claims presented within that period have been satisfied, and if the claim be not then due, or if it be contingent, it shall nevertheless be presented as any other claim. Until the administration has been completed a claim against the estate not barred by the statute of limitations may be presented, allowed, and paid out of any assets then in the hands of the executor or administrator not otherwise appropriated or liable.

Claim, how presented, and verification of.

SEC. 822. Every claim presented to the executor or administrator shall be verified by the affidavit of the claimant or some one on his behalf who has personal knowledge of the facts, to the effect that the amount claimed is justly due, that no payments have been made thereon, except as stated, and that there is no just counterclaim to the same, to the knowledge of the affiant. When it appears or is alleged that there is any written evidence of such claim, the same may be demanded by the executor or administrator, or that its nonproduction be accounted for.

Claim to be allowed or rejected; if barred, not to be allowed.

SEC. 823. When the claim is presented to the executor or administrator, as prescribed in the last section, if he shall be satisfied that the claim thus presented is just, he shall indorse upon it the words "examined and approved," with the date thereof, and sign the same officially, and shall pay such claim in due course of administration; but if he shall not be so satisfied, he shall indorse thereon the words "examined and rejected," with the date thereof, and sign the same officially. Every executor or administrator shall keep a list of all demands legally exhibited against the estate of the testator or intestate, and shall, every three months, file with the commissioner a statement of all such claims as have been presented, and whether the same have been allowed or rejected by him. If any executor or administrator shall refuse to allow

any claim or demand against the deceased after the same may have been exhibited to him in accordance with the provisions of this Act, the claimant may present his claim to the commissioner having jurisdiction or to the district court or the judge thereof for allowance, giving the executor or administrator thirty days' notice of such application to the court. The district court or the judge thereof shall have power to hear and determine in a summary manner all demands against any estate agreeably to the provisions of this chapter, and which have been so rejected by the executor or administrator, and shall cause a concise entry of the order of allowance or rejection to be made on the record, which order shall have the force and effect of a judgment, from which an appeal may be taken as in ordinary cases: *Provided*, No claim which shall have been rejected by the executor or administrator, as aforesaid, shall be allowed by any court, judge, referee, or jury, except upon some competent or satisfactory evidence other than the testimony of the claimant. No claim shall be allowed by the executor or administrator or the district court or judge which is barred by the statute of limitations.

SEC. 824. The effect of a judgment against an executor or administrator, on account of a claim against the estate of his testator or intestate, is only to establish the claim as if it had been allowed by him, so as to require it to be satisfied in due course of administration, unless it appear that the complaint alleged assets in his hands applicable to the satisfaction of such claim, and that such allegation was admitted or found to be true, in which case the judgment may be enforced against such executor or administrator personally.

Effect of judgment against executor or administrator.

SEC. 825. A claim established by judgment against the deceased in his lifetime need not be verified by affidavit, but it is sufficient to present a certified copy of the judgment docket thereof to the executor or administrator for allowance or rejection, as in other cases; but this section is not to be construed to prevent an execution from being issued upon such judgment, as elsewhere provided in this code.

Judgment against deceased in his lifetime.

SEC. 826. If the executor or administrator doubt the validity of any claim presented to him, he may agree, in writing, with the claimant that an order of reference be made by the commissioner thereof concerning the same. Upon the filing of such agreement, the commissioner shall make the order accordingly.

When and how claim may be referred.

SEC. 827. The referee shall proceed to hear and examine the matter, and report thereon to the commissioner, where the order of reference was made, in the same manner and with like effect as if the order was made in an action upon such claim.

Proceeding by referee, and effect of.

SEC. 828. If the executor or administrator is himself a creditor of the testator or intestate, his claim, duly verified, may be presented to the commissioner for allowance or rejection; but the allowance of such claim by such commissioner does not conclude a creditor, heir, or other person interested in the estate in any action or proceeding between such executor or administrator and such creditor, heir, or other person.

Claim of executor or administrator.

SEC. 829. If the commissioner reject the claim of the executor or administrator, either in whole or in part, or in case the same is not presented for allowance, as provided in the last section, the executor or administrator may retain the amount thereof until the final settlement of his accounts, when, if the same is controverted or objected to by any person interested in the estate, the right of the executor or administrator to have the allowance claimed shall be tried and determined by the court. If the claim is not presented to the commissioner, as provided in the section last preceding, before it is barred by the statute of limitations, such claim can not be allowed, retained or recovered.

How such claim may be determined.

CHAPTER EIGHTY-FIVE.

OF THE SALE OF PROPERTY BY EXECUTORS OR ADMINISTRATORS.

Sec.	Sec.
830. Sale of property, how made, and application therefor.	845. Proceeding in case property appropriated insufficient.
831. Order of sale of personal property.	846. Bequests and legacies, when liable for debts.
832. Sales of property thereunder.	847. Sale of contract for the purchase of real property.
833. May be sold at private sale.	848. Sale subject to payments to be made on contract.
834. When real property may be sold where specially devised.	849. Assignment of contract and effect thereof.
835. Petition for order of sale of real property.	850. Order to redeem mortgaged property.
836. Citation to heirs and devisees to show cause.	851. Order for the sale of mortgaged property.
837. Service of citation.	852. Application of proceeds of sale.
838. Hearing and order of sale.	853. When mortgage foreclosed or suit commenced for that purpose.
839. Sale, how made; security for purchase money.	854. When debt not due, how satisfied.
840. Return of sale, and objections there-to.	855. Effect of order confirming sale.
841. When sale confirmed and when vacated.	856. Fraudulent or void conveyance of judgments of the deceased.
842. Recitals in conveyance and effect thereof.	857. Order allowing proceedings to vacate.
843. When real property may be sold to pay legacy, etc.	858. Disposition of property recovered on such proceeding.
844. Sale of property under will.	

Sale of property, how made, and application therefor.

SEC. 830. No sale of the property of an estate is valid unless made by order of the commissioner, as in this chapter prescribed, unless herein otherwise provided. The application for an order of sale shall be by the petition of the executor or administrator, and in case of real property a citation to the heirs and others interested in such property.

Order of sale of personal property.

SEC. 831. Upon the filing of the inventory the executor or administrator may make an application to sell the personal property of the estate for the purpose of paying the funeral charges, expenses of administration, the claims, if any, against the estate, and for the purposes of distribution; and it shall be the duty of the commissioner to grant such order, if in his judgment it is for the best interest of the estate, and to direct and prescribe the terms of sale upon which such property shall be sold, whether for cash or on credit.

Sales of property thereunder.

SEC. 832. Thereafter the executor or administrator shall sell such personal property from time to time for the purposes specified in the last section, and as often and as much thereof as may be necessary. Such sale shall be conducted in the same manner as a sale of personal property on execution, unless otherwise provided in this chapter.

May be sold at private sale.

SEC. 833. If, upon the application for an order of sale, or upon a subsequent application for that purpose, it appears to the commissioner that it would be for the interest of the estate, he may order that the executor or administrator may sell all the personal property of the estate or any article thereof at private sale. If any articles of personal property have been specially bequeathed, they are to be exempt from the operation of the order of sale so long as any property of the estate not specially devised or bequeathed remains unsold or appropriated to the purposes specified in section eight hundred and sixty-eight.

When real property may be sold where specially devised.

SEC. 834. When the proceeds of the sale of personal property have been exhausted, and the charges, expenses, and claims specified in section eight hundred and thirty-one have not all been satisfied, the executor or administrator shall sell the real property of the estate, or so much thereof as may be necessary for that purpose. If any of such real property have been specially devised, it shall be exempt from the operation of the order of sale in the same manner as personal property specially bequeathed.

SEC. 835. The petition for the order of sale of real property shall state the amount of the sales of personal property, the charges, expenses, and claims still unsatisfied, so far as the same can be ascertained, a description of the real property of the estate, the condition and probable value of the different portions or lots thereof, the amount and nature of any liens thereon, the names, ages, and residence of the devisees, if any, and of the heirs of the deceased, so far as known.

Petition for order of sale of real property.

SEC. 836. Upon the filing of the petition a citation shall issue to the devisees and heirs therein mentioned, and to all others unknown, if any such there be, to appear at a time therein mentioned, not less than thirty days after the service of such citation, to show cause, if any exist, why an order of sale should not be made as in the petition prayed for.

Citation to heirs and devisees to show cause.

SEC. 837. Upon an heir or devisee known and resident within the district such citation shall be served and returned as a summons, and upon an heir or devisee unknown or nonresident it may be served by publication or posting, or both, not less than four weeks, or for such further time as the commissioner may prescribe. When service is had by posting, the citation shall be posted at not less than three public places within the precinct, one of which shall be the post-office nearest to the place where the decedent resided at the time of his death. When service of the citation is made by publication or posting, there shall be given with it a brief description of the property described in the petition.

Service of citation.

SEC. 838. If, upon the hearing, the court find that it is necessary that the real property, or any portion thereof, should be sold, it shall make the order accordingly, and prescribe the terms thereof, whether of cash or credit, or both; and if such property can not be divided without probable injury and loss to the estate, it may order that it, or any specific lot or portion thereof, shall be sold wholly, whether otherwise necessary or not.

Hearing and order of sale.

SEC. 839. Upon the order being made, the executor or administrator shall sell the property therein specified upon the terms directed and in the manner herein otherwise provided. Such sale shall be made in the same manner as like property is sold on execution: *Provided, however,* The commissioner may, if thought best, order said property to be sold on the premises. When the sale is upon credit the executor or administrator shall take the note of the purchaser for the purchase money, with a mortgage upon the property to secure the payment thereof.

Sale now made; security for purchase money.

SEC. 840. Within ten days after the sale of real property the executor or administrator shall make a return of his proceedings concerning such sale. Upon such return any of the persons cited to appear on the application for the order of sale may file his objections to the confirmation of such sale.

Return of sale, and objections thereto.

SEC. 841. Upon the hearing the court shall confirm the sale and decree that the executor or administrator make a conveyance to the purchaser, unless it appear that there were irregularities in the sale, or that the sum bidden for the property is disproportionate to the value thereof, and that a sum exceeding such bid at least ten per centum, exclusive of the expenses of a new sale, may be obtained therefor, in either of which cases the court shall make an order vacating the sale and directing that the property be resold; and upon such second sale the property, or any specific portion or lot thereof, ordered to be resold shall be sold as if no previous sale had taken place. In case no objections are made to the confirmation of the sale as provided in the section last preceding, the court shall nevertheless examine the proceedings concerning such sale, and, if it appear proper, may make the order of resale provided for in this section in the same manner and with like effect as if objections had been filed thereto.

When sale confirmed and when vacated.

Recitation conveyance and effect thereof.

SEC. 842. A conveyance executed by an executor or administrator shall set forth the date of the order directing the sale, and the book, number thereof, and page containing the same, and the date of the order confirming the sale and directing the conveyance, and the book, number thereof, and page containing the same, and the title of the court making such orders, and shall operate to convey all the estate, right, and interest of the testator or intestate in the premises at the time of his death.

When real property may be sold to pay legacy, etc.

SEC. 843. When a testator shall have specially bequeathed any specific article of personal property, or given any legacy by will, and there shall not be sufficient personal property, besides such specific article or the value of such legacy, to pay the funeral charges, expenses of administration, and claims against the estate, the executor or administrator shall obtain an order to sell the real property sufficient to make up the deficiency, in the manner hereinbefore provided.

Sale of property under will.

SEC. 844. When the testator shall make provision in his will for the sale or disposition of all or any particular portion of his estate, for the payment of funeral charges, expenses of administration, or of claims against the estate, the property so appropriated may be sold or disposed of as directed by the executor or administrator with the will annexed, without an order of the court therefor; but he shall be bound to conduct the sale and make a return thereof in all respects as if it were made by order of the court, unless there are special directions in the will concerning the manner and terms of sale, in which case he shall be governed by such directions in such respects.

Proceeding in case property appropriated insufficient.

SEC. 845. If the provision made by the will or the property thereby appropriated be insufficient for the purpose intended, the remaining portion of the estate may be sold for that purpose, according to the provisions of this chapter.

Bequests and legacies, when liable for debts.

SEC. 846. The property, real and personal, given by the will to any devisee or legatee is liable for the payment of the funeral charges, expenses of administration, and of claims against the estate; and if there be more than one such devisee or legatee, then in proportion to the value or amount of the several devises and legacies; except that specific devises and legacies shall be exempt from such liability, if such appear to have been the intention of the testator and there be other sufficient property to satisfy such charges, expenses, and claims.

Sale of contract for the purchase of real property.

SEC. 847. If the deceased was, at the time of his death, a party to a contract for the purchase of real property, his interest in such real property by virtue of such contract may be sold in the same manner as if such contract had been executed in the lifetime of the deceased, by a conveyance to him of such property according to the legal effect and terms of such contract.

Sale subject to payments to be made on contract.

SEC. 848. If there be any payments due, or to become due, on such contract, to the vendor of the deceased, sale is made subject thereto, and before the same can be confirmed, or the contract assigned to the purchaser, such purchaser shall execute an undertaking, with one or more sufficient sureties in an amount not less than double the value of all the payments then due or to become due, for the benefit of whom it may concern, to be void upon the condition that such purchaser will make all such payments according to the terms of such contract, and indemnify the executor or administrator or others whom it may concern, against all damages, costs, and expenses by reason of any covenant or agreement contained in such contract.

Assignment of contract and effect thereof.

SEC. 849. The order of confirmation of such sale shall direct the executor or administrator to make an assignment of such contract to the purchaser, which assignment shall vest in the purchaser, his heirs and assigns, all the estate, right, and interest of the deceased at the time of his death in such real property, and give to the purchaser the same rights and remedies against the vendor thereof as the deceased would have had or been entitled to if living.

SEC. 850. If the deceased left any property, real or personal, under mortgage, and did not devise or provide for the redemption of the same by will, the commissioner, upon the application of the executor or administrator, or the application of an heir or creditor, or other person interested in the estate, may order the executor or administrator to redeem such property out of the proceeds of the other personal property, if it appear that such redemption would be for the interest of the estate, and not prejudicial to creditors.

Order to redeem mortgaged property.

SEC. 851. If, upon such application, such redemption be deemed not proper or inexpedient, the commissioner shall order such property to be sold in like manner and with like effect as is provided in other cases of the sale of real property by this chapter; and the conveyance to the purchaser shall operate to convey to him all the estate, right, and interest which the deceased would have had in the property had not the same been mortgaged by him.

Order for the sale of mortgaged property.

SEC. 852. Ten days before making an order for the application of the proceeds of such sale, the mortgagee or other person to whom the debt which is secured by such mortgage is payable shall be cited to appear and show the amount of his debt, and make his objections, if any, to the report of the expenses of the proceeding and sale as claimed by the executor or administrator; and thereupon the court shall order that the proceeds of the sale be first applied to the payment of the proper expenses of the proceeding and sale, and secondly, to the satisfaction of such debt, and the residue, if any, in due course of administration.

Application of proceeds of sale.

SEC. 853. The three sections last preceding shall not be construed to include a mortgage which has been foreclosed, or upon which a suit has been commenced for foreclosure before the application for the order of redemption or sale is made, nor to any other lien arising upon judgment or decree given against the deceased in his lifetime.

When mortgage foreclosed or suit commenced for that purpose.

SEC. 854. If the debt secured by the mortgage mentioned in section eight hundred and fifty be not due at the time of the making of the order for redemption or application of the proceeds of sale, the party to whom it is payable shall be entitled to receive in satisfaction thereof such sum as may be ascertained to be equal to the present value thereof.

When debt not due, how satisfied.

SEC. 855. The order of confirmation of sale in this chapter mentioned is conclusive as to the regularity of the sale and no further. All purchases of the property of the estate by an executor or administrator, however made, whether directly or indirectly, are prohibited, and if made are void.

Effect of order confirming sale.

SEC. 856. Whenever the assets of the estate are insufficient to satisfy the funeral charges, expenses of administration, and the claims against the estate, and the deceased shall in his lifetime have made or suffered any conveyance, transfer, or sale of any property, real or personal, or any right or interest therein, with intent to delay, hinder, or defraud creditors, or when such conveyance, transfer, or sale has been so made or suffered that the same is void in law as against creditors, or when the deceased in his lifetime has suffered, consented, or procured any judgment or decree to be given against him with such intent or in such manner as to be likewise void, it is the duty of such executor or administrator to make application by petition to the commissioner for leave to commence and prosecute to final judgment or decree the necessary and proper actions or proceedings to have such conveyance, transfer, sale, or judgment declared void, and the property affected thereby discharged from the effect thereof.

Fraudulent or void conveyance of judgments of the deceased.

SEC. 857. If upon the application it appear to such commissioner that the assets are insufficient for the purposes specified in the last section, and that it is probable that the conveyance, transfer, or judgment was made, suffered, consented to, or procured with the intent or in the manner specified in the last section, he shall make the order directing

Order allowing proceedings to vacate.

the proceedings to be commenced and prosecuted as to any or all of the matters alleged in the petition and necessary to supply the deficiency in the assets.

Disposition of property recovered on such proceedings.

SEC. 858. The property recovered by means of any proceeding in pursuance of the last two sections is to be sold and appropriated to supply the deficiency mentioned in section eight hundred and fifty-six in the same manner as other like property; but the right to or interest in the surplus, if any, remains as if such proceeding had not been allowed or commenced.

CHAPTER EIGHTY-SIX.

OF THE ACCOUNTS OF EXECUTORS AND ADMINISTRATORS.

Sec.	Sec.
859. When filed and what to contain.	865. Administrator chargeable with amount of inventory.
860. Proceeding if administrator neglect to file account.	866. For what administrator responsible.
861. Order for the payment of expenses, charges, and claims.	867. Expenses and compensation of administrator.
862. Final account, when filed and what to contain.	868. Same subject.
863. Objections to final account, by whom, and when made.	869. Amount of compensation.
864. Decree upon final account and effect thereof.	870. Proceeding in case of neglect to file final account.
	871. Administrator may compound for debt due estate.

When filed and what to contain.

SEC. 859. An executor or administrator shall, within six months from the date of the notice of his appointment, and every six months thereafter until the administration is completed and he is discharged from his trust, render an account, verified by his own oath, and file the same with the commissioner, showing the amount of the money received and expended by him, from whom received and to whom paid, with the proper vouchers for such payments, the amount of the claims presented against the estate and allowed or disallowed and the name of the claimants of each, and any other matter necessary to show the condition of the affairs thereof.

Proceeding if administrator neglect to file account.

SEC. 860. An executor or administrator who shall fail to file an account as required in the last section may be required by a citation or ordered by a commissioner to appear and do so, either upon the application of an heir or creditor, or other person interested in the estate, or without it. If the executor or administrator refuses or neglects to appear when cited, or to file the account as required, he may be punished as for a contempt, or by warrant of the commissioner be committed to close custody in jail until he consent to do so.

Order for the payment of expenses, charges, and claims.

SEC. 861. Within thirty days after the filing of the first semiannual account, and at each semiannual account thereafter, the commissioner shall ascertain and determine if the estate be sufficient to satisfy the claims allowed by the executor or administrator, within the first six months or any succeeding period of six months thereafter, after the date of the notice of his appointment, after paying the funeral charges and expenses of administration; and if so, he shall so order and direct; but if the estate be insufficient for that purpose, he shall ascertain what per centum of such claims it is sufficient to satisfy, and order and direct accordingly.

Final account, when filed and what to contain.

SEC. 862. When the estate is fully administered it shall be the duty of the executor or administrator to file his final account. Such account shall be verified and contain a detailed statement of the amount of money received and expended by him, from whom received and to whom paid, and refer to the vouchers for such payments, and the amount of money and property, if any, remaining unexpended or unappropriated. Upon the filing of the final account, the commis-

sioner shall make an order directing notice thereof to be given in the same manner as the notice of an appointment of an executor or administrator, and appoint a day not less than sixty days subsequent thereafter for the hearing of objections to such final account and the settlement thereof.

SEC. 863. An heir, creditor, or other person interested in the estate may, on or before the day appointed for such hearing and settlement, file his objections thereto, or to any particular item thereof, specifying the particulars of such objections; but no creditor shall be allowed to object to such account whose claim has been satisfied, as allowed by the executor or administrator or established by judgment.

Objections to final account, by whom, and when made.

SEC. 864. Upon the hearing the court shall give a decree allowing or disallowing the final account, either in whole or in part, as may be just and right; and such decree in any other action or proceeding between the parties interested or their representatives is primary evidence of the correctness of the account as thereby allowed and settled.

Decree upon final account and effect thereof.

SEC. 865. An executor or administrator is chargeable in his account with all the property of the estate which may come into his possession, at the value of the appraisement contained in the inventory, except as in this chapter otherwise provided.

Administrator chargeable with amount of inventory.

SEC. 866. He shall not make profit by the increase in value of the property of the estate, or suffer loss for the decrease in value or the destruction thereof, without his fault; and if any of the property of the estate sell for more than its appraised value he shall account for the excess, and if any such property sell for less than its appraised value he shall not be responsible for the loss, unless occasioned by his fault. He shall not be accountable for the debts due the estate if it appear that they remain uncollected without his fault. He shall not purchase any claim against the estate which he represents, and if he satisfies any such claim for less than its nominal value he is only entitled to charge in his account the sum actually paid.

For what administrator responsible.

SEC. 867. An executor or administrator shall be allowed, in the settlement of his account, all necessary expenses incurred in the care, management, and settlement of the estate, including reasonable attorney's fees in any necessary litigation or matter requiring legal advice or counsel. For his services he shall receive such compensation as the law provides; but when the deceased, by his will, has made special provision for the compensation of his executor, such executor is not entitled to any other compensation for his services unless he shall, within ten days after his appointment, subscribe and file with the commissioner a written declaration renouncing the compensation provided by the will.

Expenses and compensation of administrator.

SEC. 868. Notwithstanding the provision in the will for the compensation of an executor, if the estate be insufficient to satisfy the claims against it, the commissioner shall reduce such compensation, so far as may be necessary to satisfy such claims, to an amount equal to what the executor would have been entitled to if no such provision had been made.

Same subject.

SEC. 869. The compensation provided by law for an executor or an administrator is a commission upon the whole estate accounted for by him, as follows:

Amount of compensation.

First. For the first thousand dollars, or any less sum, at the rate of seven per centum thereof;

Second. For all above that sum and not exceeding two thousand dollars, at the rate of five per centum thereof;

Third. For all above two thousand and not exceeding four thousand dollars, at the rate of four per centum thereof;

Fourth. For all above the last-mentioned sum, at the rate of two per centum thereof.

In all cases, such further compensation as is just and reasonable may be allowed by the commissioner for any extraordinary and unusual services not ordinarily required of an executor or administrator in the discharge of his trust.

Proceeding in case of neglect to file final account.

SEC. 870. Before the time appointed for the hearing and settlement of a final account the executor or administrator shall file with the commissioner a copy of the notice thereof, with the proper proof of its publication or posting as directed. An executor or administrator who shall fail to file his final account as provided in section eight hundred and sixty-two may be proceeded against in like manner and with like effect as provided in section eight hundred and sixty in case of failure to file a semiannual account.

Administrator may compound for debt due estate.

SEC. 871. Whenever a debtor of a deceased person is unable to pay all his debts, an executor or administrator, by an order of the commissioner, may compound with him and give him a discharge upon receiving a fair and just proportion of his effects; but if such compounding is procured or produced by the fraudulent representations or conduct of such debtor, such payment shall only operate to discharge a like amount of the debt.

CHAPTER EIGHTY-SEVEN.

OF THE PAYMENT OF CLAIMS AND CHARGES.

Sec.	Sec.
872. Order of payment of charges and claims.	880. Distribution and payment of legacies.
873. Proceeds of real property to be applied in satisfaction of lien.	881. When real property discharged from administration.
874. How judgment or decree satisfied when given in lifetime of deceased.	882. Application of heir or other person for share of estate.
875. If estate insufficient, payment to be in proportion.	883. Notice and proceedings thereon.
876. Funeral charges, who may incur and when allowed.	884. Qualification of sureties in undertaking, and costs.
877. Administrator may retain compensation and expenses.	885. Application for decree to refund.
878. Debts not due or contingent.	886. Proceedings thereon, and how decree enforced.
879. Administrator liable to creditor personally, when.	

Order of payment of charges and claims.

SEC. 872. The charges and claims against the estate which have been presented and allowed, or presented and disallowed but subsequently established by judgment within the first six months after the date of the notice of appointment of the executor or administrator, shall be paid in the following order, and those presented and allowed or established in like manner with each succeeding period of six months thereafter during the continuance of the administration in the same manner: First, funeral charges; second, taxes of whatever nature due the United States; third, expenses of last sickness; fourth, all other taxes of whatever nature; fifth, debts preferred by the laws of the United States; sixth, debts which at the death of the deceased were a lien upon his property or any right or interest therein according to the priority of their several liens; seventh, debts due employee of decedent for wages earned within the ninety days immediately preceding the death of the decedent; eighth, all other claims against the estate.

Proceeds of real property to be applied in satisfaction of lien.

SEC. 873. The preference given by subdivision sixth of the last section shall extend only to the proceeds of the property upon which the lien exists, and as to such proceeds such debt is to be preferred to any of the classes mentioned in such section other than the taxes upon such property.

How judgment or decree satisfied when given in lifetime of deceased.

SEC. 874. If such debt has been established by judgment against the deceased in his lifetime, such judgment, if the proceeds of the personal property be not sufficient to satisfy it, may, in the discretion

of the commissioner, be either satisfied from the proceeds of the sale of the property by the executor or administrator upon which it is a lien, or enforced by execution against such property. Such sale by the executor or administrator discharges the property from the lien of the judgment, but the same attaches to the proceeds thereof, after deducting therefrom the expenses of sale.

SEC. 875. Except as specially provided in the last three sections, if the estate be insufficient to pay all the claims and charges of any one class, payable within any period of six months during the administration, as provided in section eight hundred and seventy-two, each creditor of such class shall be paid in proportion to the amount of his claim, and not otherwise.

If estate insufficient, payment to be in proportion.

SEC. 876. The executor named in the will, or if there be none, or if he do not attend to it, then the husband, widow, or next of kin, in the order herein named, are authorized to incur funeral charges on account of the estate in the burial of the deceased before administration of the estate is granted, and the burial of the deceased may be in a manner and at a cost according to his circumstances and condition in life; but no funeral charges, except those necessary to give the deceased a plain and decent burial, shall be allowed out of the estate where the assets are not sufficient to satisfy all other claims against it, including the legacies and devises, if there be any.

Funeral charges who may incur and when allowed.

SEC. 877. The executor or administrator may retain in his hands, in preference to any claim or charge against the estate, the amount of his own compensation and the necessary expenses of administration.

Administrator may retain compensation and expenses.

SEC. 878. A debt due and payable is not entitled to preference over one of the same class not due if the latter be presented within the same period. A debt not due, whether contingent or absolute, upon being presented shall, if absolute, be satisfied by the payment of such sum as the commissioner may prescribe by order to be equal to its present value, and if contingent, by the payment into court for the benefit of the creditor, subject to the contingency, of a sum, to be ascertained in like manner, equal to its present value.

Debts not due or contingent.

SEC. 879. When, upon the filing of a semiannual account, an order is made determining and prescribing the amount of assets applicable to the claims then presented, as provided in section eight hundred and sixty-one, thereafter the executor or administrator is personally liable to each creditor included in such order for such amount.

When administrator liable to creditor personally.

SEC. 880. If all the charges and claims shall have been satisfied upon the first distribution of the assets, or as soon thereafter as they may be, the commissioner shall direct the payment of legacies and the distribution of the remaining proceeds of the personal property among the heirs or other persons entitled thereto.

Distribution and payment of legacies.

SEC. 881. The real property of the deceased is the property of those to whom it descends by law or is devised by will, subject to the possession of the executor or administrator, and to be applied to the satisfaction of claims against the estate, as by this chapter provided; but upon the settlement of the estate and the termination of the administration thereof so much of such real property as remains unsold or unappropriated is discharged from such possession and liability without any order or decree therefor. But if there be any surplus of the proceeds of sale of such real property, or any part thereof, the commissioner shall order and direct a distribution of such surplus among those who would have been entitled to such land if the same had not been sold.

When real property discharged from administration.

SEC. 882. At any time after the filing of the first semiannual account any heir, devisee, or legatee may apply to the commissioner by petition for an order that he have the possession and rents and profits thereof of the portion of the real property to which he may be entitled, and that payment be made to him of his legacy or distributive share of the personal property of such estate, as the case may be.

Application of heir or other person for share of estate.

Notice and proceedings thereon

SEC. 883. Notice of the application shall be given to the executor or administrator thirty days before the time at which it is made. If upon the hearing it appear that the estate is but little in debt, the commissioner may, in his discretion, grant the petition or some part thereof upon the condition that such applicant file with the commissioner, within a time in the order specified, an undertaking, with one or more sufficient sureties, for the benefit of whom it may concern, in a sum double the value of such real property, legacy, or distributive share, to be void upon the condition that such heir, legatee, or devisee will pay, when required, his portion toward satisfying any claim against the estate.

Qualification of sureties in undertaking, and costs.

SEC. 884. The sureties in such undertaking shall have the same qualifications as sureties in bail upon arrest, and shall justify before the commissioner in like manner. The costs of the proceeding shall be paid by the applicant.

Application for decree to refund.

SEC. 885. If after the giving of such undertaking it shall become necessary, to satisfy any claim against the estate, to require the payment of all or any part of the sum therein specified, it shall be the duty of the executor or administrator to apply by petition to the commissioner for a decree to that effect. Notice of the application shall be given to the party filing the undertaking twenty days before the time at which the application is made.

Proceedings thereon, and how decree enforced

SEC. 886. If upon the hearing it appear necessary and proper that such payment should be made, the commissioner shall decree accordingly, specifying therein the amount to be paid, and within what time; and if the amount be not paid within the time specified, the decree may be enforced against such party and the sureties in the undertaking, by execution, in the same manner as a judgment in the district court.

CHAPTER EIGHTY EIGHT.

OF GUARDIANS AND WARDS.

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- 887. Next of kin to be guardian.
- 888. Commissioner to appoint guardian.
- 889. Who to nominate guardian.
- 890. Powers and duties of guardian.
- 891. Bond of guardian.
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- 899. Order of notice to be filed with the clerk of district court.
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- 903. Management of ward's estate.
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- 906. Removal or resignation of guardian.
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- 908. New bond.
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- 911. Guardians for nonresident minors.
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- 914. First guardianship exclusive.
- 915. Expenses and compensation.
- 916. Joint account.
- 917. "Insane person" and "spendthrift" defined.

Next of kin to be guardian.

SEC. 887. Whenever it becomes the duty of a commissioner to appoint a guardian for a minor, the relatives of such minor, whether male or female, upon application to the commissioner, shall in all cases be appointed, the nearest relative having precedence: *Provided*, Said applicant shall be of good moral character and be otherwise competent to discharge the duties of guardian to such ward.

Commissioner to appoint guardian.

SEC. 888. The commissioner for each precinct, when it shall appear to him necessary or convenient, may appoint guardians to minors and

others being inhabitants or residents in such precinct, and also such as shall reside without the district and have any estate within the same.

SEC. 889. If the minor is under the age of fourteen years the commissioner may nominate and appoint his guardian, and if he be above that age he may nominate his own guardian, who, if approved by the commissioner having jurisdiction of the estate, shall be appointed accordingly; and if the guardian nominated by such minor shall not be approved by such commissioner, or if the minor shall reside without the district, or if, after having been cited by the commissioner, he shall neglect to nominate a suitable person, the commissioner may nominate and appoint the guardian in the same manner as if the minor were under fourteen years of age.

Who to nominate guardian.

SEC. 890. Every guardian so appointed shall have the custody and tuition of the minor and the care and management of his estate, and shall continue in office until the minor shall have arrived at the age of twenty-one years, or until the guardian shall have been discharged according to law: *Provided, however,* The father of the minor, if living, and in case of his death the mother, while she remains unmarried, being themselves respectively competent to transact their own business, shall be entitled to the custody of the person of the minor and to the care of his education.

Powers and duties of guardian.

SEC. 891. Every such guardian shall give bond, with surety or sureties, to the United States, in such sum as the commissioner may order, with conditions as follows:

Bond of guardian.

First. To make a true inventory of all the real estate, and of all goods, chattels, rights, and credits of the ward that shall come to his possession or knowledge, and to return the same to the commissioner at such time as the latter may order;

Second. To dispose of and manage all such estate and effects according to law and for the best interest of the ward, and faithfully to discharge his trust in relation thereto, and in relation to the custody, education, and maintenance of the ward;

Third. To render, on oath, an account of the property in his hands, including the proceeds of all real estate sold by him, and of the management and disposition of all such property, within a year after his appointment, and at such other times as the commissioner shall direct;

Fourth. At the expiration of his trust, to settle his accounts with the commissioner or with the ward or his legal representatives, and to pay and deliver over all the estate and effects remaining in his hands, or due from him on such settlement, to the person or persons who shall be legally entitled thereto.

SEC. 892. Every father may, by his last will in writing, appoint a guardian or guardians for any of his children, whether born at the time of making the will or afterwards, to continue during the minority of the child or for a less time. And every mother may, by her last will in writing, appoint a guardian or guardians for any of her children, to continue during the minority of the child or for a less time: *Provided,* The father of such child or children is, dead and has not appointed a guardian, or whenever, by judgment of divorce between such father and mother, the custody of such child or children has been awarded to the mother; and every such testamentary guardian shall have the same powers and perform the same duties with regard to the person and estate of the ward as a guardian appointed by the commissioner: *Provided,* Nothing in this section shall be construed to deprive either the surviving father or mother of the custody of the person of his or her children, such surviving parent being competent to transact his or her own business.

Testamentary guardian.

SEC. 893. Every such testamentary guardian shall give bond in like manner and with like conditions as is before required of a guardian

Bond of testamentary guardian.

appointed by the commissioner: *Provided*, When the testator in a will appointing the guardian shall have ordered or requested that such bond shall not be given the bond shall not be required, unless from a change in the situation or circumstances of the guardian, or for other sufficient cause, the commissioner shall think proper to require it.

Guardian in judicial proceedings.

SEC. 894. Nothing contained in this chapter shall impair the power of the district court or courts of a justice of the peace to appoint a guardian to defend the interests of any minor impleaded in such courts or interested in any suit or matter therein pending, nor their power to appoint or allow any person as next friend for a minor to commence, prosecute, or defend any suit in his behalf.

Guardians for insane persons, etc.

SEC. 895. Commissioners in their respective precincts shall have power to appoint guardians to take care, custody, and management of the estates, real and personal, of all insane persons, idiots, and all who are incapable of conducting their own affairs, and the maintenance of their families and the education of their children.

Guardian for insane person.

SEC. 896. When the relatives or friends of any insane person, or any other persons inhabitants of the precinct in which such insane person resides, shall apply to the commissioner by petition in writing to have a guardian appointed for him, the commissioner shall cause notice to be given to the supposed insane person of the time and place appointed for hearing the case, not less than ten days before the time so appointed; and if, after a full hearing, it shall appear to the commissioner that the person in question is incapable of taking care of himself, the commissioner shall appoint a guardian of his person and estate, with the powers and duties hereinafter specified.

Powers and duties of guardians of insane person.

SEC. 897. Every guardian so appointed for an insane person shall have the care and custody of the person of the ward and the management of all his estate, and he shall give bond to the United States in like manner and in like conditions as is before prescribed with respect to the guardian of a minor, excepting that the provision relating to the education of the ward shall be omitted in the condition of the bond.

Guardian for spendthrift.

SEC. 898. When any person, by excessive drinking, gaming, idleness, or debauchery of any kind, shall so spend, waste, or lessen his estate as to expose himself or his family to want or suffering, the commissioner for such precinct of which such spendthrift is a resident or inhabitant shall cause notice to be given to such supposed spendthrift of the time and place appointed for hearing the case, not less than ten days before the time so appointed; and if, after a full hearing, it shall appear to the commissioner that the person complained of comes within the description contained in this section, he shall appoint a guardian of his person and estate, with the powers and duties hereinafter specified.

Order of notice to be filed with the clerk of district court.

SEC. 899. After the order of notice has been issued, the commissioner shall cause a copy of the same to be filed in the office of the clerk of the district court, and if a guardian shall be appointed on such application, all contracts, excepting for necessities, and all gifts, sales, or transfers of real or personal estate made by such spendthrift after such filing of the order of notice in the office of the district court, and before the termination of the guardianship, shall be null and void.

Allowance for defense of ward.

SEC. 900. When a guardian shall be appointed for an insane person or spendthrift, the commissioner shall make an allowance, to be paid by the guardian, for all reasonable expenses incurred by the ward in defending himself against the proceeding.

Guardian for spendthrift, powers and duties.

SEC. 901. Every guardian so appointed for a spendthrift shall have the care and custody of the person of the ward and the management of all his estate until the guardian shall be legally discharged; and he shall give bond to the United States in like manner and with like condition as is before directed with respect to the guardian of an insane person.

SEC. 902. Every guardian appointed under the provisions of this chapter shall pay all just debts due from his ward out of his personal estate, if sufficient, and if not, out of his real estate, upon obtaining a license for the sale thereof, as provided by law; he shall also settle all accounts of the ward, and demand, sue for, and receive all debts due to him, or may, with the approbation of the commissioner, compound for the same, and give a discharge to the debtor upon receiving a fair and just dividend of his estate and effects, and he shall appear for and represent his ward in all legal actions and proceedings, unless when another person is appointed for that purpose as guardian or next friend.

Payment of debts
in settlement of ac-
counts.

SEC. 903. The guardian shall also manage the estate of his ward frugally and without waste, and apply the income and profits thereof, so far as may be necessary, for the comfortable and suitable maintenance and support of the ward and his family, if there be any; and if the income and profits be insufficient for that purpose, the guardian may sell the real estate, upon obtaining a license therefor as provided by law, and shall apply the proceeds of such sale, so far as may be necessary, for the maintenance and support of the ward and his family.

Management of
ward's estate.

SEC. 904. Upon the taking of any inventory, as required by this chapter, the estate and effects comprised therein shall be appraised by three suitable persons, to be appointed and sworn in like manner as is required with respect to the inventory of a deceased testator or intestate; and every guardian shall account for and dispose of the personal estate of his ward in like manner as is directed with respect to executors and administrators.

Inventory and ap-
praisal of the ward's
estate.

SEC. 905. Commissioners in their respective precincts, on the application of a guardian or any person interested in the estate of any ward, after notice to all other persons interested, may authorize or require the guardian to sell and transfer any stock in the public funds, or in any bank, insurance company, or other corporation, or any other personal estate or effects held by him as guardian, and invest the proceeds of such sale, and also all of the moneys in his hands, in real estate, or in any other manner that shall be most for the interest of all concerned therein; and such commissioner may make such further order and give such directions as the case may require for managing, investing, and disposing of the estate and effects in the hands of the guardian.

Management and
investment of prop-
erty.

SEC. 906. When any guardian appointed either by a testator or by a commissioner shall become insane or otherwise incapable of discharging his trust, or be unsuitable therefor, the commissioner, after notice to such guardian and to all others interested, may remove him; and every guardian, upon his request, may be allowed to resign his trust when it shall appear to the commissioner proper to allow the same, and upon every such resignation or removal, and also upon the death of any guardian, the commissioner shall appoint another in his stead.

Removal or resigna-
tion of guardian.

SEC. 907. The marriage of any female who is under guardianship as a minor shall operate as a discharge of her guardian; and the guardian of any insane person or spendthrift may be discharged by the commissioner when it shall appear, on the application of the ward or otherwise, that such guardianship is no longer necessary.

Marriage of female
ward.

SEC. 908. The commissioner may require a new bond to be given by any guardian, and may discharge the existing sureties from future responsibility, in the like case and upon the like terms as are prescribed with regard to executors or administrators.

New bond.

SEC. 909. No action shall be maintained against the sureties on any bond given by a guardian unless it be commenced within three years from the time when such guardian shall be discharged: *Provided*, If at the time of such discharge the person entitled to bring such action

Action against sure-
ties on guardian's
bond.

shall be out of the district the action may be commenced at any time within three years after his return to the district.

*Proceedings in cases of suspected embezzlement.

SEC. 910. Upon complaint made to the commissioner by any guardian or by the ward, or by any creditor or other person interested in his estate, or by persons having claims thereto in expectancy, as heir or otherwise, against anyone suspected of having concealed, embezzled, or conveyed away any of the money, goods, or effects of the ward, the commissioner may cite and examine such suspected person and proceed with him as to such charge in the same manner as is provided respecting persons suspected of concealing or embezzling effects of a deceased testator or intestate.

Guardians for non-resident minors.

SEC. 911. When any minor or other person likely to be put under guardianship according to the provisions of this chapter shall reside without the district and shall have any estate therein, any friend of such person, or anyone interested in his estate, in expectancy or otherwise, may apply to the commissioner of any precinct in which there may be any estate of such absent person, and after notice to all persons interested, to be given in such manner as the commissioner shall order, and after a full hearing and examination, if it shall appear proper the commissioner may appoint a guardian for such absent person.

Powers and duties of such guardians.

SEC. 912. Every guardian appointed according to the provisions of the preceding section shall have the same powers and duties with respect to any estate of the ward that may be found within the district, and also with respect to the person of the ward if he shall come to reside therein, as are prescribed to any other guardian appointed by force of this chapter.

Bond of.

SEC. 913. Every such guardian shall give bond to the United States in like manner and with like condition as is above provided with respect to other guardians, excepting that the provisions respecting the inventory, the disposal of the estate, and the account to be rendered by the guardian shall be confined to such estate and effects which shall come to his hands in the district, and that the provisions respecting the custody of the ward shall not be applicable unless the ward shall come to reside in the district.

First guardianship exclusive.

SEC. 914. The guardianship which shall first be legally granted of any person residing without the district shall extend to all the estate of the ward within the same, and shall exclude the jurisdiction of the commissioner of any other precinct.

Expenses and compensation.

SEC. 915. Every guardian shall be allowed the amount of all his reasonable expenses incurred in the execution of his trust, and shall also have such compensation for his services as the commissioner before whom his accounts are settled shall consider just and reasonable.

Joint account.

SEC. 916. When an account is rendered by two or more joint guardians, the commissioner may, in his discretion, allow the same upon the oath of any one of them.

"Insane person" and "spendthrift" defined.

SEC. 917. The words "insane person" are intended to include every idiot, every person not of sound mind, every lunatic and distracted person; and the word "spendthrift" is intended to include any one who is liable to be put under guardianship on account of excessive drinking, gaming, idleness, or debauchery; and these words shall be so construed in all the provisions relating to guardians and wards contained in this code.

CHAPTER EIGHTY-NINE.

OF THE SALE OF LANDS BY GUARDIAN, AND DISPOSITION OF PROCEEDS.

Sec.	Sec.
918. When guardian may sell real property of ward.	931. When foreign guardian may file copy of his appointment.
919. Proceeds to be placed on interest.	932. When foreign guardian may be licensed to sell.
920. Application of proceeds.	933. Where proceedings may be instituted.
921. Investment of proceeds.	934. Disposition of residue of proceeds.
922. Residue, when considered as real estate.	935. Costs, when to prevailing parties.
923. Petition for license to sell.	936. Limitation of suits to recover estates sold by guardian.
924. Order to show cause.	937. Certain irregularities not to avoid sale.
925. Service of order.	938. Liability of guardian for misconduct.
926. When certificate of commissioners necessary.	939. Sale, when not held void, although irregular.
927. Bond of guardian.	
928. His oath.	
929. Notice of sale.	
930. License, how long in force.	

SEC. 918. When the income of the estate of any person under guardianship, whether as a minor, insane person, or spendthrift, shall be insufficient to maintain the ward and his family, his guardian may sell his real estate for that purpose, upon obtaining a license therefor and proceeding therein in the manner hereinafter provided. When guardian may sell real property of ward.

SEC. 919. When it shall appear upon the representation of any such guardian that it would be for the benefit of his ward that his real estate, or any part thereof, should be sold, and the proceeds thereof be put out on interest or invested in some productive stock, his guardian may sell the same accordingly, upon obtaining a license therefor and proceeding therein as hereinafter provided. Proceeds to be placed on interest.

SEC. 920. If the estate be sold for the maintenance of the ward and his family, as provided in section nine hundred and eighteen, the guardian shall apply the proceeds of the sale for that purpose, so far as necessary, and shall put out the residue, if any, on interest, or invest it in the best manner in his power, until the capital shall be wanted for the maintenance of the ward and his family, in which case the capital may be used for that purpose, so far as may be necessary, in like manner as if it had been the personal estate of the ward. Application of proceeds.

SEC. 921. If the estate is sold in order to put out and invest the proceeds as provided in section nine hundred and nineteen, the guardian shall make the investment according to his best judgment, or in pursuance of any order of the commissioner relating thereto. Investment of proceeds.

SEC. 922. In every case of the sale of real estate as provided in this chapter, the residue of the proceeds, if any remain upon the final settlement of accounts of the guardianship, shall be considered as real estate of the ward and shall be disposed of among the same persons and in the same manner as the real estate would have been if it had not been sold. Residue, when considered as real estate.

SEC. 923. In order to obtain a license for such sale the guardian shall present to the commissioner of the precinct in which he was appointed guardian a petition therefor, setting forth the condition of the estate of his ward and the facts and circumstances under which it is founded, tending to show the necessity or expediency of such a sale, which petition shall be verified by the oath of the petitioner. Petition for license to sell.

SEC. 924. If it shall appear to the commissioner from such petition that it is necessary or would be beneficial to the ward that such real estate or some part of it should be sold, he shall thereupon make an order directing the next of kin of the ward and all persons interested in the estate to appear before him at a time and place to be therein specified, not less than four nor more than eight weeks from the time Order to show cause.

of making such order, to show cause why a license should not be granted for the sale of such estate.

Service of order.

SEC. 925. A copy of such order shall be personally served on the next of kin of such ward, and on all persons interested in the estate, at least ten days before the hearing of the petition, or shall be published at least three successive weeks in a newspaper circulating in the district, to be specified by the commissioner.

When certificate of commissioners necessary.

SEC. 926. No such license shall be granted for the sale of any real estate of a ward, excepting that of a minor, unless the commissioner of the precinct of which the ward is an inhabitant shall certify in writing his approbation of the proposed sale.

Bond of guardian.

SEC. 927. Every guardian licensed to sell real estate as aforesaid shall, before the sale, give bond to the United States, with sufficient surety or sureties, with condition to sell the same in the manner prescribed for sales of real estate by executors or administrators, and to account for and dispose of the proceeds of the sale in the manner provided by law.

His oath.

SEC. 928. Such guardian shall also, before fixing on the time and place of sale, take and subscribe an oath before the commissioner or some other officer competent to administer the same, in substance as follows: That in disposing of the estate which he is licensed to sell he will use his best judgment in fixing the time and place of sale, and that he will exert his utmost endeavors to dispose of the same in such manner as will be most for the advantage of all persons interested therein.

Notice of sale.

SEC. 929. He shall also give public notice of the time and place of sale and shall proceed therein in like manner as is prescribed for executors and administrators; and the evidence of giving such notice may be perpetuated in the same manner and with the same effect as is provided in the case of sales of real estate by executors and administrators.

License, how long in force.

SEC. 930. No license granted in pursuance of this chapter shall be in force for more than one year after the time of granting the same.

When foreign guardian may file copy of his appointment.

SEC. 931. When any minor, insane person, or spendthrift residing out of the district shall be put under guardianship in the State or county in which he resides, and shall have no guardian appointed in the district, the foreign guardian may file an authenticated copy of his appointment with the commissioner of any precinct in which there may be real estate of the ward; after which he may be licensed by the commissioner to sell the real estate of the ward in any precinct in the same manner and upon the same terms and conditions as are prescribed in this chapter in the case of a guardian appointed in the district, except in the particulars hereinafter mentioned.

When foreign guardian may be licensed to sell.

SEC. 932. Every foreign guardian so licensed to sell real estate shall take and subscribe the oath in the like case of guardians appointed in the district, and shall give notice of the time and place of sale, and conduct the same in the same manner prescribed for guardians appointed in the district, and may perpetuate the evidence of the notice in the same manner.

Where proceedings may be instituted.

SEC. 933. All the proceedings required to be had before the commissioner in any precinct in the district respecting such sale by a foreign guardian shall be had before the commissioner for the precinct in which the authenticated copy of his appointment is filed.

Disposition of residue of proceeds.

SEC. 934. Upon every such sale by a foreign guardian the proceeds of sale, or as much thereof as may remain upon the final settlement of the accounts of guardianship, shall be considered as real estate of the ward, and shall be disposed of among the same persons and in the same proportions as the real estate would have been according to the laws of the district if it had not been sold; and the foreign guardian shall, in every case, before making the sale, give bond to the United States,

with sufficient surety or sureties, with condition to account for and dispose of the same according to law.

SEC. 935. If any person shall appear and object to the granting of any license prayed for under the provisions of this chapter, and it shall appear to the commissioner that either the petition or the objection is unreasonable, the commissioner shall give judgment for costs against the losing party in the cause. Costs, when to prevailing parties.

SEC. 936. No action for the recovery of any estate sold by a guardian under the provisions of this chapter shall be maintained by the ward, or by any person claiming under him, unless it be commenced within five years next after the termination of the guardianship, excepting only that persons out of the district, and minors and others under legal disability to sue at the time when the cause of action shall accrue, may commence their action at any time within five years next after the removal of the disability or after their return to the district. Limitation of suits to recover estates sold by guardian.

SEC. 937. In case of an action relating to any estate sold by a guardian under the provisions of this chapter, in which the ward, or any person claiming under him, shall contest the validity of the sale, the same shall not be avoided on account of any irregularity in the proceedings: *Provided*, It shall appear— Certain irregularities not to avoid sale.

First. That the guardian was licensed to make the sale by a commissioner of competent jurisdiction;

Second. That he gave a bond that was approved by the commissioner;

Third. That he took the oath prescribed in this chapter;

Fourth. That he gave notice of the time and place of sale as prescribed by law; and

Fifth. That the premises were sold accordingly at public auction, and are held by one who purchased them in good faith.

SEC. 938. If, in relation to such sale, there should be any neglect or misconduct in the proceedings of the guardian, by which any person interested in the estate shall suffer damage, such aggrieved party may recover such damage in an action on the bond of such guardian or otherwise as the case may require. Liability of guardian for misconduct.

SEC. 939. If the validity of any sale made by a guardian under this chapter shall be drawn in question by any person claiming adversely to the title of the ward, or claiming under any title that is not derived from or through the ward, the sale shall not be held void on account of any irregularity in the proceedings: *Provided*, The guardian was authorized to make the sale by the proper commissioner, and that he did accordingly execute and acknowledge, in legal form, a deed for the conveyance of the premises. Sale, when not held void, although irregular.

CHAPTER NINETY.

OF APPEALS IN PROBATE CASES.

Sec.

940. Appeals to district court.

941. Exceptions and orders of commissioner.

Sec.

942. Duty of district judge.

943. Proceedings in such cases.

SEC. 940. There shall be an appeal to the district court of the district of Alaska from all orders of the commissioners exercising the jurisdiction of a court of probate. Appeals to district court.

SEC. 941. In the case of decedents any heir, legatee, devisee, creditor, or other person interested in the estate, and in the case of minors, lunatics, and habitual drunkards, any creditor or relative within the third degree of consanguinity, may file with the commissioner exceptions to any order of such commissioner granting or revoking letters of administration or of guardianship, allowing semiannual or final Exceptions and orders of commissioner.

accounts, allowing or rejecting claims, directing the payment of debts or legacies or the distribution of estates, ordering the sale or disposal of real or personal property, or other proceeding. Upon the filing of such exception the commissioner shall make a transcript of all files, papers, and evidence pertaining to such order or proceeding and forward the same to the clerk of the district court.

Duty of district judge.

SEC. 942. Upon the filing of such exceptions the district judge shall proceed on due notice to hear and determine the same at such time and in such manner as he shall prescribe by order, and for that purpose may receive and entertain affidavits and depositions or hear oral evidence.

Proceedings in such cases.

SEC. 943. Upon such hearing the district court or judge thereof shall determine the issues so raised according to the very right of the matter and make such order in the premises as he may see fit, which order shall be entered in a docket to be kept by the clerk of the court for that purpose, properly indexed, and a copy of the same shall be forwarded to the commissioner before whom the exceptions were filed, who shall thereupon proceed in accordance with such order. Such orders shall be deemed a judgment, subject to appeal in the manner provided for appeals from judgments in the district court.

CHAPTER NINETY-ONE.

OF THE RECORDS AND FILES OF A JUSTICE'S COURT.

Sec.
944. Records and files of a justice's court, what constitutes.
945. Docket of justice, what entries to be made therein.

Sec.
946. Docket and files, public writings.

Records and files of a justice's court, what constitutes.

SEC. 944. The records and files of a justice's court are the docket and all papers and process filed in or returned to such court concerning or belonging to any proceeding authorized to be had or taken therein or before the justice of the peace who holds such court.

Docket of justice, what entries to be made therein.

SEC. 945. The docket of a justice of the peace is a book in which he must enter—

First. The title of every action or proceeding commenced in his court or before him, with the names of the parties thereto and the time of the commencement thereof;

Second. The date of making or filing any pleading, and, when the same is made orally, a plain statement of the substance thereof and the verification thereto when one is required;

Third. An order allowing a provisional remedy, and the date of issuing and returning the summons or other process;

Fourth. The time when the parties, or either of them, appear, or their failure to do so;

Fifth. Every postponement of a trial or proceeding, and upon whose application, and to what time;

Sixth. The demand for a jury, if any, and by whom made; the order for a jury, and the time appointed for trial thereby;

Seventh. The return of an order for a jury, the names of the persons impaneled and sworn as a jury, and the names of all witnesses sworn, and at whose request;

Eighth. The verdict of the jury, and when given; and if the jury disagree and are discharged without giving a verdict, a statement of such disagreement and discharge;

Ninth. The judgment of the court, and when given;

Tenth. The fact of an appeal having been made and allowed, and the date thereof, with a memorandum of the undertaking thereof, and the justification of the sureties therein;

Eleventh. Satisfaction of the judgment or any part thereof;

Twelfth. A memorandum of all orders relating to the admission of bail, taking bail, or commitment for want thereof;

Thirteenth. All other matters which may be material or specially required by any statute.

SEC. 946. The docket and files of a justice's court are to be safely and securely kept by the justice of the peace, and by him delivered to his successor in office when demanded. Such docket and files are public writings.

CHAPTER NINETY-TWO.

OF GENERAL PROVISIONS IN RELATION TO CIVIL ACTIONS IN JUSTICE'S COURT.

Sec.	Sec.
947. Code of Civil Procedure to govern.	956. Disposition of defendant arrested in civil action.
948. Summons, by whom issued, and requirements of.	957. Defendant entitled to give bail.
949. Same subject.	958. Undertaking of bail.
950. Service of summons.	959. Undertaking for delivery of personal property.
951. When served and by whom.	960. Real property can not be attached by process from a justice's court.
952. Undertaking for costs, when may be required.	961. Justification of sureties.
953. Sureties in such cases.	
954. Provisional remedies.	
955. Who may serve writ of arrest, attachment, and order for the delivery of personal property.	

SEC. 947. A civil action in a justice's court is commenced and prosecuted to final determination, and judgment enforced therein, in the manner provided in this code for similar actions in courts of record, except as otherwise provided: *Provided*, Necessary disbursements shall in all cases be allowed the prevailing party.

SEC. 948. The summons shall be issued and signed by the justice, and must require the defendant to appear before such justice at a time and place to be named therein not less than six nor more than twenty days from the date thereof, to answer the complaint of the plaintiff, or judgment for want thereof will be taken against him.

SEC. 949. The summons shall be issued and signed by the justice, and may be in the following form:

To the United States marshal of the district of Alaska or any deputy: In the name of the United States of America we command you to summon ——— to appear before the undersigned, a justice of the peace in ——— precinct in said district, on the ——— day of ———, 19——, at the hour of ——— o'clock, in the ——— of said day, at ———, in the said precinct, to answer the complaint of ———, founded upon an instrument of writing (or note or account, or for trespass or injury to property, or any similar statement, as the case may be), and wherein he demands ——— dollars. Given under my hand this ——— day of ———, 19——

A B,
Commissioner and ex officio Justice of the Peace.

SEC. 950. The service of the summons may be made as follows: First, by delivering a copy thereof to the defendant; or, second, by leaving a copy of the summons at the usual place of abode of the defendant, with some person of the family above the age of fifteen years; and if a defendant shall refuse to hear the summons read, or to receive a copy thereof, at the offer of the officer to read the same or to deliver a copy thereof, such refusal shall be a sufficient service of the summons; or if

the defendant be a corporation, then to the president, secretary, or a managing or local agent thereof.

When served and by whom.

SEC. 951. The summons must be served at least five days before the time therein required for the defendant to appear.

Undertaking for costs, when may be required.

SEC. 952. If the plaintiff is a nonresident of the precinct, the justice may require him to give an undertaking, with one or more sureties, for the costs and disbursements of the action before issuing the summons, and if at any time before the commencement of the trial the defendant apply therefor, the justice must require such plaintiff to give such undertaking; but if the plaintiff is a resident of the precinct the justice may, in his discretion, upon a like application on the part of the defendant require such plaintiff to give such undertaking.

Sureties in such cases.

SEC. 953. The undertaking may be in substantially the following form: "I, A B," or "We, A B and C D, undertake to pay E F, the defendant in this action, all costs and disbursements that may be adjudged to him in this action." The sureties must possess the qualifications of bail upon arrest, and if required by the defendant must justify in a sum not less than fifty dollars. A deposit of fifty dollars with the justice, or such less sum as he may deem sufficient, is equivalent to giving the required undertaking; and if the undertaking or deposit in lieu thereof is not given or made upon the day the same is demanded the justice must dismiss the action as for want of prosecution.

Provisional remedies.

SEC. 954. In a civil action in a justice's court a plaintiff is entitled to the benefit of the provisional remedies of arrest, attachment, and delivery of personal property claimed in the action, as in like cases in a court of record. All affidavits, orders, and undertakings for such remedies are to be taken or made and filed with the justice, and such process is to be issued by and made returnable before him.

Who may serve writ of arrest, attachment, and order for the delivery of personal property.
Disposition of defendant arrested in civil action.

SEC. 955. A writ of arrest, of attachment, and order for the delivery of personal property claimed in the action may be served and executed by any person authorized to serve a summons.

SEC. 956. A defendant who has been arrested in a civil action must, if he require it, be at once taken before the justice who issued the writ, for the purpose of giving bail. If he do not so require, the officer making the arrest shall keep him in his custody, and take him before such justice on the day and at the hour the defendant is required to appear and answer.

Defendant entitled to give bail.

SEC. 957. Upon the defendant being brought before the justice, either on the day on which he is required to appear and answer or before, he must be allowed to give bail if he desire to.

Undertaking of bail.

SEC. 958. The undertaking of bail may be given with one or more sufficient sureties, and must be taken by the justice. The plaintiff may then and there except to the sufficiency of the bail, and unless he do so he shall be deemed to have accepted it.

Undertaking for delivery of personal property.

SEC. 959. The undertaking for an order for the delivery of personal property claimed in the action shall be taken by the justice who makes the order, and he shall require the sureties therein to justify as bail upon arrest; and no exceptions to the sufficiency of such sureties shall thereafter be allowed.

Real property can not be attached by process from a justice's court.
Justification of sureties.

SEC. 960. Real property or any interest therein can not be attached upon a writ of attachment in a civil action in a justice's court.

SEC. 961. Whenever sureties in an undertaking given in a provisional remedy by either party are required to justify, the justification shall be made before the justice in whose court the action is pending, and upon the notice prescribed in such cases by this code; or upon shorter notice, to be prescribed by order of the justice.

CHAPTER NINETY-THREE.

OF THE PLEADINGS IN JUSTICE'S COURT.

Sec.

962. No formal pleadings necessary.
963. Same subject.

Sec.

964. Action on lost instrument.

SEC. 962. No formal pleadings on the part of either plaintiff or defendant shall be required in a justice's court; but before any process shall be issued in any action the plaintiff shall file with the justice the instrument sued on, and a statement of the account as of the facts constituting the cause of action upon which the action is founded; and the defendant shall, before the trial is commenced, file the instrument, account, or statement of his set-off or counterclaim relied upon.

No formal pleadings necessary.

SEC. 963. When the action is founded on any instrument of writing purporting to have been executed by the defendant, and the debt or damage claimed may be ascertained by such instrument, the same shall be filed with the justice, and no other statement or pleading shall be required. If the action be upon an account, a bill of the items constituting the account shall be filed. In all other cases a statement of the facts constituting the cause of action and the amount or sum demanded shall be filed with the justice; but no action shall be dismissed or discontinued for want of any such statement as cause of action, or for any defect or insufficiency thereof, if the plaintiff shall file the instrument or account as a sufficient statement before the jury is sworn or the trial commenced, or when required by the justice.

Same subject.

SEC. 964. If such instrument be alleged to be lost or destroyed, it shall be sufficient for the plaintiff to file with the justice the affidavit of himself, or some other credible person, stating such loss or destruction, and setting forth the substance of such instrument.

Action on lost instrument.

CHAPTER NINETY-FOUR.

OF THE POSTPONEMENT OF TRIALS IN JUSTICE'S COURT.

Sec.

965. When postponement allowed.
966. When it discharges defendant from arrest.
967. When deposition to be taken.
968. Change of place of trial.

Sec.

969. Costs of the same.
970. Change, when deemed completed.
971. Proceeding when title to land is in issue.

SEC. 965. When a cause is at issue upon a question of fact the justice must, upon sufficient cause shown, on the application of either party, postpone the trial for a period not exceeding sixty days.

When postponement allowed.

SEC. 966. When the defendant is in custody a postponement of the trial granted upon the application of the plaintiff for a longer period than one day discharges the defendant from such arrest; and in such case the justice must indorse upon the writ of arrest, "The defendant is discharged from custody upon the within process," and sign the same with his name and office.

When it discharges defendant from arrest.

SEC. 967. An application for the postponement of a trial must be granted unless the party applying therefor, if required by the adverse party, consent to take the deposition of any witness of such adverse party then in attendance upon the court. If the consent is given, the justice must take such deposition, and the same may be read on the trial, subject to the same objections as if the witness were present and gave the testimony orally.

When deposition to be taken.

SEC. 968. The justice may change the place of trial, on notice of either party to the action, when it appears from the affidavit of such party either—

Change of place of trial.

First. That the justice is a party to, or directly interested in, the

event of the action, or connected by consanguinity or affinity, within the third degree, with the adverse party or those for whom he prosecutes or defends;

Second. That the justice is so prejudiced against the party making the motion that he can not expect an impartial trial before the justice;

Third. That the convenience of parties and witnesses would be promoted by such change, and that the motion is not made for the purpose of delay.

The motion for change of the place of trial can not be made or allowed in any action until after the cause is at issue on a question of fact only. If the motion is allowed, the change shall be made to the nearest justice. Neither party shall be entitled to more than one change of the place of trial, except for causes not in existence when the first change was allowed. When the place of trial has been changed, the justice shall forthwith transmit to the nearest justice a transcript of the proceedings had in such cause, with all the original papers filed therein.

Costs of the same.

SEC. 969. The costs of such change of venue shall be paid by the party applying therefor, and not taxed as a part of the costs in the case: *Provided*, It shall not be necessary to issue new subpoenas to witnesses; but the witnesses shall appear before the justice before whom the cause has been transferred without the issue of any other notice than the allowance of the motion to change the venue.

Change, when deemed completed.

SEC. 970. Upon the filing of the transcript and papers with the justice to whom the cause has been transferred, the change of venue shall be deemed complete, and thereafter the action shall proceed as though it had been commenced before such justice.

Proceeding when title to land is in issue.

SEC. 971. If it appear on the trial of any cause before a justice of the peace, from the evidence of either party, that the title to lands is in question, which title shall be disputed by the other party, the justice shall immediately make an entry thereof in his docket and cease all further proceedings in the cause, and shall certify and return to the district court a transcript of all the entries made in his docket relating to the case, together with all the process and other papers relating to the action, in the same manner and within the same time as upon an appeal; and thereupon the district court shall proceed in the cause to final judgment and execution in the same manner as if the action had been originally commenced therein; and the costs shall abide with the event of the action.

CHAPTER NINETY-FIVE.

OF TRIAL BY JURY IN JUSTICE'S COURT.

Sec.

972. Demand for jury, how and when made.

973. Trial by court, how judgment may be given.

974. Order to summon jury.

975. When to require jurors to appear.

Sec.

976. Officer to summon persons qualified to serve.

977. Order for jury, how served.

978. Deficiency, how supplied.

979. Number of peremptory challenges.

980. Qualifications of jurors in justice's court.

Demand for jury, how and when made.

SEC. 972. When a cause is at issue upon a question of fact, if either party then demand a jury trial, and deposit with the justice the trial fee, such issue must be tried by a jury and not the court; but otherwise it must be tried by the court.

Trial by court, how judgment may be given.

SEC. 973. When an issue of fact is tried by the justice it is not necessary that there should be any special statement of the facts found or law determined on such trial, but it is sufficient for the court to give judgment generally, as the law and the evidence may require, for the

plaintiff or the defendant, setting forth therein for what amount, or what relief, or to what effect the same is given.

SEC. 974. When a jury has been demanded by a party to an action in a justice's court, the justice must make an order in writing, directed to the marshal or any deputy, or to any person authorized to act as a constable therein, commanding him to summon six persons to serve as jurors in the action between the parties, naming them, at a time and place to be named therein. Order to summon jury.

SEC. 975. The order shall require the jurors to appear before the justice forthwith, or at some time after it to which the trial of the issue may be postponed. When to require jurors to appear.

SEC. 976. The officer serving the order for a jury must do so impartially, by selecting only such persons as he knows or has good reason to believe are qualified according to law to serve as jurors in the court to which they are summoned and in the particular action for which they are selected. Officer to summon persons qualified to serve.

SEC. 977. The officer must serve the order by giving notice to each of the persons selected of the time and place he is required to appear, and for what purpose, and return the same according to the direction therein, with the names of the persons summoned, verified by his own certificate. Order for jury, how served.

SEC. 978. If a sufficient number of jurors do not appear at the time and place required, or if any of those appearing are peremptorily challenged, or upon a challenge for cause found disqualified, the justice must order the proper officer to summon a sufficient number of other qualified persons, until the jury is completed. Deficiency, how supplied.

SEC. 979. Each party is entitled to two peremptory challenges and no more. Number of peremptory challenges.

SEC. 980. A person competent to act as a juror in a justice's court must possess the qualifications prescribed by this code for jurors in the district court, and must also be an inhabitant of the precinct in which the court is holden at the time he is summoned. Qualifications of jurors in justice's court.

CHAPTER NINETY-SIX.

OF JUDGMENT AND EXECUTION IN JUSTICE'S COURT.

Sec.	Sec.
981. Docketing judgment in district court.	989. Execution to enforce judgment when against real property.
982. Effect of same.	990. Execution, when returnable, and by whom served.
983. Setting of mutual judgment.	991. Filing transcript in another precinct.
984. Conditions of judgment proposed as set-off.	992. Transcript of judgment, how enforced.
985. When transcript stays execution.	993. Execution, renewal of.
986. If judgments mutual, justice must set-off.	994. Justice may enforce judgment given by his predecessor.
987. Judgment for difference.	
988. Judgment does not affect title to real property.	

SEC. 981. Whenever a judgment is given in a justice's court in favor of anyone, for the sum of ten dollars or more, exclusive of costs or disbursements, the party in whose favor such judgment is given may, within one year thereafter, file a certified transcript thereof with the clerk of the district court, and thereupon such clerk shall immediately docket the same in the judgment docket of the district court. Docketing judgment in district court.

SEC. 982. From the time of docketing a judgment of a district court, as provided in the last section, the same shall be a lien upon the real property of the defendant, as if it were a judgment of the district court wherein it is docketed. Effect of same.

SEC. 983. A party against whom a judgment is given in a justice's court may, upon three days' notice to the adverse party, apply to the Setting off mutual judgment.

Conditions of judgment proposed as set-off.

justice of such court to have another judgment given in a justice's court, between the same parties and against such adverse party, set off against such first-mentioned judgment.

SEC. 984. There must be no existing right of appeal from the judgment proposed as a set-off; and if such judgment was given in another court than the one where the application is made, the party proposing such set-off must produce a transcript of such judgment, certified by the proper justice, which certificate shall also state how much of the judgment remains unsatisfied, and that the transcript is given for the purpose of being set off against the judgment to which it is proposed as a set-off.

When transcript stays execution.

SEC. 985. The justice making such transcript and certificate shall make an entry thereof in his docket, and thereafter all proceedings to enforce such judgment shall be stayed, unless the transcript be returned, with the certificate of the proper justice indorsed thereon, to the effect that it has not been allowed to be set off.

If judgments mutual, justice must set off.

SEC. 986. If, upon the hearing of the application, the justice finds that the judgments are mutual, he shall give judgment allowing the proposed set-off.

Judgment for difference.

SEC. 987. If there is any difference in the amount of the two judgments, judgment for the difference must be given in favor of the party owning the largest judgment. If the justice refuse to allow the set-off, he shall so certify on the transcript and return it to the party making the application.

Judgment does not affect title to real property.

SEC. 988. Although the title to real property may be controverted or questioned in an action in a justice's court, the judgment in such action in no way affects or determines such title as between the parties thereto or otherwise.

Execution to enforce judgment when against real property.

SEC. 989. Execution to enforce a judgment in a justice's court must not be issued against or levied upon the real property of the defendant; but when a judgment given by a justice has been duly docketed in the district court thereafter it must be enforced as a judgment of such district court.

Execution, when returnable, and by whom served.

SEC. 990. An execution issued by a justice must be made returnable in thirty days from the date thereof, and may be directed to the marshal or any deputy or other officer authorized to act as constable in such precinct, and must be executed by any of such officers when delivered to him.

Filing transcript in another precinct.

SEC. 991. When an execution is returned unsatisfied in whole or in part for want of goods and chattels of the defendant whereon to levy, the party entitled to the benefit of the judgment may have a certified transcript thereof and file the same with any justice in any other precinct.

Transcript of judgment, how enforced.

SEC. 992. Upon the filing of a transcript the justice must make an entry thereof in his docket, and thereafter execution may issue to enforce such judgment, or any part thereof remaining unsatisfied, as if it had been given by such justice with whom the transcript is filed.

Execution, renewal of.

SEC. 993. At any time before the expiration of the return day of the execution it may be renewed for another period of thirty days, at the request of the plaintiff, by an indorsement to that effect, made by the justice thereon. Such indorsement must be dated, and if any part of such execution has been satisfied, must state the amount then due thereon. An entry of such renewal must also be made in the docket of the justice.

Justice may enforce judgment given by his predecessor.

SEC. 994. A justice of the peace has authority and power to enforce a judgment given by his predecessor in office, or by a justice whose docket has been transferred to him, and to complete any unfinished business begun before such predecessor, or entered in such docket, as if the same had been given or begun before himself.

CHAPTER NINETY-SEVEN.

OF APPEALS FROM JUSTICE'S COURT IN CIVIL ACTIONS.

* Sec.	Sec.
995. Appeal, who may take, and from what judgment.	1001. Qualification and justification of sureties.
996. To what court and within what time.	1002. Transcript, when filed and what constitutes.
997. How taken.	1003. Appeal, how perfected and tried.
998. Undertaking, when to stay proceedings.	1004. Dismissal of appeal.
999. When proceedings stayed by undertaking for costs.	1005. Judgment in the appellate court.
1000. Allowance of appeal and return of execution.	1006. Defective undertaking, how cured.
	1007. Amendment of pleadings in the appellate court.

SEC. 995. Either party may appeal from a judgment given in a justice's court, in a civil action, when the sum in controversy is not less than fifty dollars, or for the recovery of personal property of the value of not less than fifty dollars, exclusive of costs in either case, except when the sum is given by confession or for want of an answer, as prescribed in this chapter, and not otherwise.

SEC. 996. The appeal is taken to the district court, and may be taken within thirty days from the date of the entry of the judgment. The party appealing is known as the appellant and the adverse party the respondent, but the title of the action is not thereby changed.

SEC. 997. An appeal is taken by serving a notice thereof on the adverse party or his attorney and filing the original, with the proof of service indorsed thereon, with the justice, and by giving the undertaking for the costs of the appeal as hereinafter provided.

SEC. 998. The undertaking of the appellant must be given, with one or more sureties, to the effect that the appellant will pay all costs and disbursements that may be awarded against him on the appeal; but such undertaking does not stay the proceedings unless the undertaking further provides to the effect following, that the appellant will satisfy any judgment that may be given against him in the appellate court on the appeal.

SEC. 999. If the judgment appealed from be in favor of the appellant, the proceedings thereon are stayed by the notice of appeal and the undertaking for the costs of the appeal.

SEC. 1000. When an appeal is taken the justice must allow the same and make an entry thereof in his docket, stating whether the proceedings are thereby stayed or not. When the proceedings are stayed, if an execution has been issued to enforce the judgment, the justice must recall the same by written notice to the officer holding the execution, and thereupon it must be returned and all property taken thereon and not sold released; and if the body of the defendant has been taken on execution he must be discharged from custody.

SEC. 1001. All sureties in an undertaking under the provisions of this chapter must have the qualifications of bail upon arrest, and, if required by the adverse party, must justify before the justice in like manner.

SEC. 1002. Within twenty days after the allowance of the appeal the appellant must file with the clerk of the district court a transcript of the cause. The transcript must contain a copy of all the material entries in the justice's docket relating to the cause or the appeal, and must have annexed thereto all the original papers relating to the cause or the appeal and filed with the justice.

SEC. 1003. Upon the filing of the transcript with the clerk of the district court the appeal is perfected, and the action shall be deemed pending and for trial therein as if originally commenced in such court,

Appeal, who may take, and from what judgment.

To what court and within what time.

How taken.

Undertaking, when to stay proceedings.

When proceedings stayed by undertaking for costs.

Allowance of appeal and return of execution.

Qualifications and justification of sureties.

Transcript, when filed and what constitutes.

Appeal, how perfected and tried.

and the district court shall proceed to hear, try, and determine the same anew, without regarding any error or other imperfection in the original summons and the service thereof, or on the trial, judgment, or other proceeding of the justice or marshal in relation to the cause.

Dismissal of appeal.

SEC. 1004. The district court, on motion of the respondent, may, at any time before the action is called for trial, dismiss the appeal, if it satisfactorily appear that the transcript and original papers annexed are incomplete in any material particular, unless upon the cross motion of the appellant it makes a rule upon the justice to supply such omission, upon such terms against the appellant as may be just. At any time before the trial the court may dismiss the appeal upon the motion of the appellant.

Judgment in the appellate court.

SEC. 1005. When an appeal is dismissed the district court must give judgment as it was given in the court below, and against the appellant, for the costs and disbursements of the appeal. When judgment is given in the appellate court against the appellant, either with or without trial of the action, it must also be given against the sureties in his undertaking according to the nature and effect of it. If the appellant fail to file such transcript within the time required, the adverse party may file a transcript of the judgment of the justice, and the notice and undertaking on appeal, which, on demand, the justice shall deliver to him for that purpose, and thereupon have such appeal dismissed and judgment against the appellant and his sureties as provided in this section.

Defective undertaking, how cured.

SEC. 1006. An appeal can not be dismissed on the motion of the respondent, on account of the undertaking therefor being defective, if the appellant, before the determination of the motion to dismiss, will execute a sufficient undertaking, and file the same in the appellate court, upon such terms as may be deemed just.

Amendment of pleadings in the appellate court.

SEC. 1007. In all cases of appeal the bill of items of the account sued on, or filed as a counterclaim or set-off, or the abatement of the plaintiff's cause of action, or of the defendant's counterclaim or set-off, or other ground of defense filed before the justice, may be amended upon appeal in the appellate court to supply any defect, deficiency, or omission therein, by filing formal pleadings therein when by such amendment substantial justice will be promoted; and in all cases when required by the court, or by either party to the action, formal pleadings shall be filed on either side upon the trial of the cause on appeal; when either party requires such formal pleadings, he shall cause to be served on the opposite party a notice thereof in writing, and file the same in the court where the cause is pending by the first day of the term of such court at which such cause is to be tried; but no new item or cause of action not embraced or intended to be included in the original account or statement shall be added by such amendment.

CHAPTER NINETY-EIGHT.

OF MISCELLANEOUS PROVISIONS RELATING TO JUSTICE'S COURT.

Sec.

1008. Judgment of justices may be reviewed.
1009. Appeals, where jury is demanded.
1010. Who may act as attorney.

Sec.

1011. Special deputies.
1012. Party entitled to one hour.
1013. Proceedings for contempt.
1014. Punishment for contempt.

Judgment of justices may be reviewed.

SEC. 1008. No provision of this code in relation to appeals or the right of appeal must be construed so as to prevent either party to a judgment given in a justice's court from having the same reviewed in the district court for errors in law appearing upon the face of such judgment or the proceedings connected therewith, as provided in chapter fifty-five.

SEC. 1009. No appeal can be taken, by the party who demanded a jury, from a judgment in a justice's court given upon the verdict of such jury, unless the judgment be for an amount of money not less than fifty dollars or for the recovery of personal property of the value of not less than fifty dollars, exclusive of costs and disbursements in either case.

Appeals, where jury is demanded.

SEC. 1010. Any person may act as attorney for another in a justice's court, except a person or officer serving any process in the action or proceeding other than a subpoena.

Who may act as attorney.

SEC. 1011. Whenever it appears to the justice that any process or order authorized to be issued or made by this code will not be served for want of an officer, such justice may appoint any suitable person, not being a party to the action, to serve the same; such an appointment may be made by an indorsement on the process or order, in substantially the following form, and signed by the justice with his name of office: "I hereby appoint A B to serve the within process, or order," as the case may be.

Special deputies.

SEC. 1012. A party is entitled to one hour in which to make his appearance after the time specified in the summons, and not otherwise; and if the justice be then actually engaged in other official business he may, on his own motion, postpone further proceedings in the case until such official business has been completed or he can be disengaged therefrom.

Party entitled to one hour.

SEC. 1013. Chapter fifty-eight of this title, defining contempts, and the proceeding for punishing a party guilty of contempt, shall apply to justices' courts, except as in this chapter otherwise specially provided.

Proceedings for contempt.

SEC. 1014. The punishment for a contempt in a justice's court shall be by fine or imprisonment, or both; but the fine shall in no case exceed twenty-five dollars, nor the imprisonment ten days.

Punishment for contempt.

CHAPTER NINETY-NINE.

OF FORCIBLE ENTRY AND DETAINER.

Sec.

- 1015. When entry upon real property allowed; not to be made with force.
- 1016. Action to recover possession of premises forcibly entered or held by force.
- 1017. Necessary averments and complaint.
- 1018. Action for, how conducted.
- 1019. Summons in, how served and returned.
- 1020. Continuance, for what time granted.
- 1021. Action for, trial by commissioner.
- 1022. Verdict of jury and judgment on.
- 1023. Form of execution.
- 1024. Appeal by defendant.
- 1025. Unlawful holding by force, what deemed to be.

Sec.

- 1026. Notice to quit must be in writing; service of.
- 1027. Notice to quit, how long served before action brought.
- 1028. Action can not be maintained before expiration of period for which rent paid.
- 1029. Crops sown, etc., before lease expires, tenant may cultivate and harvest.
- 1030. Merits of title not to be questioned in action; limitation of action.
- 1031. Notice to quit in action under Code of Civil Procedure.
- 1032. Precinct defined.

SEC. 1015. No person shall enter upon any land, tenement, or other real property, but in cases where entry is given by law; and in such cases the entry shall not be made with force, but only in a peaceable manner.

When entry upon real property allowed; not to be made with force.

SEC. 1016. When a forcible entry shall be made upon any premises, or when an entry shall be made in a peaceable manner and the possession shall be held by force, the person entitled to the premises may maintain an action to recover the possession thereof before the commissioner of the precinct in which such real property is situated.

Action to recover possession of premises forcibly entered or held by force.

Necessary averments
and complaint.

SEC. 1017. In such action it shall be sufficient to state in the complaint a description of the premises with convenient certainty, that the defendant is in possession thereof, that he entered upon the same with force, or unlawfully holds the same with force, as the case may be, and that the plaintiff is entitled to the possession thereof.

Action for, how
conducted.

SEC. 1018. Such action, except as hereinafter especially provided, shall be conducted in all respects as other actions before commissioners.

Summons in, how
served and returned.

SEC. 1019. The summons shall be served and returned as in other cases; such service shall be not less than two nor more than four days before the day of trial appointed by the commissioner.

Continuance, for
what time granted.

SEC. 1020. No continuance shall be granted for a longer period than two days, unless the defendant applying therefor shall give an undertaking to the adverse party, with good and sufficient security, to be approved by the commissioner, conditioned for the payment of the rent that may accrue if judgment be rendered against the defendant.

Action for, trial by
commissioner.

SEC. 1021. If the action be tried by the commissioner without a jury, and after hearing the evidence he shall conclude that the complaint is not true, he shall enter judgment against the plaintiff for costs; if he find the complaint true, or if judgment be rendered by default, he shall render a general judgment against the defendant and in favor of the plaintiff for restitution of the premises and costs of action; if he find the complaint true in part, he shall render judgment for the restitution of such part only, and the costs shall be taxed as the commissioner shall deem just and equitable.

Verdict of jury and
judgment on.

SEC. 1022. If the action be tried by a jury, and they shall find the complaint true, they shall render a general verdict of guilty against the defendant; if not true, then a general verdict of not guilty; if true in part, then a verdict setting forth the facts they find; and the commissioner shall render judgment according to the verdict.

Form of execution.

SEC. 1023. The execution, should judgment of restitution be rendered, may be in the following form:

DISTRICT OF ALASKA.

To the marshal of said district:

Whereas a certain action for the forcible entry and detention (or the forcible detention, as the case may be) of the following-described premises, to wit: ———, lately tried before me, wherein ——— was plaintiff and ——— was defendant, judgment was rendered on the ——— day of ———, anno Domini ———, that the plaintiff, ———, have restitution of said premises; and also that he recover costs in the sum of ———. In the name of the United States you are therefore hereby commanded to cause the defendant to be forthwith removed from said premises, said plaintiff to have restitution of the same; also, that you levy of the goods and chattels of said defendant, and make the costs aforesaid and all accruing costs; and of this writ make legal service and due return.

Witness my hand this ——— day of ———, anno Domini ———.

Commissioner.

Appeal by defend-
ant.

SEC. 1024. If judgment be rendered against the defendant for the restitution of the real property described in the complaint, or any part thereof, no appeal shall be taken by the defendant from such judgment until he shall, in addition to the undertaking now required by law upon appeal, give an undertaking to the adverse party, with two sureties, who shall justify in like manner as bail upon arrest, for the payment to the plaintiff of twice the rental value of the real property of which restitution shall be adjudged from the rendition of such

judgment until final judgment in the action, if such judgment shall be affirmed upon appeal.

SEC. 1025. The following shall be deemed cases of unlawful holding by force within the meaning of this chapter:

Unlawful holding by force, what deemed to be.

First. When the tenant or person in possession of any premises shall fail or refuse to pay any rent due on the lease or agreement under which he holds, or deliver up the possession of the premises for ten days after demand made in writing for such possession;

Second. When, after a notice to quit as provided in this chapter, any person shall continue in the possession of any premises at the expiration of the time limited in the lease or agreement under which such person holds, or contrary to any condition or covenant thereof, or without any written lease or agreement therefor.

SEC. 1026. A notice to quit must be in writing and must be served upon the tenant or person in possession by being delivered to him or left at the premises in case of his absence therefrom.

Notice to quit must be in writing; service of.

SEC. 1027. An action for the recovery of the possession of the premises may be maintained in the cases specified in subdivision second of section one thousand and twenty-five when the notice to quit has been served upon the tenant or person in possession for the period of ten days before the commencement thereof, unless the leasing or occupation is for the purpose of farming or agriculture, in which case such notice must be served for the period of ninety days before commencement of such action.

Notice to quit, how long served before action brought.

SEC. 1028. The service of a notice to quit upon a tenant or person in possession does not authorize an action to be maintained against him for the possession of the premises before the expiration of any period for which such tenant or person may have paid the rent of such premises in advance.

Action can not be maintained before expiration of period for which rent paid.

SEC. 1029. When the leasing or occupation is for the purpose of farming or agriculture, the tenant or person in possession shall, after the termination of such lease or occupancy, have free access to the premises to cultivate and harvest or gather any crop or produce of the soil planted or sown by him before the service of notice to quit.

Crops sown, etc., before lease expires, tenant may cultivate and harvest.

SEC. 1030. In an action to recover the possession of any land, tenement, or other real property, where the entry is forcible or when the possession thereof is unlawfully held by force, the merits of the title shall not be inquired into, and three years' quiet possession of the premises immediately preceding the commencement of such action by the party in possession, or those under whom he holds, may be pleaded in bar thereof, unless the estate of such party in the premises is ended.

Merits of title not to be questioned in action; limitation of action.

SEC. 1031. In any action to recover the possession of real property, as provided in chapter thirty-two of the Code of Civil Procedure, notice to quit, when necessary, may be given as prescribed in this chapter, and nothing in this chapter shall be construed so as to prevent such action being maintained for the recovery of the possession of real property, although the entry of the defendant be forcible or his holding unlawful and with force.

Notice to quit in action under Code of Civil Procedure.

SEC. 1032. That wherever the word "precinct" occurs in this Act it shall be construed to mean the neighborhood in which the commissioner resides, as designated in the order of his appointment, unless where the court by special order, duly made and entered, definitely prescribes the limits of the precinct.

Precinct defined.

CHAPTER ONE HUNDRED.

OF WITNESSES. INSPECTION AND PROOF OF RECORDS AND OF PRIVATE SEALS.

Sec.	Sec.
1033. Competent witnesses.	1038. Competency of physician.
1034. Incompetent witnesses.	1039. Inspection of public records.
1035. Competency of husband and wife.	1040. Proof of public records.
1036. Competency of attorney.	1041. Private seals abolished.
1037. Competency of clergyman.	1042. Title by adverse possession.

Competent witnesses.

SEC. 1033. Neither parties nor other persons who have an interest in the event of an action or proceeding are excluded as witnesses; nor those who have been convicted of crime; nor persons on account of their opinions on matters of religious belief; although in every case, except the latter, the credibility of the witness may be drawn in question, according to the rules of the common law.

Incompetent witnesses.

SEC. 1034. The following persons shall not be witnesses: 1. Those of unsound mind at the time of the transaction and of their production for examination. 2. Children under ten years of age, who appear incapable of receiving just impressions of the facts respecting which they are examined, or of relating them truly.

Competency of husband and wife.

SEC. 1035. A husband shall not be examined for or against his wife, without her consent, nor a wife for or against her husband, without his consent; nor can either, during the marriage or afterwards be, without the consent of the other, examined as to any communications made by one to the other during marriage, but the exception does not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other.

Competency of attorney.

SEC. 1036. An attorney shall not, without the consent of his client, be examined as to any communication made by his client to him, or his advice given thereon, in the course of his professional employment.

Competency of clergyman.

SEC. 1037. A priest or clergyman shall not, without the consent of the person making the confession, be examined as to any confession made to him in his professional capacity, in the course of discipline enjoined by the church to which he belongs.

Competency of physician.

SEC. 1038. A physician or surgeon shall not, against the objection of his patient, be examined in a civil action or proceeding as to any information acquired in attending the patient which was necessary to enable him to prescribe or act for the patient.

Inspection of public records.

SEC. 1039. Every person has a right to inspect any public writing or record in said district, and every public officer having the custody thereof is bound to permit such inspection, and to give on demand and on payment of the legal fees therefor, a certified copy of such writing or record, and such copy shall in all cases be evidence of the original.

Proof of public records.

SEC. 1040. A judicial, legislative, or executive record of said district, or of any State or Territory of the United States, or of any foreign country, or of any political subdivision of either, may be proved by the production of the original, or by a copy thereof, certified by the clerk or other person having the legal custody thereof, with the seal of the court or the official seal of such person affixed thereto, if it or he have a seal, or otherwise authenticated as required by sections nine hundred and five, nine hundred and six, and nine hundred and seven of the Revised Statutes of the United States.

Private seals abolished.

SEC. 1041. Private seals and scrolls as a substitute therefor are abolished and are not required to any instrument, but the effect thereof, when used, shall remain unchanged.

SEC. 1042. The uninterrupted adverse notorious possession of real property under color and claim of title for seven years or more shall be conclusively presumed to give title thereto except as against the United States.

Title by adverse possession.

CHAPTER ONE HUNDRED AND ONE.

OF INDISPENSABLE EVIDENCE.

Sec.	Sec.
1043. Sale or transfer of personal property.	1046. Sale or transfer of real property.
1044. Agreement not in writing, when void.	1047. When last section to affect certain cases.
1045. As to representatives concerning third persons.	1048. Sale or transfer of boat or vessel.

SEC. 1043. Every sale or assignment of personal property, unless accompanied by the immediate delivery and the actual and continued change of possession of the thing sold or assigned, shall be presumed prima facie to be a fraud against the creditors of the vendor or assignor, and subsequent purchasers in good faith and for a valuable consideration, during the time such property remains in the possession of said vendor or assignor.

Sale or transfer of personal property.

SEC. 1044. In the following cases an agreement is void unless the same or some note or memorandum thereof expressing the consideration be in writing and subscribed by the party to be charged, or by his lawfully authorized agent:

Agreement not in writing, when void.

(1) An agreement that by its terms is not to be performed within a year from the making thereof;

(2) An agreement to answer for the debt, default, or miscarriage of another;

(3) An agreement by an executor or administrator to pay the debts of his testator or intestate out of his own estate;

(4) An agreement made upon consideration of marriage, other than a mutual promise to marry;

(5) An agreement for the sale of personal property at a price not less than fifty dollars, unless the buyer accept and receive some part of such personal property, or pay at the time some part of the purchase price; but when the sale is made by auction, an entry by the auctioneer in his sale book, at the time of the sale, of the property sold, the terms of the sale, the price, and the names of the purchaser and person for whose account the sale is made, is a sufficient memorandum.

(6) An agreement for leasing for a longer period than one year, or for the sale of real property, or of any interest therein, or to charge or encumber the same.

(7) An agreement concerning real property made by an agent of the party sought to be charged, unless the authority of the agent be in writing.

SEC. 1045. No evidence is admissible to charge a person upon a representation as to the credit, skill, or character of a third person unless such representation or some memorandum thereof be in writing, and either subscribed by or in the handwriting of the party to be charged.

As to representatives concerning third persons.

SEC. 1046. No estate or interest in real property, other than a lease for a term not exceeding one year, nor any trust or power concerning such property, can be created, transferred, or declared otherwise than by operation of law, or by a conveyance or other instrument in writing subscribed by the party creating, transferring, or declaring the same, or by his lawful agent under written authority, and executed with such formalities as are required by law.

Sale or transfer of real property.

When last section
to affect certain cases.

SEC. 1047. The last section shall not be construed to affect the power of a testator in the disposition of his real property by a last will and testament, nor to prevent a trust arising or being extinguished by implication or operation of law, nor to affect the power of a court to compel specific performance of an agreement in relation to such property.

Sale or transfer of
boat or vessel.

SEC. 1048. A sale or transfer of a boat or vessel is not valid unless it be in writing and signed by the party making the transfer.

TITLE III.

CIVIL CODE FOR THE DISTRICT OF ALASKA.

CHAPTER ONE.

OF COMMISSIONERS' PRECINCTS.

Sec.

1. Judge to divide district into pre-
cincts.
2. Additional commissioners.

Sec.

3. Jurisdiction and authority of com-
missioners.
4. To be provided with blank books.

Judge to divide dis-
trict into precincts.

SEC. 1. It shall be the duty of the judge of each division of the district court for the district of Alaska, by an order to be entered upon the journal of the court, to divide the respective divisions of the district into precincts, and he may thereafter, from time to time, alter the same and establish new precincts as the public convenience may require. He shall define the boundaries of such precincts by topographical lines or otherwise, as may be most convenient.

Additional commis-
sioners.

SEC. 2. The boundaries of the precincts shall be so established that, considering distance and means of travel, public convenience may be promoted by requiring the appointment of commissioners by the division of the district court most readily accessible to the area embraced in the precinct. Precincts shall bear such name or number as the court in the order creating it may designate. The precinct lines shall only be regarded for purposes of convenience in fixing identity, but shall not be limitations on the jurisdiction of commissioners as established by law.

Jurisdiction and au-
thority of commis-
sioners.

SEC. 3. In the event of failure of the judges to include all of the district within precinct limits, the Attorney-General may, by order, cause the omitted area to be attached to or embraced in an established precinct or precincts.

To be provided with
blank notes.

SEC. 4. The Attorney-General may, from time to time, make such rules and regulations, not in conflict with law, as he may deem necessary to insure the efficient administration of the law and to avoid conflicts of jurisdiction or of officials in the district.

CHAPTER TWO.

OF HUSBAND AND WIFE.

Sec.

5. Marriage a civil contract; at what
age contracted.
6. Between what persons prohibited.
7. When voidable.
8. By whom solemnized.
9. How solemnized.
10. Certificate of marriage.
11. Marriages by the de facto clergymen
or judicial officers.

Sec.

12. Ritual of religious bodies recognized.
13. Neither husband nor wife has inter-
est in property of the other.
14. Civil remedies against each other.
15. Contracts between husband and wife.
16. May constitute each other attorney
in fact.
17. Neither liable for the other's debts.

Marriage a civil
contract; at what age
contracted.

SEC. 5: Marriage is a civil contract, which may be entered into by males of the age of twenty-one years and females of the age of eighteen years who are otherwise capable.

SEC. 6. The following marriages are prohibited:

(1) When either party thereto has a husband or wife living at the time of such marriage.

Between what persons prohibited.

(2) When the parties thereto are related to each other within and not including the fourth degree of consanguinity, whether of the whole or half blood, computed according to rules of the civil law.

SEC. 7. When either party to a marriage shall be incapable of consenting thereto for want of legal age or sufficient understanding, or when the consent of either party shall be obtained by force or fraud, such marriage is voidable, but only at the suit of the party laboring under the disability or upon whom the force or fraud is imposed.

When voidable.

SEC. 8. Marriages may be solemnized by any minister or priest of any church or congregation in the district anywhere within the district, and by any judicial officer of the district anywhere within his jurisdiction, and commissioners as ex officio justices of the peace are to be deemed judicial officers of the district within the meaning of this section.

By whom solemnized.

SEC. 9. In the solemnization of marriage no particular form is required, except that the parties thereto shall assent or declare in the presence of each other and of the minister, priest, or judicial officer solemnizing the same, and in the presence of at least two attending witnesses, that they take each other to be husband and wife.

How solemnized.

SEC. 10. The person solemnizing the marriage shall give to each of the parties thereto a certificate thereof, specifying therein the names and residence of the parties and of at least two witnesses present at the time and place of such marriage.

Certificate of marriage.

SEC. 11. A marriage solemnized before any person professing to be a minister or priest of any church or congregation in the district or any judicial officer thereof is not void, nor shall the validity thereof be in any way affected, on account of any want of power or authority in such person, if such marriage be consummated with a belief on the part of the persons so married, or either of them, that they have been lawfully joined in marriage.

Marriages by de facto clergymen or judicial officers.

SEC. 12. Illegitimate children become legitimate by the subsequent marriage of their parents with each other; and all marriages to which there are no legal impediments solemnized before or in any religious organization or congregation, according to the established ritual or form commonly practiced therein, are valid.

Ritual of religious bodies recognized.

SEC. 13. When property is owned by either husband or wife, the other has no such interest as will make the same liable for the contracts or liabilities of either the husband or wife who is not the owner of the property, except as herein provided.

Neither husband or wife has interest in property of the other.

SEC. 14. Should either the husband or wife obtain possession or control of property belonging to the other, either before or after marriage, the owner of the property may maintain an action therefor, or for any right growing out of the same, in the same manner and to the same extent as if they were unmarried.

Civil remedies against each other.

SEC. 15. A conveyance, transfer, or lien executed by either husband or wife to or in favor of the other shall be valid to the same extent as between other persons.

Contracts between husband and wife.

SEC. 16. A husband or wife may constitute the other his or her attorney in fact, to control or dispose of his or her property, and may revoke the same to the same extent and manner as other persons.

May constitute each other attorney in fact.

SEC. 17. Neither husband nor wife is liable for the debts or liabilities of the other incurred before marriage, and, except as herein otherwise provided, they are not liable for the separate debts of each other, nor is the rent or income of such property liable for the separate debts of the other.

Neither liable for the other's debts.

CHAPTER THREE.

OF PARENTS AND CHILDREN.

Sec.		Sec.	
18.	Parents and children liable for each other's support.	19.	Maintenance of minor having property.
		20.	Power of mother over children.

Parents and children liable for each other's support.

SEC. 18. Parents shall be bound to maintain their children when poor and unable to work to maintain themselves; and children shall be bound to maintain their parents in the like circumstances.

Maintenance of minor having property.

SEC. 19. If any minor who has a father living have property the income of which is sufficient for his maintenance and education in a manner more expensive than the father can reasonably afford, regard being had to the situation of the father's family and to all the circumstances of the case, the expenses of the maintenance and education of such child may be defrayed out of the income of his own property, in whole or in part, as shall be judged reasonable by the commissioner, and the charges therefor may be allowed accordingly in the settlement of the accounts of his guardian.

Power of mother over children.

SEC. 20. The power of the mother to bind her children, whether legitimate or illegitimate, shall cease in case of her subsequent marriage, and shall not be exercised during the continuance of such marriage, either by herself or her husband.

CHAPTER FOUR.

OF THE ADOPTION OF CHILDREN.

Sec.		Sec.	
21.	Application to adopt a child.	27.	Status of adopted child.
22.	Consent of parents and guardian.	28.	Adoption terminates relation of parent and child.
23.	When parent insane, etc.	29.	Appeal from decrees of commissioners.
24.	Notice to the parent.	30.	When appeal may be taken.
25.	Consent of child, when necessary.	31.	Change of name of adopted child.
26.	Decree of adoption and effect of same.		

Application to adopt a child.

SEC. 21. Any inhabitant of the district may petition the commissioner in the precinct in which the child resides or may be found for leave to adopt a child not his own, and, if desired, for a change of the child's name; but the prayer of such petition, by a person having a husband or wife shall not be granted unless the husband or wife joins therein.

Consent of parents and guardian.

SEC. 22. The parents of the child, or the survivor of them, shall, except as herein provided, consent in writing to such adoption. If neither parent is living, the guardian of the child, or, if there is no guardian, the next of kin in the district, may give such consent; or, if there is no next of kin, the commissioner may appoint some suitable person to act in the proceeding as guardian ad litem of the child, and to give or withhold such consent.

When parent insane, etc.

SEC. 23. If either parent is insane or imprisoned in a penitentiary under a sentence for a term not less than three years, or has willfully deserted and neglected to provide proper care and maintenance for the child for one year next preceding the time of filing the petition, or is an unfit person to have the care and custody of the child the commissioner may proceed as if such parent were dead, and in his discretion may appoint some suitable person to act in the proceeding as guardian ad litem of the child, and give or withhold the consent aforesaid; but in all cases notice to the parent not laboring under said disabilities of insanity or imprisonment mentioned in this section shall be required.

Notice to the parent.

SEC. 24. If a parent does not consent to the adoption of his or her

child the commissioner shall order a copy of the petition and order thereon served on him and the child personally, if found in the district, and, if not, that a notice thereof be published once a week for three successive weeks in such newspaper as the commissioner directs, the last publication to be at least four weeks before the time appointed for the hearing and in all cases a copy of the petition and order shall be served on the child. Like notice shall also be published when a child has no parent living and no guardian or next of kin in said district. The commissioner may order such further notice as he deems necessary or proper.

SEC. 25. If the child is of the age of fourteen years or upward the adoption shall not be made without his consent, given the commissioner on privy examination. Consent of child, when necessary.

SEC. 26. If upon such petition so presented and consented to the commissioner is satisfied of the identity and relations of the persons, and that the petitioner is of sufficient ability and in all respects a proper person to bring up the child and furnish suitable nurture and education, having reference to the degree and condition of the parents, and that it is fit and proper that such adoption should take effect, a decree shall be made setting forth the facts and ordering that from the date of the decree the child shall, to all legal intents and purposes, be the child of the petitioner. Decree of adoption and effect of same.

SEC. 27. A child so adopted shall be deemed, for the purposes of inheritance and all other legal consequences and incidents of the natural relation of parents and children, the child of the parents by adoption, the same as if he had been born to them in lawful wedlock, except that he shall not be capable of taking property expressly limited to heirs of the body or bodies of the parent by adoption, nor property from the lineal or collateral kindred of said parents by right of representation. Status of adopted child.

SEC. 28. The parents of such child shall be deprived by the said proceedings of all legal rights as respects the child, and the child shall be freed from all obligations of maintenance and obedience as respects his parents. Adoption terminates relation of parent and child.

SEC. 29. Any petitioner parent or other party to the proceedings may appeal to the district court from the judgment of the commissioner on such petition in like manner as appeals may be taken from judgments of such commissioner in proceedings respecting the administration of estates of decedents; and any child made the subject of such petition may, by his guardian ad litem, appeal in like manner; but no bond shall be required of, or costs awarded against such child or guardian ad litem. Appeal from decrees of commissioners.

SEC. 30. A parent who has not, before the hearing of a petition for the adoption of his child, had personal notice thereof, may, at any time within one year after actual notice, apply to the district court to reverse the judgment and the court, after due notice, may, in its discretion, reverse or modify the same. When appeal may be taken.

SEC. 31. If in a petition for the adoption of a child a change of the child's name is requested, the commissioner upon adjudging the adoption may also adjudge such change of name and grant a certificate thereof without the notice required by the following sections. Change of name of adopted child.

CHAPTER FIVE.

OF THE CHANGE OF NAME.

Sec.
32. Application for change of name.

Sec.
33. Proceedings on application.

SEC. 32. Applications for change of names of other persons may be heard and determined by the district court. No lawful change of Application for change of name.

the name of a person, except a woman upon her marriage or divorce, shall be made in the district unless for sufficient reasons not inconsistent with the public interest and satisfactory to the court.

Proceedings on application.

SEC. 33. Before adjudging a change of name, except as provided in section forty-nine, the court shall require public notice of the application therefor to be given, that all persons may offer and show cause, if they have any, why the same should not be granted. The court shall also require public notice to be given of the change adjudged, and on return of proof thereof may grant certificate, under the seal of the court, of the name the party is to have, and which shall thereafter be his legal name.

CHAPTER SIX.

OF THE AGE OF MAJORITY.

Sec.

34. Majority of males and females.

Sec.

35. Marriage of females equivalent to majority.

Majority of males and females.

SEC. 34. In the district all persons shall be deemed to have arrived at majority at the age of twenty-one years, and thereafter shall have control of their own actions and business, and have all the rights and be subject to all the liabilities of citizens of full age.

Marriage of females equivalent to majority.

SEC. 35. All female persons shall be deemed to have arrived at the age of majority upon their being married according to law.

CHAPTER SEVEN.

OF ESTATES IN DOWER.

Sec.

36. Dower of widow.

37. When dower shall be assigned by the district court.

38. Warrant for assignment of dower.

39. Proceedings and warrant of commissioner.

40. When property can not be divided.

41. Widow may occupy with heirs.

42. Dower, how barred by jointure.

43. Evidence of assent to jointure.

44. Pecuniary provision a bar to dower.

45. When widow may elect between jointure and dower.

46. When to elect between devise and dower.

Sec.

47. When widow deemed to have elected.

48. When widow to be endowed anew.

49. Alien or nonresident entitled to dower.

50. Widow may remain in dwelling house one year.

51. Damages for withholding dower.

52. Damages, how estimated.

53. Not to include use of permanent improvements.

54. Damages against heirs.

55. Collusive recovery of dower not to prejudice infant heirs.

Dower of widow.

SEC. 36. The widow of every deceased person shall be entitled to dower, or the use during her natural life of one-third part in value of all the lands whereof her husband died seized of an estate of inheritance.

When dower shall be assigned by the district court.

SEC. 37. When a widow is entitled to dower in the lands of which her husband died seized, it may be assigned to her by the district court upon application of the widow or any other person interested in the lands; notice of application shall be given to such heirs, devisees, or other persons in such manner as the court shall direct.

Warrant for assignment of dower.

SEC. 38. For the purpose of assigning such dower the district court shall direct a warrant to issue to three discreet and disinterested persons, as commissioners, authorizing and requiring them to set off the dower by metes and bounds, when it can be done without injury to the whole estate.

Proceedings and warrant of commissioner.

SEC. 39. The commissioners shall be sworn by any officer authorized to administer impartially oaths to discharge their duties, and shall, as soon as may be, set off the dower according to the command of such

warrant, and make return of their doings, with an account of their charges and expenses, in writing, to the district court; and the same being confirmed by the court and recorded, and an attested copy thereof filed in the office of the commissioner of the precinct where the lands are situated, the dower shall remain fixed and certain unless such confirmation be set aside or reversed; all costs to be apportioned in the discretion of the court.

SEC. 40. When the estate or any part thereof out of which dower is to be assigned can not be equitably divided by metes and bounds, the dower may be assigned of the rents, issues, and profits thereof, to be had and received by the widow as a tenant in common with the other owners of the estate.

When property can not be divided.

SEC. 41. When a widow is entitled to dower in the lands of which her husband died seized she may, if residing thereon, continue to occupy the same, and enjoy the rents, issues, and profits thereof with the children or other heirs of the deceased, or if not residing thereon may receive one-third part of the rents, issues, and profits thereof, so long as the heirs or others interested do not object, without having the dower assigned.

Widow may occupy with heirs.

SEC. 42. A woman may be barred of her dower in all the lands of her husband by jointure settled on her with her assent before the marriage: *Provided*, Such jointure consists of a freehold estate in lands, for the life of the wife at least, to take effect in possession or profit immediately on the death of her husband.

Dower, how barred by jointure.

SEC. 43. Such assent shall be expressed, if the woman be of the full age of twenty-one, by her becoming a party to the conveyance by which it is settled, and if she be under that age by her joining with her father or guardian in such conveyance.

Evidence of assent to jointure.

SEC. 44. Any pecuniary provision that shall be made for the benefit of an intended wife, and in lieu of dower, shall, if assented to as provided in the preceding section, bar her right of dower in all the lands of her husband.

Pecuniary provision a bar to dower.

SEC. 45. If any such jointure or pecuniary provision be made before marriage, and without the assent of the intended wife, or if it be made after marriage, she shall make her election after the death of her husband whether she will take such jointure or pecuniary provision or be endowed of the lands of her husband, but she shall not be entitled to both.

When widow may elect between jointure and dower.

SEC. 46. If any lands be devised to a woman, or other provision be made for her in the will of her husband, expressly in lieu of dower, she shall make her election whether she will take the land so devised or the provision so made, or whether she will be endowed of the lands of her husband; but she shall not be entitled to both unless it plainly appears by the will to have been so intended by the testator.

When to elect between devise and dower.

SEC. 47. When a widow shall be entitled to an election under either of the two sections last preceding she shall be deemed to have elected to take such jointure, devise, or other provision unless within one year after the death of her husband she shall file in the district court her election in writing to relinquish her rights under the jointure, devise or provision.

When widow deemed to have elected.

SEC. 48. If a woman be lawfully evicted of lands assigned to her as dower or settled upon her as jointure, or be deprived of the provision made for her by the will or otherwise in lieu of dower, she may be endowed anew in like manner as if such assignment, jointure, or other provision had not been made.

When widow to be endowed anew.

SEC. 49. A woman being an alien shall not on that account be barred of her dower; and any woman residing out of the district shall be entitled to dower of the lands of her deceased husband lying in the district of which her husband died seized of an estate of inheritance; and the same may be assigned to her, or recovered by her, in like man-

Alien or nonresident entitled to dower.

ner as if she and her deceased husband had been residents within the district at the time of his death.

Widow may remain in dwelling house one year.

SEC. 50. A widow may remain in the dwelling house of her husband one year after his death without being chargeable with the rent therefor, and shall have reasonable sustenance out of the estate for one year.

Damages for withholding dower.

SEC. 51. Whenever, in any action brought for the purpose, a widow shall recover her dower in lands of which her husband died seized, she shall be entitled also to recover damages for the withholding of such dower.

Damages, how estimated.

SEC. 52. Such damage shall be one-third of the annual value of the mesne profits of the lands in which she shall so recover her dower, to be estimated in an action against the heirs of her husband from the time of his death, and in actions against other persons from the time of demanding her dower of such persons.

Damages not to include use of permanent improvements.

SEC. 53. Such damages shall not be estimated for the use of any permanent improvements made after the death of her husband by his heirs, or by any other person claiming title to such lands.

Damages against heirs.

SEC. 54. When a widow shall recover her dower in any lands aliened by the heir of her husband she shall be entitled to recover of such heir, in a civil action, her damages for withholding such dower from the time of the death of her husband to the time of the alienation by the heir, not exceeding six years in the whole; and the amount which she shall be entitled to recover from such heir shall be deducted from the amount she would otherwise be entitled to recover from such grantee; and any amount recovered as damages from such grantee shall be deducted from the sum she would otherwise be entitled to recover from such heir.

Collusive recovery of dower not to prejudice infant heirs.

SEC. 55. When a widow not having a right of dower shall, during the infancy of the heirs of the husband, or any of them, or of any other person entitled to the lands, recover dower by the default or collusion of the guardian of such infant heirs, or such other person, such heir or other person so entitled shall not be prejudiced thereby, but when he comes of full age he shall have an action against such widow to recover the lands so wrongfully awarded for dower.

CHAPTER EIGHT.

OF ESTATE BY THE CURTESY.

Sec.

56. Husband's life estate.

Husband's life estate.

SEC. 56. When any man and his wife shall be seized in her right of any estate of inheritance in lands the husband shall, on the death of his wife, hold the lands for his life as tenant thereof by the curtesy, although such husband and wife may not have had issue born alive.

CHAPTER NINE.

OF GENERAL PROVISIONS CONCERNING ESTATES IN LANDS.

Sec.

57. Person in possession liable for rent.

58. Rent, how recovered.

59. Last two sections not to exclude other remedies.

Sec.

60. Determination of estates at will and by sufferance.

61. Action for injury to inheritance.

62. Remedy of tenants in common.

Person in possession liable for rent.

SEC. 57. Every person in possession of land out of which any rent is due, whether it was originally demised in fee, or for any other estate of freehold, or for any term of years, shall be liable for the

amount or proportion of rent due from the land in his possession, although it be only a part of what was originally demised.

SEC. 58. Such rent may be recovered in an action, and the deed or demise, or any other instrument in writing, if there be any, showing the provisions of the lease, may be used in evidence by either party to prove the amount due from the defendant. Rent, how recovered.

SEC. 59. Nothing contained in the two preceding sections shall deprive landlords of any other legal remedy for the recovery of their rents, whether secured to them by their leases or provided by law. Last two sections not to exclude other remedies.

SEC. 60. All estates at will or by sufferance may be determined by either party, by three months' notice in writing given to the other party; and when the rent reserved in a lease at will is payable at periods of less than three months the time of such notice shall be sufficient if it be equal to the interval between the times of payment; and in all cases of neglect or refusal to pay the rent due on a lease at will fourteen days' notice to quit, given in writing by the landlord to the tenant, shall be sufficient to determine the lease. Determination of estates at will and by sufferance.

SEC. 61. A person seized of an estate in remainder or reversion may maintain a civil action for any injury done to the inheritance, notwithstanding any intervening estate for life or years. Action for injury to inheritance.

SEC. 62. A tenant in common may maintain any proper action or proceeding against his cotenant for receiving more than his just proportion of the rents or profits of the estate owned by them in common; and joint tenancy is abolished, and all persons having an undivided interest in real property are to be deemed and considered tenants in common. Remedy of tenants in common.

CHAPTER TEN.

OF THE PROPERTY OF MARRIED WOMEN.

Sec.	Sec.
63. Separate property of wife not subject to husband's debts.	67. Liability for civil injuries.
64. Property acquired during coverture.	68. Wife's contracts binding upon her.
65. District court may adjudge that husband has abandoned wife; effect of.	69. Civil disabilities removed.
66. Return of husband not to abate action.	70. Register of personal property.
	71. Effect of registration.
	72. Certified copies of register.

SEC. 63. The property and pecuniary rights of every married woman at the time of her marriage, or afterwards acquired by gift, devise, or inheritance, shall not be subject to the debts or contracts of her husband, and she may manage, sell, convey, or devise the same by will to the same extent and in the same manner that her husband can property belonging to him. Separate property of wife not subject to husband's debts.

SEC. 64. All property, either real or personal, acquired by any married woman during coverture by her own labor shall not be liable for the debts, contracts, or liabilities of her husband, but shall in all respects be subject to the same exemptions and liabilities as property owned at the time of her marriage or afterwards acquired by gift, devise, or inheritance. Property acquired during coverture.

SEC. 65. When any married man residing in the district shall abandon his wife without making suitable provision for her support for a period of one year the district court may, upon her petition setting up the facts of such abandonment, verified by her own oath, summarily proceed to hear the petition and adjudge the fact as to such abandonment, which adjudication shall be conclusive as to such fact as to third persons; and if such abandonment shall be adjudged thereupon, such married woman, during the absence of her husband, may in all respects contract in relation to, sell, convey, and deal with her separate property, real and personal, in the same manner as if she were a feme sole, District court may adjudge that husband has abandoned wife; effect of.

Return of husband
not to abate action.

and may in her own name, without being joined with her husband, sue and be sued in relation to her separate property on any contract made by her after such adjudication and before the return of her husband.

SEC. 66. No action wherein a married woman shall be a party, under the provisions of this code, shall be abated on the return of her husband into the district, but he may, on his application, be admitted to prosecute or defend such action jointly with her.

Liability for civil
injuries.

SEC. 67. For all civil injuries committed by a married woman damages may be recovered from her alone, and her husband shall not be responsible therefor, except in case where he would be jointly responsible with her if the marriage did not exist.

Wife's contracts
binding upon her.

SEC. 68. Contracts may be made by a wife, and liabilities incurred, and the same enforced by or against her to the same extent and in the same manner as if she were unmarried.

Civil disabilities re-
moved.

SEC. 69. All laws which impose or recognize civil disabilities upon a wife which are not imposed or recognized as existing as to the husband are hereby repealed; and for any unjust usurpation of her property or natural rights she shall have the same right to appeal in her own name alone to all courts for redress that the husband has.

Register of personal
property.

SEC. 70. The commissioner for each precinct shall keep a register, in which he shall enter a description of the personal estates of married women, as hereinafter directed.

Effect of registra-
tion.

SEC. 71. A married woman possessed of or owning any personal property or pecuniary rights may make a descriptive list of the same, and make and subscribe on the said list an oath that the property and rights therein described belonged to her at the time of her marriage, or that she has acquired the same by her own labor, or by bequest, inheritance or by the gift of some person named other than her husband; and the list and affidavit shall be recorded in the register, and shall be prima facie evidence of the facts therein stated, and property not so registered shall be deemed prima facie to be the property of the husband rather than of the wife.

Certified copies of
register.

SEC. 72. A certified copy of the register shall be original evidence equally with the original list and affidavit, and the fees for recording and for making the certified copies of the register shall be the same as in the case of deeds.

CHAPTER ELEVEN.

OF CONVEYANCES OF REAL PROPERTY.

Sec.

73. Conveyance, how made.
74. Conveyance of wife's property.
75. Effect of quitclaim.
76. Word "heirs" not necessary to convey fee simple.
77. Conveyance by tenant for life or years.
78. Covenants not implied.
79. Mortgage not to imply covenant to pay money.
80. Conveyance of lands held adversely by another.
81. Joint conveyance to create cotenancy.
82. Execution and acknowledgment of deeds.
83. Same in States.
84. Certificate of official character.
85. Acknowledgment of deeds in foreign country.
86. Acknowledgment by married women.
87. Conveyance by married woman residing out of district.
88. Officer taking acknowledgment must know grantor.

Sec.

89. Proof of execution by subscribing witnesses.
90. Proof when witnesses dead or absent.
91. Witness to execution of deed.
92. Penalty for refusing to appear or testify.
93. Certificate of proof to be indorsed on deed.
94. Deed proved may be read in evidence.
95. Record of deeds and mortgages.
96. Certificate on conveyance.
97. Index of records.
98. Unrecorded conveyance, when void as to third persons.
99. Record or transcript evidence.
100. Record of deeds of defeasance.
101. Record of assignment of mortgage.
102. Discharge of mortgage by marginal entry.
103. Discharge upon certificate of mortgagee.
104. Certificate of mortgagee to be recorded.

Sec.	Sec.
105. Penalty for refusing to discharge mortgage.	112. Exceptions.
106. Power of attorney and contract may be recorded.	113. Other defective deeds cured.
107. Instrument so recorded, how revoked.	114. Judicial sales.
108. Deeds heretofore made, etc.	115. Defectively executed sales by executors and administrators.
109. Patents, decrees, etc., affecting lands may be recorded.	116. Records of such deeds receivable in evidence.
110. Record of such instrument.	117. Defective execution of conveyances by executors; decree in such cases.
111. Defective acknowledgments cured.	118. Transcribing records for new precinct to have the effect of the original.

SEC. 73. A conveyance of lands, or of any estate or interest therein, may be made by deed, signed and sealed by the person from whom the estate or interest is intended to pass, being of lawful age, or by his lawful agent or attorney, and acknowledged or proved, and recorded as directed in this chapter, without any other act or ceremony whatever.

Conveyance, how made.

SEC. 74. A husband and wife may, by their joint deed, convey the real estate of the wife, in like manner as she might do by her separate deed if she were unmarried.

Conveyance of wife's property.

SEC. 75. A deed of quitclaim and release of the form in common use shall be sufficient to pass all the real estate which the grantor could lawfully convey by a deed of bargain and sale.

Effect of quitclaim.

SEC. 76. The term "heirs," or other words of inheritance, shall not be necessary to create or convey an estate in fee simple; and any conveyance of any real estate hereafter executed shall pass all the real estate of the grantor, unless the intent to pass a less estate shall appear by express terms or be necessarily implied in the terms of the grant.

Word "heirs" not necessary to convey fee simple.

SEC. 77. A conveyance made by a tenant for life or years purporting to grant a greater estate than he possessed or could lawfully convey shall not work a forfeiture of his estate, but shall pass to the grantee all the estate which such tenant could lawfully convey.

Conveyance by tenant for life or years.

SEC. 78. No covenant shall be implied in any conveyance of real estate, whether such conveyance contain special covenants or not.

Covenants not implied.

SEC. 79. No mortgage shall be construed as implying a covenant for the payment of the sum thereby intended to be secured; and when there shall be no express covenant for such payment contained in the mortgage, and no bond or other separate instrument to secure such payment shall have been given, the remedies of the mortgagee shall be confined to the lands mentioned in the mortgage.

Mortgage not to imply covenant to pay money.

SEC. 80. No grant or conveyance of land or interest therein shall be void for the reason that at the time of the execution thereof such lands shall be in the actual possession of another claiming adversely.

Conveyance of lands held adversely by another.

SEC. 81. Every conveyance or devise of lands or interests therein made to two or more persons, other than to executors and trustees, as such, shall be construed to create a tenancy in common in such estate, unless it be expressly declared in such conveyance or devise that the grantees or devisees shall take the lands as joint tenants.

Joint conveyance to create cotenancy.

SEC. 82. Deeds executed within the district of lands or any interest in lands therein shall be executed in the presence of two witnesses, who shall subscribe their names to the same as such; and the persons executing such deeds may acknowledge the execution thereof before any judge, clerk of the district court, notary public, or commissioner within the district, and the officer taking such acknowledgment shall indorse thereon a certificate of the acknowledgment thereof and the true date of making the same, under his hand.

Execution and acknowledgment of deeds.

SEC. 83. If any deed shall be executed in any State, Territory, or District of the United States, such deed may be executed according to the laws of such State, Territory, or District, and the execution thereof may be acknowledged before any judge of a court of record, justice of the peace, or notary public, or other officer authorized by the laws of

Same in States.

such State, Territory, or District to take the acknowledgment of deeds therein, or before any commissioner appointed for such purpose.

Certificate of official character.

SEC. 84. In the cases provided for in the last section, unless the acknowledgment be taken before a commissioner appointed for that purpose, or before a notary public certified under his notarial seal, or before the clerk of a court of record certified under the seal of the court, such deed shall have attached thereto a certificate of the clerk or other proper certifying officer of a court of record of the county or district within which such acknowledgment was taken, under the seal of his office, that the person whose name is subscribed to the certificate of acknowledgment was at the date thereof such officer as he is therein represented to be, and that he believes the signature of such person subscribed thereto to be genuine, and that the deed is executed and acknowledged according to the laws of such State, Territory, or District.

Acknowledgment of deeds in foreign country.

SEC. 85. If such deed be executed in any foreign country it may be executed according to the laws of such country, and the execution thereof may be acknowledged before any notary public therein, or before any minister plenipotentiary, minister extraordinary, minister resident, chargé d'affaires, commissioner, or consul of the United States appointed to reside therein; which acknowledgment shall be certified thereon by the officer taking the same, under his hand; and if taken before a notary public his seal of office shall be affixed to such certificate.

Acknowledgment by married women.

SEC. 86. When a married woman residing in the district shall join with her husband in a deed of conveyance of real property situated within the district she shall acknowledge that she executed such deed freely and voluntarily.

Conveyance by married woman residing out of district.

SEC. 87. When any married woman not residing in the district shall join with her husband in any conveyance of real estate situated within the district the conveyance shall have the same effect as if she were sole, and the acknowledgment or proof of the execution of such conveyance by her may be the same as if she were sole.

Officer taking acknowledgment must know grantor.

SEC. 88. No acknowledgment of any conveyance having been executed shall be taken by any officer unless he shall know or have satisfactory evidence that the person making such acknowledgment is the individual described in and who executed such conveyance.

Proof of execution by subscribing witnesses.

SEC. 89. Proof of the execution of any conveyance may be made before any officer authorized to take acknowledgment of deeds, and shall be made by a subscribing witness thereto, who shall state his own place of residence and that he knew the person described in and who executed such conveyance; and such proof shall not be taken unless the officer is personally acquainted with such subscribing witness or has satisfactory evidence that he is the same person who was a subscribing witness to such instrument.

Proof when witnesses dead or absent.

SEC. 90. When any grantor is dead, out of the district, or refuses to acknowledge his deed, and all the subscribing witnesses to such deed shall also be dead or reside out of the district, the same may be proved before the district court, or any judge thereof, by proving the handwriting of the grantor and of any subscribing witness thereto.

Witness to execution of deed.

SEC. 91. Upon the application of any grantee, or of any person claiming under him, verified by the oath of the applicant, setting forth that the grantor is dead, out of the district, or refused to acknowledge his deed, and that any witness to such conveyance refuses to appear and testify touching the execution thereof, and that such conveyance can not be proven without his evidence, any officer authorized to take the acknowledgment or proof of conveyance, except a commissioner of deeds, may issue a subpoena requiring such witness to appear and testify before such officer touching the execution of such conveyance.

SEC. 92. Every person duly served with such subpoena who shall, without reasonable cause, refuse or neglect to appear, or appearing shall refuse to answer upon oath touching the matter aforesaid, shall forfeit to the injured party one hundred dollars, and may also be committed to prison as for a contempt by the officer who issued such subpoena, there to remain until he shall submit to answer on oath as aforesaid.

Penalty for refusing to appear or testify.

SEC. 93. Every officer who shall take the proof of any conveyance shall indorse his certificate thereon, signed by himself on the conveyance, and in such certificate shall set forth the things hereinbefore required to be done, known, or proved, together with the names of the witnesses examined before such officer, and their places of residence, and the substance of the evidence by them given.

Certificate of proof to be indorsed on deed.

SEC. 94. Every conveyance acknowledged or proved or certified in the manner hereinbefore prescribed by any of the officers before named may be read in evidence without further proof thereof, and shall be entitled to be recorded in the precinct in which the lands lie.

Deed proved may be read in evidence.

SEC. 95. Separate books shall be provided by the commissioner in each recording district or precinct for the recording of deeds and mortgages, in one of which books all deeds left with such commissioner shall be recorded at full length, with the certificates of acknowledgment or proof of the execution thereon, and in the other all mortgages left with the commissioner shall in like manner be recorded.

Record of deeds and mortgages.

SEC. 96. The commissioner shall certify upon each conveyance recorded by him the time when it was received and the reference to the book and the page where it is recorded, and every conveyance shall be considered as recorded at the time it was so received.

Certificate on conveyance.

SEC. 97. The commissioner shall also keep a proper index, direct and inverted, to the books for the recording of deeds, and also one to the books for the recording of mortgages, in which he shall enter alphabetically the name of every party to each and every instrument recorded by him, with a reference to the book and page where the same is recorded.

Index of records.

SEC. 98. Every conveyance of real property within the district hereafter made which shall not be filed for record as provided in this chapter shall be void against any subsequent innocent purchaser in good faith and for a valuable consideration of the same real property, or any portion thereof, whose conveyance shall be first duly recorded.

Unrecorded conveyance, when void as to third persons.

SEC. 99. The record of a conveyance duly recorded, or a transcript thereof duly certified by the commissioner in whose office the same may have been recorded, may be read in evidence in any court in the district with the like force and effect as the original instrument: but the effect of such evidence may be rebutted by other competent evidence.

Record or transcript evidence.

SEC. 100. When a deed purports to be an absolute conveyance in terms, but is made or intended to be made defeasible by force of a deed of defeasance or other instrument for that purpose, the original conveyance shall not be thereby defeated or affected as against any person other than the maker of the defeasance, or his heirs or devisees, or persons having actual notice thereof, unless the instrument of defeasance shall have been recorded in the office of the commissioner for the precinct where the lands lie.

Record of deeds of defeasance.

SEC. 101. The recording of the assignment of a mortgage shall not in itself be deemed notice of such assignment to the mortgagor, his heirs or personal representatives, so as to invalidate any payment made by them or either of them to the mortgagee.

Record of assignment of mortgage.

SEC. 102. Any mortgage that has been or may hereafter be recorded may be discharged by an entry in the margin of the record thereof, signed by the mortgagee or his personal representative or assignee,

Discharge of mortgage by marginal entry.

acknowledging the satisfaction of the mortgage, in the presence of the commissioner or a deputy, who shall subscribe the same as a witness, and such entry shall have the same effect as a deed of release duly acknowledged and recorded.

Discharge upon certificate of mortgagee.

SEC. 103. Any mortgage may also be discharged upon the record thereof by the commissioner in whose custody it shall be whenever there shall be presented to him a certificate executed by the mortgagee, his personal representatives or assigns, acknowledged or proved and certified as hereinbefore prescribed to entitle conveyances to be recorded, specifying that such mortgage has been paid or otherwise satisfied or discharged.

Certificate of mortgage to be recorded.

SEC. 104. Every such certificate and the proof or acknowledgment thereof shall be recorded at full length, and a reference shall be made to the book and page containing such record in the minute of the discharge of such mortgage made by the commissioner upon the record thereof.

Penalty for refusing to discharge mortgage.

SEC. 105. If any mortgagee, or his personal representative or assignee, as the case may be, after full performance of the condition of the mortgage, whether before or after a breach thereof, shall, for the space of ten days after being thereto requested in writing, and after tender of his reasonable charges, refuse or neglect to discharge the same as provided in this chapter, or to execute and acknowledge a certificate of discharge or release thereof, he shall be liable to the mortgagor, his heirs or assigns, in the sum of one hundred dollars damages, and also for all actual damages occasioned by such neglect or refusal, to be recovered in an action.

Power of attorney and contract may be recorded.

SEC. 106. Every letter of attorney or other instrument containing a power to convey lands as agent or attorney for the owner of such lands, and every executory contract for the sale or purchase of lands when acknowledged or proved in the manner prescribed in this title for the acknowledgment or proof of conveyances, may be recorded in the commissioner's office of any precinct in which the lands to which such power or contract relates may be situated; and when so acknowledged or proved and the record thereof when recorded, or the transcript of such record duly certified, may be read in evidence in any court in the district without further proof of the same.

Instrument so recorded, how revoked.

SEC. 107. No letter of attorney, or other instrument so recorded, shall be deemed to be revoked by any act of the party by whom it was executed unless the instrument containing such revocation be also recorded in the same office in which the instrument containing the power was recorded.

Deeds heretofore made, etc.

SEC. 108. All conveyances of real property heretofore made and acknowledged or proved in accordance with the laws of the district in force at the time of such making and acknowledgment of proof shall have the same force as evidence and be recorded in the same manner and with like effect as conveyances executed and acknowledged in pursuance of the provisions of this chapter.

Patents, decrees, etc., affecting lands may be recorded.

SEC. 109. Patents from the United States for lands within the district, notices of pending actions affecting title to real estate, judgments of courts in the district requiring the execution of a conveyance of real estate within the district, and approved lists of lands granted to the district or to corporations in the district, and conveyances executed by any officer of the district by authority of law of lands within said district, shall be entitled to be recorded in the office of the commissioner of the precinct in which the lands lie in like manner and with like effect as conveyances of land duly acknowledged, proved, or certified.

Record of such instrument.

SEC. 110. The record of any such patent, notice of pending action, judgment, approved lists, or deeds duly recorded, or a transcript thereof duly certified by the commissioner in whose office the same may have

been recorded, may be read in evidence in any court in the district with like force and effect as the original thereof.

SEC. 111. All defective and informal acknowledgments of deeds, powers of attorney, mortgages, or other instruments for the conveyance of land, or any interest therein, heretofore made by any person or persons in good faith, whether the acknowledgments were taken by or before any clerk, deputy clerk, or judge of any court of record within the district, or any commissioner or notary public of the district, shall be, and the same are hereby, legalized.

Defective acknowledgments cured.

SEC. 112. This chapter is not intended to interfere with vested rights in lands or premises, arising by adverse title, acquired in good faith since the date of such defective acknowledgments.

Exceptions.

SEC. 113. All deeds to real property heretofore executed in the district which shall have been signed by the grantors in due form shall be sufficient in law to convey the legal title to the premises therein described from the grantors to the grantees without any other execution or acknowledgment whatever; and such deeds so executed shall be received in evidence in all courts in the district and be evidence of the title to the lands therein described against the grantors, their heirs and assigns.

Other defective deeds cured.

SEC. 114. All judicial sales of real property heretofore made in the district on proceedings to satisfy valid judgments or decrees of any court, and the moneys bidden thereon paid to the officer making such sale, and such sale shall have been confirmed by an order of the proper court, such sale shall be valid and sufficient in law to sustain a deed based on such sale, and when no such deed has been executed shall entitle such purchaser to such deed; and such deed, when executed, shall be sufficient to convey all the title of the judgment debtor in the premises so sold to the purchaser at the sale; and all defects and irregularities in the issuance of execution or the manner of making or conducting such sale shall be disregarded.

Judicial sales.

SEC. 115. All sales heretofore made by executors and administrators of their decedents' real property in the district to purchasers for a valuable consideration, which has been paid by such purchasers to such executors or administrators or their successors in good faith, and such sales shall not have been set aside by the court, but shall have been confirmed or acquiesced in by such court, shall be sufficient to sustain an executor's or administrator's deed to such purchaser for such real property, and in case such deed shall not have been given shall entitle such purchaser to such deed; and such deed shall be sufficient to convey to such purchaser all the title that such decedent had in the real property; and all irregularities in obtaining the order of the court for such sale and all irregularities in making or conducting the same by such executor or administrator shall be disregarded.

Defectively executed sales by executors and administrators.

SEC. 116. When such deeds so executed shall have been recorded in the records of deeds in the proper precinct, such record, duly certified by the commissioner, shall be evidence in all courts, and have the same effect as the original.

Records of such deeds receivable in evidence.

SEC. 117. When any real estate has been heretofore or shall be hereafter sold by any executor or administrator under or by virtue of any license or order of any commissioner in the district, and the sale shall have been approved by the commissioner, and the purchaser shall have paid the purchase money for the same, and the sale shall have been made in good faith, in order to provide for payment of the claims against the estate, and the executor or administrator shall have failed or neglected to make or execute any deed conveying such real estate to such purchaser, or if from mistake or omission in the deed or defect in its execution the same shall be inoperative, and the period of five years shall have elapsed after the making of such sale, then in such case all such sales shall be, and are hereby, confirmed and

Defective execution of conveyances by executors; decree in such cases.

approved, notwithstanding any irregularities or informalities in the proceedings prior to the sale; and when such facts shall be made to appear in any action of an equitable nature brought to quiet title to such real property against the heirs or their assigns of the deceased person whose property shall have been thus sold, in the proper court for such suits, then such court shall make its decree quieting such title and compelling and ordering conveyances of the same to be made to such purchaser, his heirs or assigns, as if a valid contract to convey the real property had been made by such deceased person in his lifetime; and no action shall be maintained by such heirs, or their heirs or assigns, to dispossess any such purchaser, his heirs or assigns, after the expiration of five years from any such sale.

Transcribing records for new precinct to have the effect of the original.

SEC. 118. When a new precinct shall be organized in whole or in part from an organized precinct, or from territory attached to such organized precinct for judicial purposes, all the records of deeds or other instruments relating to real property in such new precinct may be transcribed into the proper books by the commissioner of such new precinct, which records, so transcribed, shall have the same effect in all respects as original records; and the commissioner shall be paid for transcribing the same such sum as the district court may deem just and reasonable.

CHAPTER TWELVE.

OF FRAUDULENT CONVEYANCES OF REAL PROPERTY.

Sec.

119. Void as to whom.
120. Qualifications of last section.
121. Conveyance with power of revocation.

Sec.

122. Conveyances by one authorized to revoke former grants.
123. Same, when conveyance before power of revocation vested.

Void as to whom.

SEC. 119. Every conveyance of interest in lands, or the rents or profits thereof, and every charge upon lands or upon the rents and profits thereof, made or created with the intent to defraud prior or subsequent purchasers for a valuable consideration of the same lands, rents, or profits, as against such purchasers shall be void.

Qualifications of last section.

SEC. 120. No such conveyance or charge shall be deemed fraudulent in favor of a subsequent purchaser who shall have actual or legal notice thereof at the time of his purchase, unless it shall appear that the grantee in such conveyance, or person to be benefited by such charge, was privy to the fraud intended.

Conveyance with power of revocation.

SEC. 121. Every conveyance or charge of or upon any estate or interest in lands containing any provision for the revocation, determination, or alteration of such estate or interest, or any part thereof, at the will of the grantor, shall be void as against subsequent purchasers from such grantor for a valuable consideration of any estate or interest so liable to be revoked or determined, although the same be not expressly revoked, determined, or altered by such grantor by virtue of the power reserved or expressed in such prior conveyance or charge.

Conveyances by one authorized to revoke former grants.

SEC. 122. Where a power to revoke the conveyance of any lands, or the rents and profits thereof, and to reconvey the same, shall be given to any person other than the grantor in such conveyance, and such person shall thereafter convey the same lands, rents, or profits to a purchaser for a valuable consideration, such subsequent conveyance shall be valid in the same manner and to the same extent as if the power of revocation were recited therein and the intent to revoke the former conveyance expressly declared.

Same, when conveyance before power of revocation vested.

SEC. 123. If a conveyance to a purchaser under either of the last two preceding sections shall be made before the person making the same shall be entitled to execute his power of revocation, it shall never-

theless be valid from the time the power of revocation shall actually vest in such person, in the same manner and to the same extent as if then made.

CHAPTER THIRTEEN.

OF FRAUDULENT CONVEYANCES OF PERSONAL PROPERTY.

Sec.	Sec.
124. What transfers void.	127. Mortgage to become invalid at the end of one year, unless.
125. Filing of chattel mortgages.	128. Affidavit may be renewed.
126. Index of chattel mortgage.	129. Copy in evidence, what it proves.

SEC. 124. All deeds of gift, all conveyances, and transfers of assignments, verbal or written, of goods and chattels or things in action, made in trust for the person making the same, shall be void as against the creditors, existing or subsequent, of such person.

What transfers void.

SEC. 125. It shall be the duty of the commissioner, upon the presentation for that purpose of any mortgage or conveyance intended to operate as a mortgage of goods and chattels, or a copy of any such instrument, and the payment of his fees, to indorse thereon the time of receiving the same, and to deposit such instrument or copy in his office, to be kept for the inspection of all persons interested.

Filing of chattel mortgages.

SEC. 126. Such commissioner shall enter in a book, to be provided by him for that purpose, the names of all the parties to such instrument, arranging the names of the mortgagors alphabetically, and shall note thereon the time of filing each instrument or copy.

Index of chattel mortgage.

SEC. 127. Every such mortgage shall cease to be valid as against the creditors of the person making the same, or subsequent purchasers or mortgagors in good faith, after the expiration of one year from the filing of the same or a copy thereof, unless within thirty days next preceding the expiration of the year the mortgagee, his agent or attorney, shall make and annex to the instrument or copy on file, as aforesaid, an affidavit setting forth the interest which the mortgagee has, by virtue of such mortgage, in the property therein mentioned, upon which affidavit the commissioner shall indorse the time when the same was filed.

Mortgage to become invalid at the end of one year, unless.

SEC. 128. The effect of any such affidavit shall not continue beyond one year from the time when such mortgage would otherwise cease to be valid as against the creditors of the person making such mortgage, or subsequent purchasers or mortgagees in good faith; but within thirty days next preceding the time when any such mortgage would otherwise cease to be valid, as aforesaid, a similar affidavit may be filed and annexed as provided in the preceding section, and with like effect.

Affidavit may be renewed.

SEC. 129. A copy of any such instrument, or a copy of any copy thereof so filed as aforesaid, including any affidavits annexed thereto in pursuance of this chapter, certified by the commissioner in whose office the same shall be filed, shall be received in evidence, but only of the fact that such instrument, copy, or affidavit was received and filed according to the indorsement of the commissioner thereon, and of no other fact.

Copy in evidence, what it proves.

CHAPTER FOURTEEN.

OF GENERAL PROVISIONS CONCERNING FRAUDULENT CONVEYANCES AND CONTRACTS.

Sec.	Sec.
130. Conveyance with intent to defraud creditors.	133. Fraudulent intent a question of fact.
131. Grant of trust to be in writing.	134. Purchaser, when not affected.
132. What conveyances void against heirs.	135. Definition of lands, etc.
	136. Definition of conveyances.

SEC. 130. Every conveyance or assignment, in writing or otherwise, of any estate or interest in lands, or in goods, or things in action, or of

Conveyance with intent to defraud creditors.

any rents or profits issuing therefrom, and every charge upon lands, goods, or things in action, or upon the rents or profits thereof, made with the intent to hinder, delay, or defraud creditors or other persons of their lawful suits, damages, forfeitures, debts, or demands, and every bond or other evidence of debt given, action commenced, decree or judgment suffered, with the like intent, as against the persons so hindered, delayed, or defrauded shall be void.

Grant of trust to be in writing.

SEC. 131. Every grant or assignment of any existing trust in lands, goods, or things in action, unless the same shall be in writing, subscribed by the party making the same, or by his agent lawfully authorized, shall be void.

What conveyances void against heirs.

SEC. 132. Every conveyance, charge, instrument, or proceeding declared by law to be void as against the creditors, purchasers, or mortgagees shall be equally void as against the heirs, successors, personal representatives, or assigns of such creditors, purchasers, or mortgagees.

Fraudulent intent a question of fact.

SEC. 133. The question of fraudulent intent in all cases arising under the provisions of this code shall be deemed a question of fact, and not of law.

Purchaser, when not affected.

SEC. 134. The provisions of chapters thirteen, fourteen, and fifteen of this title shall not be construed in any manner to affect or impair the title of a purchaser for a valuable consideration unless it shall appear that such purchaser had previous notice of the fraudulent intent of his immediate grantor, or of the fraud rendering void the title of such grantor.

Definition of lands, etc.

SEC. 135. The term "lands" as used in chapters thirteen, fourteen, and fifteen of this title shall be construed as coextensive in meaning with "lands, tenements, and hereditaments," and the term "estate and interest in lands" shall be construed to embrace every interest, freehold, and chattel, legal and equitable, present and future, vested and contingent in lands as above defined.

Definition of conveyances.

SEC. 136. The term "conveyance," as used in chapters thirteen, fourteen, and fifteen of this title shall be construed to embrace every instrument in writing except a last will and testament, whatever may be its form and by whatever name it may be known in law, by which any estate or interest in lands is created, aliened, assigned, or surrendered.

CHAPTER FIFTEEN.

OF THE DISPOSITION OF PROPERTY BY WILL.

- Sec.
137. Disposition of property by will.
138. Will, how executed.
139. When will revoked by marriage and birth of issue.
140. Marriage of woman revokes will.
141. Bond, etc., to convey property devised.
142. Charge or incumbrance upon property devised.
143. Children, etc., to have portion of estate.
144. Effect of advancement.
145. When issue of deceased devisee to take estate.
146. Canceling of second will, when to revive first.
147. Mariner or soldier may dispose of wages.
148. Nuncupative will.
149. Probate of nuncupative will.
150. Law of the place, when to govern and when not.

- Sec.
151. Copies of foreign wills.
152. Foreign will, how contested.
153. Devisee or legatee may prove.
154. When such witness to have share of estate.
155. If sufficient other witnesses, devisee may take.
156. Creditor may be witness.
157. Legatee, how made competent.
158. Deceased legatee, when deemed legal witness.
159. Legatee, when not entitled to legacy.
160. Estate for life, remainder in fee.
161. When fee passes.
162. Contribution among legatees.
163. Definition of will.
164. Construction of wills.
165. Life estate by will with remainder to heirs.
166. When will must be in writing.
167. How written will may be revoked or altered.

Disposition of property by will.

SEC. 137. Every person of twenty-one years of age and upwards, of sound mind, may by last will devise all his or her property, real or

personal, saving in the case of a married man to the widow her dower, and saving in the case of a married woman any rights which her husband may have as tenant by the curtesy.

SEC. 138. Every will shall be in writing, signed by the testator, or by some other person under his direction, in his presence, and shall be attested by two or more competent witnesses, subscribing their names to the will in the presence of the testator.

Will, how executed.

SEC. 139. If, after making a will disposing of the whole estate of the testator, such testator shall marry and die, leaving issue by such marriage living at the time of his death, or shall leave issue of such marriage born to him after his death, such will shall be deemed revoked unless provision shall have been made for such issue by some settlement, or unless such issue shall be provided for in the will, and no evidence shall be received to rebut the presumption of such revocation.

When will revoked by marriage and birth of issue.

SEC. 140. A will made by an unmarried person shall be deemed revoked by his or her subsequent marriage.

Marriage of woman revokes will.

SEC. 141. A bond, covenant, or agreement made for a valuable consideration by a testator, to convey any property devised or bequeathed in any last will previously made, shall not be deemed a revocation of such previous devise or bequest; but such property shall pass by the devise or bequest, subject to the same remedies on such bond, covenant, or agreement, for the specific performance or otherwise, against devisees or legatees, as might be had by law against the heirs of the testator, or his next of kin, if the same had descended to them.

Bond, etc., to convey property devised.

SEC. 142. A charge or incumbrance upon any real or personal estate for the purpose of securing the payment of money or the performance of any covenant or agreement shall not be deemed a revocation of any will relating to the same estate previously executed. The devises and legacies therein contained shall pass and take effect subject to such charge or incumbrance.

Charge or incumbrance upon property devised.

SEC. 143. If any person make his last will and die, leaving a child or children, or descendants of such child or children, in case of their death, not named or provided for in such will, although born after the making of such will, or the death of the testator, every such testator, so far as shall regard such child or children, or their descendants not provided for, shall be deemed to die intestate; and such child or children, or their descendants, shall be entitled to such proportion of the estate of the testator, real and personal, as if he had died intestate, and the same shall be assigned to them; and all the other heirs, devisees, and legatees shall refund their proportional part.

Children, etc., to have portion of estate.

SEC. 144. If such child or children, or their descendants, shall have an equal proportion of the testator's estate bestowed on them in the testator's lifetime by way of advancement, they shall take nothing by virtue of the provisions of the preceding section.

Effect of advancement.

SEC. 145. When any estate shall be devised to any child or grandchild, or other relative of the testator, and such devisee shall die before the testator, leaving lineal descendants, such descendants shall take the estate, real and personal, as such devisee would have done in case he had survived the testator.

When issue of deceased devisee to take estate.

SEC. 146. If after making any will the testator shall duly make and execute a second will, the destruction, canceling, or revocation of such second will shall not revive the first will, unless it appear by the terms of such revocation that it was his intention to revive and give effect to the first will, or unless he shall duly republish his first will.

Canceling of second will, when to revive first.

SEC. 147. Any mariner at sea, or soldier in the military service, may dispose of his wages or other personal property as he might have done by common law, or by reducing the same to writing.

Mariner or soldier may dispose of wages.

SEC. 148. No proof shall be received of any nuncupative will unless it be offered within six months after speaking the testamentary words, nor unless the words, or the substance thereof, were reduced to writing within thirty days after they were spoken.

Nuncupative will.

Probate of nuncupative will.

SEC. 149. No probate of any nuncupative will shall be granted for fourteen days after the death of the testator, nor shall any nuncupative will be at any time proved, unless the testamentary words, or the substance thereof, be first committed to writing, and a citation issued, accompanied with a copy thereof, to call the widow or next of kin to the deceased that they may contest the will if they think proper.

Law of the place, when to govern and when not.

SEC. 150. Any person not an inhabitant of, but owning property, real or personal, in the district may devise or bequeath such property by last will executed according to the laws in force in the district, State, or Territory in which the will may be executed.

Copies of foreign wills.

SEC. 151. If such will be probated in any State, Territory, or other district of the United States, or in any foreign country or State, copies of such will and of the probate thereof, certified by the clerk of the court in which such will was probated, with the seal of the court affixed thereto, if there be a seal, together with a certificate of the chief judge or presiding magistrate, that the certificate is in due form, and made by the clerk or other person having the legal custody of the record, shall be recorded in the same manner as wills executed and proved in the district, and shall be admitted in evidence in the same manner and with like effect.

Foreign will, how contested.

SEC. 152. Any such will may be contested and annulled within the same time and in the same manner as wills executed and proven in the district.

Devisee or legatee may prove.

SEC. 153. If any person has attested or shall attest the execution of any will to whom any beneficial devise, legacy, estate, interest, gift, or appointment of or affecting real or personal estate other than or except charges in lands, tenements, or hereditaments for the payment of any debt or debts shall be thereby given or made, such devise, legacy, estate, gift, or appointment shall, so far only as concerns such person attesting the execution of such will or any person claiming under him, be void, and such person shall be admitted as a witness to the execution of such will.

When such witness to have share of estate.

SEC. 154. If any such witness would be entitled to any share in the testator's estate in case the will should not be established, then so much of the estate as would have descended or would have been distributed to such witness shall be saved to him as will not exceed the value of the devise or bequest made to him in the will; and he may recover the same from the devisees or legatees named in the will in proportion to and out of the parts devised and bequeathed to him.

If sufficient other witnesses, devisee may take.

SEC. 155. If the execution of such will be attested by a sufficient number of other competent witnesses, as required by this code, then such devise, legacy, interest, estate, gift, or appointment shall be valid.

Creditor may be witness.

SEC. 156. If by any will any real estate be charged with any debt, and any creditor whose debt is so charged has attested the execution of such will, every such creditor shall be admitted as a witness to the execution of such will.

Legatee, how made competent.

SEC. 157. If any person has attested or shall attest the execution of any will to whom any legacy or bequest is thereby given, and such person, before giving testimony concerning the execution of such will, shall have released such bequest or legacy and renounced without valuable consideration all benefits under said will, such person shall be admitted as a witness to the execution of such will.

Deceased legatee, when deemed legal witness.

SEC. 158. If any legatee or devisee who has attested or shall attest the execution of any will shall have died or die in the lifetime of the testator, or before he shall have received or released the legacy or bequest so given to him, and before he shall have refused to receive such legacy or bequest on a tender made thereof, such legatee or devisee shall be deemed a legal witness to the execution of such will.

Legatee, when not entitled to legacy.

SEC. 159. No person to whom any estate, gift, or appointment shall be given or made which is hereby declared to be null and void, or who shall have refused to receive such legacy or bequest on tender made,

and who shall have been examined as a witness concerning the execution of such will, shall, after he shall have been so examined, demand or receive, except as provided in section one hundred and seventy-three any profit or benefit of or from such estate, interest, gift, or appointment so given or made to him by any such will, or demand, receive, or accept from any person any such legacy or bequest, or any satisfaction or compensation for the same.

SEC. 160. If any person by last will devise any real estate to any person for the term of such person's life, and after his death, to his or her children or heirs, or right heirs in fee, such devise shall vest an estate for life only in such devisee, and remainder in fee simple in such children.

Estate for life, remainder in fee.

SEC. 161. A devise of real property shall be deemed and taken as a devise of all the estate or interest of the testator therein subject to his disposal, unless it clearly appears from the will that he intended to devise a less estate or interest; and any estate or interest in real property acquired by anyone after the making of his or her will shall pass thereby, unless it clearly appear therefrom that such was not the intention of the testator; nor shall any conveyance or disposition of real property by anyone after the making of his or her will prevent or affect the operation of such will upon any estate or interest therein subject to the disposal of the testator at his or her death.

When fee passes.

SEC. 162. When any testator in his last will shall give any chattel or real estate to any person, and the same shall be taken in execution for the payment of the testator's debts, then all the other legatees, devisees, and heirs shall refund their proportional part of such loss to such person from whom the bequest shall be taken.

Contribution among legatees.

SEC. 163. The term "will," as used in this chapter, shall be so construed as to include all codicils as well as wills.

Definition of will.

SEC. 164. All courts and others concerned in the execution of last wills shall have due regard to the directions of the will and the true intent and meaning of the testator in all matters brought before them.

Construction of wills.

SEC. 165. Where any estate, real or personal is given by deed or will to any person for his life, and after his death to his heirs, or to the heirs of his body, the conveyance shall be construed to vest an estate for his life only in such person, and a remainder in fee simple in his heirs or the heirs of his body.

Life estate by will with remainder to heirs.

SEC. 166. A last will and testament, except when made by a soldier in actual military service or by a mariner at sea, is invalid unless it be in writing and executed with such formalities as are required by law.

When will must be in writing.

SEC. 167. A written will can not be revoked or altered otherwise than by another written will, or another writing of the testator, declaring such revocation or alteration, and executed with the same formalities required by law for the will itself; or unless the will be burnt, torn, canceled, obliterated, or destroyed with the intent and for the purpose of revoking the same by the testator himself, or by another person in his presence, by his direction and consent; and when so done by another person the direction and consent of the testator, and the fact of such injury or destruction shall be proved by at least two witnesses.

How written will may be revoked or altered.

CHAPTER SIXTEEN.

OF THE DESCENT OF REAL PROPERTY.

Sec.

168. Real property, to whom it descends.

SEC. 168. When any person shall die seized of any real property, or any right thereto, or entitled to any interest therein in fee simple or for the life of another, not having lawfully devised the same, such real property shall descend, subject to his debts, as follows:

Real property, to whom it descends.

(1) In equal shares to his or her children and to the issue of any

deceased child by right of representation; and if there be no child of the intestate living at the time of his or her death, such real property shall descend to all his or her other lineal descendants; and if all such descendants are in the same degree of kindred to the intestate, they shall take such real property equally; or otherwise, they shall take according to the right of representation.

(2) If the intestate shall leave no lineal descendants, such real property shall descend to his wife, or if the intestate be a married woman and leave no lineal descendants, then such real property shall descend to her husband; and if the intestate leave no wife nor husband, then such real property shall descend to his or her father.

(3) If the intestate shall leave no lineal descendants, neither husband nor wife, nor father, such real property shall descend in equal shares to the brothers and sisters of the intestate, and to the issue of any deceased brother or sister by right of representation; but if the intestate shall leave a mother also, she shall take an equal share with such brothers and sisters.

(4) If the intestate shall leave no lineal descendants, neither husband nor wife, nor father, brother, nor sister, living at his or her death, such real property shall descend to his mother, to the exclusion of the issue of the deceased brothers or sisters of the intestate.

(5) If the intestate shall leave no lineal descendants, neither husband nor wife, nor father, mother, brother, nor sister, such real property shall descend to his or her next of kin in equal degree, excepting that when there are two or more collateral kindred in equal degree, but claiming through different ancestors, those who claim through the nearest ancestor shall be preferred to those claiming through a more remote ancestor.

(6) If the intestate shall leave one or more children, and the issue of one or more deceased children, and any of such surviving children shall die under age without having been married, all such real property that came to such deceased child by inheritance from such intestate shall descend in equal shares to the other children of such intestate, and to the issue of any other children of such intestate who shall have died, by right of representation. But if all the other children of such intestate shall be also dead, and any of them shall have left issue, such real property so inherited by such deceased child shall descend to all the issue of such other children of the intestate in equal shares, if they are in the same degree of kindred to such deceased child; otherwise, they shall take by right of representation.

(7) If the intestate shall leave no lineal descendants or kindred, such real property shall escheat to the United States.

CHAPTER SEVENTEEN.

OF THE DISTRIBUTION OF PERSONAL PROPERTY.

Sec.

169. Distribution of personal property.

Sec.

170. Advancement to widow.

Distribution of personal property.

SEC. 169. When any person shall die possessed of any personal property, or of any right to or interest therein, not having lawfully bequeathed the same, such personal property shall be applied and distributed as follows:

(1) If the intestate shall leave a widow, she shall be allowed all articles of her apparel and ornament, according to the degree and estate of the intestate, and such property and provisions for the use and support of herself and minor children as shall be allowed and ordered in pursuance of chapter eighty-three of the Code of Civil Procedure; and this allowance shall be made as well when the widow waives the provision made for her in the will of her husband as when he dies intestate.

(2) The personal property of the intestate remaining after such allowance shall be applied to the payment of the debts of the deceased and the charges and expenses of administration as provided by law.

(3) The residue, if any, of the personal property shall be distributed among the persons who would be entitled to the real property of the intestate, as provided in this code, and in the like proportion or share, except as herein otherwise provided.

(4) If the intestate shall leave a husband and issue, such husband shall be entitled to receive one-half of such residue of the personal property; but if the intestate leave a husband and no issue, such husband shall receive the whole of such residue of personal property.

(5) If the intestate leave a widow and issue, such widow shall be entitled to receive one-half of such residue of the personal property; but if the intestate leave a widow and no issue, such widow shall be entitled to receive the whole of such residue of the personal property.

(6) If there be no husband, widow, or kindred of the intestate, the whole of such residue shall escheat to the United States.

SEC. 170. If the intestate leave a widow and issue, and any of such issue shall have received an advancement from the intestate in his lifetime, the value of such advancement shall not be taken into consideration in computing the part to be given to the widow, but such widow shall only be entitled to receive the one-half the personal property owned by the husband at the time of his death. Advancement to widow.

CHAPTER EIGHTEEN.

OF MISCELLANEOUS PROVISIONS CONCERNING THE DESCENT AND DISTRIBUTION OF PROPERTY.

Sec.	Sec.
171. Status of illegitimate children.	177. Grants and gifts to heir.
172. Mother heir to illegitimate child; effect of marriage of parents.	178. When value of advancement expressed.
173. Degrees of kindred, how computed.	179. Advancement to heirs.
174. Advancement to issue.	180. Estates by courtesy and dower not affected.
175. When advancement greater or less than share.	181. Certain terms defined. Posthumous children.
176. Rule for computing value of advancement, etc.	

SEC. 171. An illegitimate child shall be considered an heir of its mother, and shall inherit or receive her property, real or personal, in whole or in part, as the case may be, in like manner as if such child had been born in lawful wedlock; but such child shall not be entitled to inherit or receive, as representing his mother, any property, real or personal, of the kindred, either lineal or collateral, of such mother: *Provided*, When the parents of such child have formally married, such child shall not be regarded as illegitimate within the meaning of this code, although such formal marriage shall be adjudged to be void. Status of illegitimate children.

SEC. 172. If an illegitimate child shall die intestate, without leaving a widow, husband, or lawful issue, the property, real and personal, of such intestate shall descend to or be received by the mother; but if after the birth of an illegitimate child the parents thereof shall intermarry, such child shall be considered legitimate to all intents and purposes. Mother heir to illegitimate child; effect of marriage of parents.

SEC. 173. The degrees of kindred shall be computed according to the rules of the civil law; and the kindred of the half blood shall inherit or receive equally with those of the whole blood in the same degree. Degrees of kindred, how computed.

SEC. 174. Any property, real or personal, that may have been given by the intestate in his lifetime as an advancement to any child or other lineal descendant shall be considered a part of the intestate's estate, so far as regards the division and distribution thereof among his issue, and shall be taken by such child or other descendant toward his share of the intestate's estate. Advancement to issue.

When advancement greater or less than share.

SEC. 175. If the amount of such advancement shall exceed the share of the heir so advanced, such heir shall be excluded from any further share or portion in the division or distribution of the estate, but shall not be required to refund any part of such advancement; and if the amount so received shall be less than his share, such heir shall be entitled to so much more as will give him his full share or portion of the estate of the intestate.

Rule for computing value of advancement, etc.

SEC. 176. If any such advancement is made in real property the value thereof shall, for the purposes of the last section, be considered as part of the real property to be divided; and if the advancement be either in real or personal property, and shall in either case not exceed the share or portion of such real or personal property that would come to the heir so advanced, such heir shall not refund any part of it, but shall take or receive so much less out of the whole part of the estate, as the case may be, as will make the whole share equal to those of the other heirs who are in the same degree with the heir so advanced.

Grants and gifts to heir.

SEC. 177. All grants and gifts shall be deemed to be made in advancement if so expressed in the grant or gift, or if so charged, in writing, by the intestate, or acknowledged, in writing, to be so made by the child or other descendant to whom it is made, and not otherwise.

When value of advancement expressed.

SEC. 178. If the value of the property, real or personal, so advanced be expressed in the conveyance or writing whereby the same is granted or given, or in the charge thereof made by the intestate, or in the acknowledgment made by the party receiving it, in the division and distribution of the estate, such advancement shall be considered of the value so expressed; otherwise, it shall be estimated at its value when granted or given.

Advancement to heirs.

SEC. 179. If any child or lineal descendant to whom an advancement is made shall die before the intestate, leaving issue, such advancement shall be deemed made to such issue, and the division and distribution of the estate shall be made accordingly.

Estates by courtesy and dower not affected.

SEC. 180. Nothing contained in this chapter shall affect or impair the estate of a husband as tenant by the courtesy, nor that of a widow as tenant in dower.

Certain terms defined.

SEC. 181. The word "issue," as used in this chapter, includes all the lawful lineal descendants of the ancestor; and the term "real property" includes all lands, tenements, and hereditaments, and rights thereto, and all interests therein, whether in fee simple or for the life of another. The term "personal property" includes all goods and chattels, moneys, credits, and effects of whatever nature not included in the term "real property." Inheritance "by right of representation" takes place when the lineal descendant of any deceased heir takes the same share or portion of the estate of an intestate that the parent of such descendant would have taken if living. For the purposes of this code, a posthumous child is to be deemed living at the death of its parent.

Posthumous children.

CHAPTER NINETEEN.

OF ESCHEATS.

Sec.

- 182. When property escheats.
- 183. Proceedings to obtain possession.
- 184. Governor must take steps to recover.
- 185. Court may appoint receiver.
- 186. All persons claiming interest may defend.

Sec.

- 187. Persons may claim proceeds, when; proceedings thereon.
- 188. Proceedings in case of personal property.
- 189. Escheated property held by bank.

When property escheats.

SEC. 182. When any person shall die without heirs, leaving any real or personal property in the district, the same shall escheat to and become the property of the United States.

SEC. 183. The United States may maintain any action or proceeding necessary to recover the possession of any such property, or for the enforcement or protection of its rights thereto or on account thereof, in like manner and with like effect as any natural person. Such action or proceeding shall be prosecuted by the United States attorney, by the leave and under the direction of the Attorney-General, and not otherwise.

Proceedings to obtain possession.

SEC. 184. When the governor is informed or has reason to believe that any real or personal property has escheated to the United States, he shall direct the United States attorney to file an information in behalf and in the name of the United States in the district court, setting forth a description of the estate, the name of the person last seized, the name of the occupant or the person in possession and claiming such estate, if known, and the facts and circumstances in consequence of which the estate is claimed to have been escheated, with an allegation that by reason thereof the United States has right by law to such estate. Upon such information a summons must issue to such person, requiring him to appear and answer the information within the time allowed by law in civil actions, and the court must make an order setting forth briefly the contents of the information and requiring all persons interested in the estate to appear and show cause, if any they have, within such time as the court making such order may fix, why the title should not vest in the United States, which order must be published for at least six consecutive weeks from the date thereof, in a newspaper published in the precinct, if one be published therein, and in case no newspaper is published in the precinct, then in such newspaper in the district as the court by order may direct.

Governor must take steps to recover.

SEC. 185. The court, upon the information being filed, with and upon the application of the United States attorney, either before or after answer, upon notice to the party claiming such estate, if known, may, upon sufficient cause therefor being shown, appoint a receiver to take charge of such estate, and receive the rents and profits of the same, until the title to such estate is finally settled.

Court may appoint receiver.

SEC. 186. All persons named in the information may appear and answer, and may traverse or deny the facts stated in the information, the title of the United States to the lands and tenements therein mentioned at any time before the time for answering expires; and any other person claiming an interest in such estate may appear and be made a defendant by motion for that purpose in open court within the time allowed for answering; and if no person appears and answers within the time, then judgment must be rendered that the United States be seized of the lands and tenements in such information claimed. But if any person appears and denies the title set up by the United States, or traverses any material fact set forth in the information, the issue of the fact must be tried as issues of facts are tried in civil actions. If, after the issues are tried, it appears from the facts found that the United States has good title to the estate in the information mentioned, or any part thereof, judgment must be rendered that the United States be seized thereof, and recover costs of action against the defendant. In any judgment rendered, or that has heretofore been rendered, by any court of competent jurisdiction, escheating real property to the United States, on motion of the United States attorney the court shall make an order that the real property be sold by the marshal at public sale, and upon such terms, whether for cash or credit, or both, as shall be deemed for the best interests of the United States. And if such court shall deem it most advantageous for the United States, it may direct that the lands be surveyed into lots and sold in specific portions, upon such terms as to payments therefor as may be deemed best for the United States. After giving such notice of the time and place of

All persons claiming interest may defend.

sale as may be prescribed by the court in the order, the marshal shall, within ten days after such sale, make a report thereof to the court, and, upon hearing the report, the court may examine the same and witnesses in relation thereto, and if the proceedings of such sale are unfair, or the sum or sums bid are disproportionate to the value of the portion sold, and if it appear that a greater sum can be obtained for the property, or any portion thereof, exceeding such bid at least ten per centum, exclusive of the expense of a new sale, the court may vacate the sale and direct another sale to be had, and the new sale shall be conducted in all respects as if no previous sale had taken place. But if it appears to the court that the sale was legally made and fairly conducted, and that the sum bid is not disproportionate to the value of the property sold, and that a greater sum than ten per centum, exclusive of the expense of a new sale, can not be obtained, the court must make an order confirming the sale and directing the marshal in the name of the United States to execute to the purchaser or purchasers a conveyance of the property sold; and the conveyance shall vest in the purchaser or purchasers all the right and title of the United States therein; and also directing that the purchaser or purchasers shall execute and deliver to the marshal his or their note or notes, payable to the United States for the deferred payments with a first mortgage upon the property conveyed, to secure the deferred payments. And the marshal shall, out of the proceeds of such sale, pay the cost of the proceedings incurred on behalf of the United States, including the expense of making such sale, and the remainder, together with the notes and mortgages, he shall deliver to the United States attorney, taking his receipt therefor, and the United States attorney shall deposit the sum with the clerk of the district court, who shall pay the same into the Treasury of the United States in the manner provided by law for other moneys recovered in actions by the United States.

Persons may claim proceeds, when; proceedings thereon.

SEC. 187. Within ten years after judgment in any proceeding had under this chapter, a person not a party or privy to such proceeding may file a petition in the district court showing his claim or right to the property or the proceeds thereof. A copy of such petition must be served upon the United States attorney at least twenty days before the hearing of the petition, who must answer the same; and the court thereupon must try the issue as issues are tried in civil actions, and if it be determined that such person is entitled to the property or the proceeds thereof, it must order the property, if it has not been sold, to be delivered to him; or if it has been sold and the proceeds paid into the Treasury of the United States, then it must order that a copy of the judgment be forwarded to the Secretary of the Treasury. All persons who fail to appear and file their petition within the time limited by law are forever barred, saving, however, to infants, and persons of unsound mind, the right to appear and file their petitions at any time within the time limited, or one year after their respective disabilities cease.

Proceedings in case of personal property.

SEC. 188. In all cases of personal estate, the court shall direct by order that the same be sold by the marshal, as upon execution, and the proceeds be applied to the payment of the costs incurred by the United States and the costs and charges of making such sale, and the residue to the district attorney, who shall pay the same to the clerk of the court as hereinbefore provided.

Escheated property held by bank.

SEC. 189. When the governor is informed or has reason to believe that any bank, banker, or banking institution in the district now has or holds on deposit or otherwise any fund, funds, or other property of any kind or nature which has escheated to the district, he shall direct the United States attorney to file in the district court an information or bill of discovery, with proper interrogatories to be answered

by the owner, agent, or manager of such bank or banking institution, and upon the filing of such information or bill the court shall order and direct, at a time to be designated in the bill, that the owner, agent, or manager of such bank or banking institution shall, under oath, file an answer to the information and interrogatories, and shall specially answer each and every interrogatory contained in such information or bill. If it appears to the court from such answer that the bank, banker, or banking institution has any property in its possession which has or may escheat to the United States, it shall direct the bank, banker, or banking institution forthwith to bring the same into such court, and the court shall proceed to dispose of the property as provided elsewhere in this chapter.

CHAPTER TWENTY.

OF PROMISSORY NOTES AND BILLS OF EXCHANGE.

Sec.	Sec.
190. Promissory notes in writing payable to bearer, effect of.	193. Grace, when allowed.
191. Action by payees, indorsees, and holders, nature and extent of.	194. Qualification of last section.
192. Note to the order of maker or fictitious person, effect of.	195. Acceptance to be in writing.
	196. Damages on foreign bills.
	197. Damages on inland bills of exchange.

SEC. 190. All notes in writing, made and signed by any person, whereby he shall promise to pay to any other person or his order, or unto the bearer, any sum of money therein mentioned, shall be due and payable as therein expressed, and shall have the same effect and be negotiable in like manner as inland bills of exchange, according to the custom of merchants. Promissory notes in writing payable to bearer, effect of.

SEC. 191. The payee and indorsee of every such note payable to him or his order, and the holder of every such note payable to bearer, may maintain an action for the sum of money therein mentioned, in like manner as in case of an inland bill of exchange and not otherwise. Action by payees, indorsees, and holders, nature and extent of.

SEC. 192. Such note made payable to the order of the maker thereof, or to the order of a fictitious person, shall, if negotiated by the maker, have the same effect and be of the same validity, as against the maker and all persons having knowledge of the facts, as if payable to bearer. Note to the order of maker or fictitious person, effect of.

SEC. 193. On all bills of exchange payable at a future day certain within the district, and on all negotiable promissory notes, orders, and drafts payable at a future day certain within the district, in which there is not an express stipulation to the contrary, grace shall be allowed, except as provided in the following section, in like manner as it is allowed by the custom of merchants on foreign bills of exchange payable at the expiration of a certain period after date or after sight. Grace, when allowed.

SEC. 194. The provisions of the preceding section shall not extend to any bill of exchange, note, or draft payable at sight or on demand. Qualification of last section.

SEC. 195. No person within the district shall be charged as an acceptor of a bill of exchange unless his acceptance shall be in writing, signed by himself or his lawful agent. Acceptance to be in writing.

SEC. 196. Whenever any bill of exchange drawn or indorsed within the district and payable without the limits of the United States shall be duly protested for nonacceptance or nonpayment, the party liable for the contents of such bill shall, on due notice and demand thereof, pay the same at the current rate of exchange at the time of demand, and damages at the rate of ten per centum upon the contents thereof, together with interest on the contents, to be computed from the date of the protest; and the amount of contents, damages, and interest shall be in full of all damages, charges, and expenses. Damages on foreign bills.

Damages on inland
bills of exchange.

SEC. 197. If any bill of exchange drawn upon any person, firm, or body corporate out of the district, but within some State or Territory of the United States, for the payment of money, shall be duly presented for acceptance or payment and protested for nonacceptance or nonpayment, the drawer or indorser thereof, due notice being given of such nonacceptance or nonpayment, shall pay the bill, with legal interest, according to its tenor, and five per centum damages, together with costs and charges of protest.

CHAPTER TWENTY-ONE.

INCORPORATION OF TOWNS.

Sec.	Sec.
198. Filing petition.	201. Powers of town council.
199. Electors and their qualifications.	202. Officers.
200. Election board and canvass of votes.	203. Treasurer, bond and qualifications.

Filing petition.

SEC. 198. Any community having three hundred permanent inhabitants may incorporate as provided in this Act. A petition shall first be presented to the judge of the United States district court presiding over the division wherein the community is located, signed by at least sixty bona fide residents of such community, which petition shall set forth the boundaries of the proposed corporation, and state the number of inhabitants therein, and such other facts as the court may require. The judge, by an order, shall prescribe the time and manner of giving notice of such incorporation. Such notice having been given, the court shall hear objections to the incorporation made by interested parties, and, if satisfied that the public interests require the incorporation, by order, may make changes in the boundaries, and shall set forth the name thereof and give due notice of an election for the purpose of determining whether the same shall be incorporated. At such election the qualified electors of the community may elect a common council of seven members, who shall have the qualifications of electors, such election to be under the control of a board of election composed of three bona fide residents and property owners in the corporation, to be appointed by the court or judge.

Electors and their
qualifications.

SEC. 199. The qualification of an elector for the first and all subsequent municipal elections shall be as follows: He shall be a male citizen of the United States or one who has declared his intention to become such, and of the age of twenty-one years, and shall have been a bona fide resident of Alaska for one year and of the proposed corporation for six months next prior to the date of election, or any subsequent one: *Provided*, There shall be added to the foregoing qualification in any election to determine whether or not a community shall incorporate the following qualification: Every elector shall be the owner of substantial property interests in the corporation.

Election board and
canvass of votes.

SEC. 200. The election board shall canvass the votes cast, and if a two-thirds majority are for incorporation they shall declare the community duly incorporated under the name and style of ———, and shall declare the seven persons receiving the highest number of votes duly elected councilmen of the corporation. The board shall file a certified copy of the order with the clerk of the district court, the secretary of the district, and the commissioner residing in the corporation. After filing such orders the corporation shall be deemed complete and the councilmen shall, after duly qualifying before the United States commissioner residing in the corporation, enter upon the duties of their office, and shall hold the same for one year or until their successors shall be elected and qualified.

SEC. 201. The council shall have the following powers:

First. To provide suitable rules governing their own body, and to elect one of their members president, who shall be ex officio mayor.

Second. They may appoint, and at their pleasure remove, a clerk, treasurer, assessor, and such other officers as they deem necessary.

Third. To make rules for all municipal elections: *Provided*, No officer shall be elected for a longer term than one year.

Fourth. By ordinance to provide for necessary street improvements, fire protection, water supply, lights, wharfage, sewerage, maintenance of public schools, protection of public health, police protection, and the expense of assessment and collection of taxes.

Fifth. To impose and collect a poll tax on electors, tax on dogs, a general tax on real and personal property, possessory rights and improvements, and such license tax on business conducted within the corporate limits as the council may deem reasonable: *Provided*, No such tax shall exceed one per centum on the assessed valuation of property, and all assessments made by the corporation assessor shall be subject to review by the council, and appeals may be taken from their decisions to the district court: *Provided further*, No bonded indebtedness whatever shall be authorized for any purpose.

SEC. 202. In addition to the officers heretofore provided by this Act, there shall be elected a school board of three directors, who shall have the exclusive supervision, management, and control of the public schools and school property within said corporation, and shall be elected in the same manner and for the same term as the council.

SEC. 203. The treasurer of the corporation shall be ex officio treasurer of the school board, and shall, before entering upon the duties of his office, take the oath prescribed by law and execute bonds to the corporation in an amount to be determined by the judge of the district court, which bond shall be approved by the council and the judge of the district court and filed in the office of the recorder of the corporation, and he shall give such additional bond as the council or judge of the district court may from time to time direct, but in no event shall such bonds be less than twice the amount of money in the hands of the treasurer at any one time, to be determined by the tax rolls and license books of the corporation, of the corporation clerk, and the clerk of the district court: *Provided*, That fifty per cent of all license moneys provided for by Act of Congress approved March third, eighteen hundred and ninety-nine, entitled "An Act to define and punish crimes in the district of Alaska and to provide a code of criminal procedure for said district," and any amendments made thereto, required to be paid by any resident, person, or corporation for business carried on within said corporation, shall be paid over by the clerk of the United States district court receiving the same to the treasurer of said corporation, upon taking his receipt therefor in duplicate, one of which duplicate receipts shall be forwarded to the Secretary of the Treasury of the United States by the clerk as a voucher in lieu of cash, and the other receipt shall be retained by the clerk. The money received by the treasurer of the corporation shall be used, under the direction of the council, for school purposes.

Power of town council.

Officers.

Treasurer, bond and qualifications.

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CHAPTER TWENTY-TWO.

OF EMINENT DOMAIN.

Sec.	Sec.
204. Purposes for which it may be exercised.	213. Appointment of commissioners, etc.
205. What estates in land may be acquired by condemnation.	214. Meeting of commissioners.
206. Private property defined; classes enumerated.	215. Date with respect to which compensation shall be assessed, and measure of damages.
207. Facts necessary to be found before condemnation.	216. Report of commissioners.
208. Parties may make location and enter to make surveys.	217. Appeal.
209. Jurisdiction of the district court.	218. New proceedings to cure defective title.
210. The complaint and its contents.	219. Payment of damages.
211. Summons, what to contain; how issued and served.	220. To whom paid.
212. Who may defend.	221. Final order of condemnation.
	222. Putting plaintiff in possession.
	223. Payment of costs.
	224. Rules of practice.

Purposes for which
it may be exercised.

SEC. 204. Subject to the provisions of this chapter, the right of eminent domain may be exercised in behalf of the following public uses:

(1) All public uses authorized by the Government of the United States.

(2) Public buildings and grounds for the use of the district, and all other public uses authorized by Congress or other legislative authority of the district.

(3) Public buildings and grounds for the use of any precinct, city, town, village, school district, or other municipal division, whether incorporated or unincorporated; canals, aqueducts, flumes, ditches, or pipes conducting water, heat, or gas for the use of the inhabitants of any precinct, city, town, or other municipal division, whether incorporated or unincorporated; raising the banks of streams, removing obstructions therefrom, and widening, deepening, or straightening their channels; roads, streets, and alleys, and all other public uses for the benefit of any precinct, city, town, or other municipal division, whether incorporated or unincorporated, or the inhabitants thereof, which may be authorized by Congress or other legislative authority of the district.

(4) Wharves, docks, piers, chutes, booms, ferries, bridges of all kinds, private roads, plank and turnpike roads, railroads, canals, ditches, flumes, aqueducts, and pipes for public transportation, supplying mines and farming neighborhoods with water, and draining and reclaiming lands, and for floating logs and lumber on streams not navigable, and sites for reservoirs necessary for collecting and storing water.

(5) Roads, tunnels, ditches, flumes, pipes, and dumping places for working mines; also outlets, natural or otherwise, for the flow, deposit, or conduct of tailings or refuse matter from mines; also an occupancy in common by the owners or possessors of different mines of any place for the flow, deposit, or conduct of tailings or refuse matter from their several mines, and sites for reservoirs necessary for collecting and storing water.

(6) Private roads leading from highways to residences, mines, or farms.

(7) Telephone or electric-light lines.

(8) Telegraph lines.

(9) Sewerage of any precinct, city, town, village, or other municipal village, whether incorporated or unincorporated, or any subdivision thereof, or of any settlement consisting of not less than ten families, or of any public buildings belonging to the district or to any college or university.

- (10) Tramway lines.
- (11) Electric power lines.

Sec. 205. That the following is a classification of the estates and rights in lands subject to be taken for public use:

What estates in land may be acquired by condemnation.

(1) A fee simple, when taken for public buildings or grounds, or for permanent buildings, for reservoirs and dams, and permanent flooding occasioned thereby, or for an outlet for a flow, or a place for the deposit of debris or tailings of a mine.

(2) An easement when taken for any other use.

(3) The right of entry upon and occupation of lands, and the right to take therefrom such earth, gravel, stones, trees, and timber as may be necessary for some public use.

Sec. 206. The private property which may be taken under this chapter includes:

Private property defined; classes enumerated.

(1) All real property belonging to any person.

(2) Lands belonging to the district, or to any precinct, city, town, village, or other municipal division, whether incorporated or unincorporated, not appropriated to some public use.

(3) Property appropriated to public use; but such property must not be taken unless for a more necessary purpose than that to which it has already been appropriated.

(4) Franchises for roads, bridges, and ferries, and all other franchises; but such franchises must not be taken unless for free highways, free bridges, railroads, or other more necessary public use.

(5) All rights of way for any and all the purposes mentioned in section two hundred and four, and any and all structures and improvements thereon, and the lands held and used in connection therewith, must be subject to be connected with, crossed, or intersected by any other right of way or improvements or structures thereon. They must also be subject to a limited use, in common with the owner thereof, when necessary; but such uses, crossings, intersections, and connections must be made in manner most compatible with the greatest public benefit and least private injury.

(6) All classes of private property not enumerated may be taken for public use, when such taking is authorized by law.

Sec. 207. Before property can be taken it must appear:

Facts necessary to be found before condemnation.

(1) That the use to which it is to be applied is a use authorized by law.

(2) That the taking is necessary to such use.

(3) If already appropriated to some public use that the public use to which it is to be applied is a more necessary public use.

The plaintiff or defendant or any party interested in the proceedings can appeal to the United States circuit court of appeals for the ninth circuit from any finding or judgment made or rendered under this chapter, as in other cases. Such appeal does not stay any further proceedings under this chapter.

Sec. 208. In all cases where land is required for public use, the district, or its agents in charge of such use, may survey and locate the same; but it must be located in the manner which will be most compatible with the greatest public good and the least private injury, and subject to the provisions of section two hundred and thirteen. The district, or its agents in charge of such public use, may enter upon the land and make examination, surveys, and maps thereof, and such entry shall constitute no cause of action in favor of the owners of the land, except from injuries resulting from negligence, wantonness, or malice.

Parties may make location and enter to make surveys.

Sec. 209. All proceedings under this chapter must be brought in the district court of the district. They must be commenced by filing a complaint and issuing a summons thereon.

Jurisdiction of the district court.

Sec. 210. The complaint must contain:

The complaint and its contents.

(1) The name of the corporation, association, commission, or person

in charge of the public use for which the property is sought, who must be styled plaintiff.

(2) The names of all owners and claimants of the property, if known, or a statement that they are unknown, who must be styled defendants.

(3) A statement of the right of the plaintiff.

(4) If a right of way be sought, the complaint must show the location, general route, and termini, and must be accompanied with a map thereof, so far as the same is involved in the action or proceeding.

(5) A description of each piece of land sought to be taken, and whether the same includes the whole or only a part of the entire parcel or tract. All parcels lying in the precinct and required for the same public use may be included in the same or separate proceedings, at the option of the plaintiff, but the court may consolidate or separate them to suit the convenience of parties. When application for the condemnation of a right of way for the purposes of sewerage is made on behalf of a precinct, town, or settlement, the chief executive officer of the same, or, if the same be unincorporated, any three citizens authorized thereunto by a written instrument, signed by not less than one-half of the whole number of male inhabitants of such precinct, town, or settlement over the age of twenty-one years, which fact shall be set forth in the complaint, may be named as plaintiff.

Summons, what to contain; how issued and served.

SEC. 211. Upon the filing of such complaint a summons shall be issued, which shall contain the names of the parties, a description of the lands proposed to be taken, a statement of the public use for which it is sought, and a notice to the defendants to appear before the court or judge, at a time and place therein specified, and show cause why the property described should not be condemned, as prayed for in the complaint. Such summons shall, in other particulars, be in the form of a summons in a civil action, and shall be served in like manner upon each defendant named therein at least twenty days previous to the time designated in such notice for the hearing, and no copy of the complaint need be served. But the failure to make such service upon a defendant does not affect the right to proceed against any or all other of the defendants upon whom service of the summons had been made.

Who may defend.

SEC. 212. All persons named in the complaint in occupation of, or claiming an interest in, any of the property described in the complaint, or in the damages for the taking thereof, though not named, may appear, answer, or demur, each in respect to his own property or interest.

Appointment of commissioners, etc.

SEC. 213. The court or judge has power:

(1) To regulate and determine the place and manner of making the connections and crossings and enjoying the common uses mentioned in subdivision five of section two hundred and six of this chapter, and of the occupying of canyons, passes, and defiles for railroad purposes, as permitted and regulated by law.

(2) To determine whether or not the use for which the property is sought to be appropriated is a public use within the meaning of the laws relating to the district.

(3) To limit the amount of property sought to be appropriated, if in the opinion of the court or judge the quantity sought to be appropriated is not necessary.

(4) If the court or judge is satisfied that the public interests require the taking of such lands, it or he must make an order appointing three competent persons, resident in the precinct, commissioners to ascertain and determine the amount to be paid by the plaintiffs to each owner or other person interested in such property as damages, by reason of the appropriation of such property, and specifying the time and place of the first meeting of such commissioners, and fixing their compensation. Any party may object to the appointment of any per-

son as a commissioner on the same grounds that he might object to him as a trial juror.

SEC. 214. The commissioners mentioned in the last section must, before entering upon their duties, severally take and subscribe an oath before some person qualified to administer oaths, to faithfully and impartially discharge the duties of their appointment. The commissioners must meet at the time and place mentioned in the order appointing them, and proceed to examine the lands sought to be appropriated, and shall hear the allegations and evidence of all persons interested in each of the several parcels of land, and shall ascertain and assess:

Meeting of commissioners.

(1) The value of the property sought to be appropriated, and all improvements thereon, pertaining to the realty and each and of every separate estate and interest therein; if it consists of different parcels, the value of each parcel and each estate or interest therein must be separately assessed.

(2) If the property sought to be appropriated constitutes only a part of a larger parcel, the damages which will accrue to the portion not sought to be condemned by reason of its severance from the portion sought to be condemned, and the construction of the improvements in the manner proposed by the plaintiff.

(3) Separately, how much the portion not sought to be condemned, and each estate or interest therein will be benefited, if at all, by the construction of the improvements proposed by the plaintiff, and if the benefit shall be equal to the damages assessed under subdivision two the owner of the parcel shall be allowed no compensation except the value of the portion taken; but if the benefits shall be less than the damages assessed the former shall be deducted from the latter, and the remainder shall be the only damages allowed in addition to the value.

(4) If the property sought to be condemned be for a railroad, the cost of good and sufficient fences along the line of such railroad, and the cost of cattle guards where fences may cross the line of such railroad.

(5) As far as practicable compensation must be assessed for each source of damage separately.

SEC. 215. For the purpose of assessing compensation and damages, the right thereto shall be deemed to have accrued at the date of the summons; and its actual value at that date shall be the measure of compensation of all property to be actually taken, and the basis of damages to property not actually taken but injuriously affected. If an order be made letting the plaintiff into possession, as provided in section two hundred and twenty-two, the compensation and damages awarded shall draw lawful interest from the date of such order. No improvements put upon the property subsequent to the date of the service of summons shall be included in the assessment of compensation or damages.

Date with respect to which compensation shall be assessed, and measure of damages.

SEC. 216. Within thirty days after giving their appraisal and the assessment of damages, the commissioners must file a report of their proceedings, accompanied by a map, if a right of way be sought, showing the route, location, and termini thereof, in the office of the clerk of the court, and the clerk must notify the parties interested that such report has been filed, which notice must be served upon all the parties interested in the same manner as a summons.

Report of commissioners.

SEC. 217. An appeal from any assessment made by the commissioners may be taken and prosecuted in the court where the report of the commissioners is filed, by any party interested. Such appeal must be taken within the period of thirty days after the service upon appellant of the notice of the filing of the award by the service of notice of such

Appeal.

appeal upon the plaintiff or his attorney in such proceedings, and the same shall be brought on for trial upon the same notice and in the same manner as other civil actions; and unless a jury shall be waived by the consent of all parties to such appeal, the same shall be tried by jury, and the damages to which appellant may be entitled by reason of the appropriation of his property, shall be reassessed upon the same principle as hereinbefore prescribed for the assessment of such damages by commissioners. Upon any verdict or assessment by commissioners becoming final, judgment shall be entered declaring that upon payment of such verdict or assessment, together with the interest and costs allowed by law, if any, the right to construct and maintain such railroad, or other public work or improvement, and to take, use, and appropriate the property described in such verdict or assessment, for the use and purposes for which the land has been condemned, shall, as against the parties interested in such verdict or assessment, be and remain in the plaintiff, and his or its heirs, successors, or assigns forever. In case the party appealing from the award of commissioners in any proceeding as aforesaid, shall not succeed in increasing the amount of damages finally awarded to him in such proceeding, he shall not recover the costs of such appeal; but all the costs of the appellee upon such appeal shall be taxed against and recovered from the appellant: *Provided*, Upon the trial of such appeal the plaintiff may contest the right of any party or parties thereto to any of the property mentioned and set forth or involved in the appeal, which was located after the preliminary survey of any such railroad seeking to condemn its right of way under and pursuant to the provisions of this Act: *Provided*, Such condemnation proceedings are begun within one year after such preliminary survey.

New proceedings to
cure defective title.

SEC. 218. If the title attempted to be acquired is found to be defective from any cause, the plaintiff may again institute proceedings to acquire the same, as in this chapter prescribed.

Payment of dam-
ages.

SEC. 219. The plaintiff must, within thirty days after final judgment, pay the sum of money assessed; but may, at the time of or before the payment, elect to build the fences and cattle guards; and if he so elect shall execute to the defendant a bond, with sureties to be approved by the court, in double the assessed cost of the same, to build such fences and cattle guards within eight months from the time the railroad is built on the land taken; and if such bond be given, need not pay the cost of such fences and cattle guards. In an action on such bond the plaintiff may recover reasonable attorney's fees.

To whom paid.

SEC. 220. The payment may be made to the defendants entitled thereto, or the money may be deposited in court for the defendants, and be distributed to those entitled thereto. If the money be not so paid or deposited, the defendants may have execution as in civil cases; and if the money can not be made on execution, the court or judge, upon a showing to that effect, must set aside and annul the entire proceedings and restore possession of the property to the defendant, if possession has been taken by the plaintiff.

Final order of con-
demnation.

SEC. 221. When payments have been made, and the bond given, if the plaintiff elects to give one, as required by the last two sections, the court or judge must make a final order of condemnation, which must describe the property condemned and the purposes of condemnation. A copy of the order must be filed in the office of the commissioner of the recording district wherein the land is located, and thereupon the property described therein shall vest in the plaintiff for the purposes therein specified.

Putting plaintiff in
possession.

SEC. 222. At any time after the report and assessment of damages of the commissioners has been made and filed in the court, and either before or after appeal from such assessment, or from any other order

or judgment in the proceedings, the court or any judge thereof at chambers, upon application of the plaintiffs, shall have power to make an order that upon payment into court for the defendant entitled thereto of the amount of damages assessed, either by the commissioners or by the jury, as the case may be, the plaintiff be authorized, if already in possession of the property of such defendant sought to be appropriated, to continue in such possession; or, if not in possession, that the plaintiff be authorized to take possession of such property and use and possess the same during the pendency and until the final conclusion of the proceedings and litigation; and that all actions and proceedings against the plaintiff on account thereof be stayed until such time: *Provided, however*, Where an appeal is taken by such defendant, the court or judge may in its or his discretion require the plaintiff, before continuing or taking such possession, in addition to paying into court the amount of damages assessed, to give a bond or undertaking, with sufficient sureties, to be approved by the judge, and to be in such sum as the court or judge may direct, conditioned to pay defendant any additional damages and costs over and above the amount assessed, which it may finally be determined that defendant is entitled to for the appropriation of the property, and all damages which defendant may sustain if for any cause such property shall not be finally taken for public uses. The amount assessed as damages by the commissioners, or by the jury on appeal, as the case may be, shall be taken and considered, for the purposes of this section, until reassessed or changed in the further proceedings, as just compensation for the property appropriated; but the plaintiff, by payment into court of the amount assessed, or by giving security, as above provided, shall not be thereby prevented or precluded from appealing from such assessment, but may appeal in the same manner and with the same effect as if no money had been deposited or security given; and in all cases where the plaintiff deposits the amount of the assessment and continues in possession or takes possession of the property, as herein provided, the defendant entitled thereto, if there be no dispute as to the ownership of the property, may at any time demand and receive from the court the money so deposited, and shall not by such demand or receipt be barred or concluded from his right of appeal from such assessment, but may, notwithstanding, take and prosecute such appeal from such assessment: *Provided*, If the amount of such assessment is finally reduced on appeal by either party, such defendant who has received the amount of the assessment deposited shall be liable to the plaintiff for any excess of the amount so received by him over the amount finally assessed, with legal interest on such excess from the time such defendant received the money deposited, and the same may be recovered by action: *And provided further*, Upon any appeal from the assessment of damages by the commissioners or a jury, the jury may find as compensation or damages a less as well as an equal or greater amount than that assessed by the commissioners.

Bond.

Liability for excess
over amount finally
assessed, etc.

Appeal, etc.

Payment of costs.

Rules of practice.

SEC. 223. Costs may be allowed, or, if not so allowed, may be so apportioned between the parties on the same or adverse sides, in the discretion of the court.

SEC. 224. Except as otherwise provided in this chapter, the provisions of title two of this Act are applicable to and constitute the rules of practice of the proceedings mentioned in this Act.

CHAPTER TWENTY-THREE.

OF FOREIGN CORPORATIONS.

Sec.	Sec.
225. To file copy of charter and appoint agent.	228. Penalty for failure to comply.
226. Consent of agent, etc.	229. Annual reports to be filed.
227. Death or removal of agent.	230. Existing corporations to comply.
	231. Penalty for failure to comply.

To file copy of charter and appoint agent.

SEC. 225. All corporations or joint stock companies organized under the laws of the United States, or the laws of any State or Territory of the United States, shall, before doing business within the district, file in the office of the secretary of the district and in the office of the clerk of the district court for the division wherein they intend to carry on business, a duly authenticated copy of their charter or articles of incorporation, and also a statement, verified by the oath of the president and secretary of such corporation, and attested by a majority of its board of directors, showing—

(1) The name of such corporation and the location of its principal office or place of business without the district; and, if it is to have any place of business or principal office within the district, the location thereof;

(2) The amount of capital stock;

(3) The amount of its capital stock actually paid in in money;

(4) The amount of its capital stock paid in in any other way, and in what;

(5) The amount of the assets of the corporation, and of what the assets consist, with the actual cash value thereof;

(6) The liabilities of such corporation, and if any of its indebtedness is secured, how secured, and upon what property.

Such corporation or joint stock company shall also file, at the same time and in the same offices, a certificate, under the seal of the corporation and the signature of its president, vice-president, or other acting head, and its secretary, if there be one, certifying that the corporation has consented to be sued in the courts of the district upon all causes of action arising against it in the district, and that service of process may be made upon some person, a resident of the district, whose name and place of residence shall be designated in such certificate, and such service, when so made upon such agent, shall be valid service on the corporation or company, and such agent shall reside at the principal place of business of such corporation or company in the district.

Consent of agent, etc.

SEC. 226. The written consent of the person so designated to act as such agent shall also be filed in like manner, and such designation shall remain in force until the filing in the same offices of a written revocation thereof, or of the consent, executed in like manner. A certified copy of the designation so filed, accompanied with a certificate that it has not been revoked, is presumptive evidence of the execution thereof, and conclusive evidence of the authority of the officer executing it.

Death or removal of agent.

SEC. 227. In case of the death, removal from the district, or disqualification of the person so designated, or of the revocation of his consent, it shall be the duty of the clerk of the district court to notify such corporation or company; and it shall be the duty of such corporation or company, within sixty days thereafter, to designate another person in the manner hereinbefore provided.

Penalty for failure to comply.

SEC. 228. If any such corporation or company shall attempt or commence to do business in the district without having first filed said statements, certificates, and consents required by this chapter, it shall forfeit the sum of twenty-five dollars for every day it shall so neglect to file the same; and every contract made by such corporation, or any

agent or agents thereof, during the time it shall so neglect to file such statements, certificates, or consents, shall be voidable at the election of the other party thereto. It shall be the duty of the United States attorney for the district to sue for and recover, in the name of the United States, the penalty above provided, and the same, when so recovered, shall be paid into the Treasury of the United States.

SEC. 229. Every such corporation or company shall annually, and within thirty days from the first day of July of each year, make a report, which shall be in the same form and contain the same information as required in the statement mentioned in section two hundred and twenty-five, of this chapter, which report shall be filed in the office of the secretary of the district, and a duplicate thereof in the office of the clerk of the district court for the division wherein the business of the corporation is carried on. Annual reports to be filed.

SEC. 230. Any such corporation or company that has heretofore engaged in business, performed acts, or made contracts in the district, may, within ninety days from the time this Act goes into effect, comply with the provisions hereof, and thereupon all its acts and contracts done and made before this Act goes into effect shall be valid and enforceable. Existing corporations to comply.

SEC. 231. If any such corporation or company shall fail to comply with any of the provisions of this chapter, all its contracts with citizens of the district shall be void as to the corporation or company, and no court of the district, or of the United States, shall enforce the same in favor of the corporation or company so failing. Penalty for failure to comply.

CHAPTER TWENTY-FOUR.

OF THE INCORPORATION OF CEMETERIES.

Sec.	Sec.
232. Cemetery association may be formed.	237. May sell unsuitable lands.
233. How formed.	238. Burial lots exempt from execution and taxation.
234. Succession of trustees.	239. Association may have plat recorded.
235. Association may describe terms of membership, etc.	
236. General powers and management of such associations.	

SEC. 232. It shall be lawful for any number of persons, not less than five, who are residents of the precinct in which they desire to form themselves into an association, to form themselves into a cemetery association, and to elect any number of their members, not less than three, to serve as trustees, and one member as clerk, who shall continue in office during the pleasure of the society. Cemetery association may be formed.

SEC. 233. The clerk to be elected, as provided in section two hundred and thirty-two, shall forthwith make out a true record of the proceedings of the meetings provided for by the preceding section, certify to and file a copy of the same with the commissioner of the precinct in which such meeting shall be held, and another copy of the same in the office of the clerk of the district court, together with the name by which such association desires to be known, and from and after filing such record the trustees and their associated members and successors shall be invested with the powers, privileges, and immunities incident to aggregate corporations. How formed

SEC. 234. The trustees who may be elected under the provisions of section two hundred and thirty-two shall have perpetual succession, and shall be capable in law of contracting and of prosecuting and defending actions. Succession of trustees.

SEC. 235. All such associations shall have power to prescribe the terms on which members may be admitted, the number of its trustees Association may describe terms of membership, etc.

and officers, and the time and manner of their election or appointment and the time and place of meeting for the trustees and for the association, and to pass all such other by-laws as may be necessary for the good government of such association.

General powers and management of such associations.

SEC. 236. Such association shall be authorized to purchase, or to take by gift or devise, and hold, land exempt from execution and from any appropriation to public purposes, for the sole purpose of a cemetery, not exceeding eighty acres, which shall be exempt from taxation if intended to be used exclusively for burial purposes and in no wise with a view to the profit of the members of such association. Such association may by its by-laws provide that a stated percentage of the moneys realized from the sale of lots, donations, and other sources of revenue shall constitute an irreducible fund, which fund may be invested in such manner or loaned upon such securities as the association or the trustees thereof deem proper. The interest or income arising from the irreducible fund provided for in any by-law, or so much thereof as may be necessary, shall be devoted exclusively to the preservation and embellishment of the cemetery, and, where any by-law has been enacted for the creation of an irreducible fund as herein provided for, it can not thereafter be amended in any manner whatsoever except for the purpose of increasing such fund. After paying for the land, all the future receipts and income of such association subject to the provisions herein for the creation of an irreducible fund, whether from the sale of lots, from donations, rents, or otherwise, shall be applied exclusively to laying out, preserving, protecting, and embellishing the cemetery and the avenues leading thereto, and in the erection of such buildings as may be necessary or convenient for the cemetery purposes, and to paying the necessary expenses of the association. No debts shall be contracted in anticipation of any future receipts, except for originally purchasing, laying out, and embellishing the grounds and avenues, for which debts so contracted such association may issue bonds or notes, and secure the same by way of mortgage upon any of its lands, excepting such lots as shall have been conveyed to the members thereof; and such association shall have power to adopt such rules and regulations as they shall deem expedient for disposing of, and for conveying burial lots.

May sell unsuitable lands.

SEC. 237. It shall be lawful for said trustees whenever, in their opinion, any portion or portions of their lands are unsuitable for burial purposes to sell such portion or portions and apply the avails thereof to the general purposes of such association.

Burial lots exempt from execution and taxation.

SEC. 238. Burial lots sold by such association shall be for the sole purpose of interment and shall be exempt from taxation, execution, attachment, or any other claims, lien, or process whatsoever if used, as intended, exclusively for burial purposes and in no wise with a view to profit.

Association may have plat recorded.

SEC. 239. All such associations shall cause a plan of their grounds and of the lots by them laid out to be made and recorded in a book kept for that purpose by the clerk of such association, such lots to be numbered by regular consecutive numbers, and shall have power to inclose, improve, and adorn the grounds and avenues, to erect buildings for the use of the association, and to prescribe rules for the designation and adornment of lots, and for erecting monuments in the cemetery, and to prohibit any use, division, improvement, or adornment of a lot which they may deem improper. An annual statement of the financial affairs of such association shall be made by the clerk thereof.

CHAPTER TWENTY-FIVE.

OF CONTAGIOUS DISEASE AMONG ANIMALS.

Sec.	Sec.
240. Penalty for bringing diseased animals into said district.	243. Proceedings in case of violation of this law.
241. Diseased animals to be kept away from others.	244. Certain words defined.
242. Procedure against persons violating this code.	245. Officers must prosecute.
	246. Jurisdiction.

SEC. 240. Any person, persons, company, or corporation who shall bring, or cause to be brought, or aid in bringing, into the district any sheep, hog, horse, or cattle of any kind, or any domestic animal of any kind, knowing the same to be affected with any contagious or infectious disease, shall be guilty of a misdemeanor, and on conviction be punished by a fine of not less than one hundred dollars nor more than one thousand dollars.

Penalty for bringing diseased animals into said district.

SEC. 241. If any person or persons, company, or corporation owning or having possession or control of any animal affected by any such contagious or infectious disease shall fail to keep the same within an inclosure, or herd the same in some place where it will be secure from contact with other animals not so affected, or shall suffer such infected animal to range where it will be likely to come in contact with another animal not so affected, shall be guilty of a misdemeanor, and, on conviction, punished by a fine of not more than one thousand dollars for each offense.

Diseased animals to be kept away from others.

SEC. 242. Any person, company, or corporation violating any of the provisions of this chapter shall be liable for all damages sustained by any other person, company, or corporation through such violation.

Procedure against persons violating this code.

SEC. 243. Any person or persons found violating the provisions of this chapter may be arrested and held without warrant in the same manner as in cases of persons found breaking the peace; and the person or persons making the arrest, with or without warrant, shall use reasonable diligence to give notice thereof to the owner or owners of the animal or animals found in the charge of the person or persons arrested, and shall properly care and provide for such animal or animals until the owner or owners of such animal or animals, or a duly authorized agent of the same, shall take charge of the same: *Provided*, Such owner or owners or agent shall claim and take charge of the same within sixty days of the date of the notice; and the person or persons making such arrest shall have a lien upon such animal or animals for the expense of such care and provisions.

Proceedings in case of violation of this law.

SEC. 244. In this chapter the word "animal" or "animals" shall be held to include all brute creatures, and the words "owner," "owners," "person," "persons," and "whoever" shall be held to include corporations as well as individuals, and the knowledge and acts of agents of and persons employed by corporations in regard to the treatment of animals transported, owned, or employed by or in the custody of such corporation or corporations shall be held to be acts and knowledge of such corporation or corporations.

Certain words defined.

SEC. 245. It shall be the duty of any marshal or deputy marshal to arrest any violator or violators of the provisions of this chapter, and to prosecute any violator or violators of its provisions which shall come to his knowledge or notice; and all fines and forfeitures which shall be collected for violations of any of the provisions hereof shall be paid into the office of the clerk of the district court, and such clerk shall turn the same, according to law, into the Treasury of the United States.

Officers must prosecute.

Jurisdiction.

SEC. 246. Commissioners within their respective precincts shall have jurisdiction over all offenses committed under the provisions of this chapter.

CHAPTER TWENTY-SIX.

OF ESTRAYS.

Sec.	Sec.
247. Commissioners to keep record of estrays.	251. When description of estray to be published in newspaper.
248. Householder may take up estray and post notices thereof.	252. Claim of owner after appraisal.
249. Owner to recover estray on proof and payment of costs.	253. Sale of estray if not proven within six months.
250. Statement of taking up, etc.	254. Penalty for violating above provisions.

Commissioners to keep record of estrays.

SEC. 247. It shall be the duty of the commissioner of each precinct in the district to keep a book of suitable dimensions to be called the record of estrays.

Householder may take up estray and post notices thereof.

SEC. 248. Any householder about whose premises any estray may be running at large may take up the same, and shall immediately post notices in three public places in the district, one of which shall be in the precinct in which the estray was taken up, giving as correct a description as may be of natural and artificial marks, probable age, size, and so forth.

Owner to recover estray on proof and payment of costs.

SEC. 249. If, previous to the expiration of ten days from taking up, the owner shall prove the estray to be his, he shall be entitled to the same by paying charges, which shall be one dollar for taking up, posting, and so forth, and a reasonable rate for keeping the same. And if the owner shall further prove that the person so posting an estray knew to whom such estray belonged and yet did not notify the owner of his intention to post the estray, the person so taking and posting shall not recover for either posting or keeping.

Statement of taking up, etc.

SEC. 250. If at the expiration of ten days no one shall have made his claims known to the taker-up, it shall be his duty to make a statement to the nearest commissioner of the precinct in which such estray is taken up, under oath, of the taking up of such estray, post, and so forth, according to law; whereupon the commissioner shall appraise the estray and immediately make record of the same in the record of estrays. And such commissioner shall receive for each appraisal one dollar.

When description of estray to be published in newspaper.

SEC. 251. If the amount of such appraisement shall exceed fifteen dollars the person taking up such estray shall be further required to cause to be published, in a newspaper published in the precinct, or, if there be none, then in a newspaper of general circulation in the district, a description of the same, giving mark^s as above specified, the name and residence of the finder, and, as near as may be, the time at which the estray was taken up.

Claim of owner after appraisal.

SEC. 252. If the owner, or any person entitled to the possession of an estray, shall appear and make out his title thereto and pay the charges thereon within six months from the time the notice is filed with the commissioner, as provided in section two hundred and fifty, and make out his right thereto, he shall have such estray restored to him upon paying all lawful charges which have been incurred in relation to the same.

Sale of estray if not proven within six months.

SEC. 253. If the person entitled to the possession of any estray shall not appear and make out his title thereto within six months from the time of entry thereof by the commissioner; such estray shall be sold, at the request of the finder, by the marshal or any deputy marshal of the district, at public auction, upon first giving public notice thereof in writing by posting up the same in three public places in the precinct, one of which shall be at or adjoining the post-office, at least ten days before such sale, and the finder may bid therefor at such sale;

and after deducting all the lawful charges of the finder as aforesaid, and the fees of the marshal or deputy marshal, which shall be the same as upon a sale on an execution, the remaining proceeds of such sale shall be deposited with the clerk of the district court; and if the owner of the property sold, or his legal representatives, shall not, within one year after the money shall have been so deposited with the clerk of the district court, furnish satisfactory evidence to the district judge of the ownership of such property the amount so deposited with the clerk of the district court shall be paid into the Treasury of the United States.

SEC. 254. If any person shall take up, keep, or use any estray without complying with the provisions of this code he shall be liable to a penalty of double the value of such estray, to be sued for and recovered in the district court at the suit of the United States; and it is hereby made the duty of the district attorney to prosecute an action against such offender for the violation of the provisions of this code when the same shall be within his personal knowledge or when complaint in writing, under oath, be filed with him alleging the violation of this code.

Penalty for violating above provisions.

CHAPTER TWENTY-SEVEN.

OF INTEREST AND USURY.

Sec.

255. Legal rate of interest.

256. Illegal interest not to be taken.

257. May recover usurious interest paid.

258. Illegal interest, contract for.

259. Assignee of usurious contract may recover amount paid for same.

Sec.

260. Mortgagor and mortgagee may agree which shall pay taxes, when.

261. Assessment, how made in such cases.

SEC. 255. The rate of interest in the district shall be eight per centum per annum, and no more, on all moneys after the same become due; on judgments and decrees for the payment of money; on money received to the use of another and retained beyond a reasonable time without the owner's consent, expressed or implied, or on money due upon the settlement of matured accounts from the day the balance is ascertained; on money due or to become due where there is a contract to pay interest and no rate specified. But on contracts interest at the rate of twelve per centum may be charged by express agreement of the parties, and no more.

Legal rate of interest.

SEC. 256. No person shall, directly or indirectly, receive in money, goods, or things in action, or in any other manner, any greater sum or value for the loan or use of money, or upon contract founded upon any bargain, sale, or loan of wares, merchandise, goods, chattels, lands, and tenements, than in this chapter prescribed.

Illegal interest not to be taken.

SEC. 257. If usurious interest, as defined by the preceding sections, shall hereafter be received or collected the person or persons paying the same, or their legal representatives, may, by action brought in any court of competent jurisdiction, within two years after such payment, recover from the person, firm, or corporation receiving the same double the amount of the interest so received or collected.

May recover usurious interest paid.

SEC. 258. If it shall be ascertained in any action brought on any contract that a rate of interest has been contracted for greater than is authorized by this chapter, either directly or indirectly, in money, property, or other valuable thing, or that any gift or donation of money, property, or other valuable thing has been made or promised to be made to a lender or creditor, or to any person for him, directly or indirectly, either by the borrower or debtor, or any person for him, the design of which is to obtain for money so loaned, or for debts due or to become due, a rate of interest greater than that specified by the provisions of this chapter, the same shall be deemed to be usurious

Illegal interest, contract for.

and shall work a forfeiture of the entire interest on the debt. The court before which such action is prosecuted shall render judgment for the amount due, without interest, on the sum loaned or the debt contracted, against the defendant and in favor of the plaintiff and against the plaintiff for costs of action, whether such action be contested or not.

Assignee of usurious contract may recover amount paid for same.

SEC. 259. Nothing in this code shall be construed to prevent the proper bona fide assignee of any usurious contract recovering against his immediate assignor, or the original usurer, the full amount paid by him for such contract, but the same may be recovered by proper action in any court having competent jurisdiction: *Provided*, Such assignee had no notice of the usury affecting the contract.

Mortgagor and mortgagee may agree which shall pay taxes, when.

SEC. 260. All contracts made and entered into in the district by and between borrower and lender, debtor, and creditor, or mortgagor and mortgagee, on which the rate of interest is eight per centum or under, whereby one party shall agree to pay the taxes on the debt, credit, or mortgage existing or entered into between such parties, be, and the same are hereby, declared legal and valid and shall not be deemed or taken to be usurious.

Assessment, how made in such cases.

SEC. 261. All contracts entered into under section two hundred and sixty, may be enforced by the parties thereto in the courts of the district: *Provided*, In making the assessments of credits, loans, or mortgages the same shall be assessed to the holder thereof.

CHAPTER TWENTY-EIGHT.

OF THE LIENS OF MECHANICS, LABORERS, AND OTHERS.

Sec.

- 262. Lien, to whom given.
- 263. Lien extends to the land.
- 264. Priority between liens and mortgages.
- 265. Owner of land charged as owner of building, when.
- 266. Claim of lien must be filed.
- 267. Commissioner must record liens.
- 268. Foreclosure must be commenced in six months.
- 269. Lien for grading street, etc.

Sec.

- 270. Suits to enforce liens must be before commissioner.
- 271. Payment by owner of building does not prevent lien, when.
- 272. Amount of recovery not to exceed amount due on contract; exception.
- 273. Building materials, when not subject to attachment.
- 274. Definitions.
- 275. Existing liens and proceedings thereunder not impaired.

Lien, to whom given.

SEC. 262. Every mechanic, artisan, machinist, builder, contractor, lumber merchant, laborer, teamster, drayman, and other persons performing labor upon or furnishing material, of any kind to be used in the construction, development, alteration, or repair, either in whole or in part, of any building, wharf, bridge, flume, mine, tunnel, fence, machinery, or aqueduct, or any structure or superstructure, shall have a lien upon the same for the work or labor done or material furnished at the instance of the owner of the building or other improvement or his agent; and every contractor, subcontractor, architect, builder, or other person having charge of the construction, alteration, or repair, in whole or in part, of any building or other improvement as aforesaid shall be held to be the agent of the owner for the purposes of this code.

Lien extends to the land.

SEC. 263. The land upon which any building or other improvement as aforesaid shall be constructed, together with a convenient space about the same, or so much as may be required for the convenient use and occupation thereof (to be determined by the judgment of the court at the time of the foreclosure of such lien), and the mine on which the labor was performed or for which the material was furnished shall also be subject to the liens created by this code if, at the time the work was commenced or the materials for the same had been commenced to be furnished, the land belonged to the person who caused the building or other improvement to be constructed, altered, or repaired; but if such person owned less than a fee-simple estate in such land, then only his interest therein shall be subject to such lien; and in case such inter-

est shall be a leasehold interest, and the holder thereof shall have forfeited his rights thereto, the purchaser of such building or improvement and leasehold term, or so much thereof as remains unexpired at any sale under the provisions of this code, shall be held to be the assignee of such leasehold term, and as such shall be entitled to pay the lessor all arrears of rent or other money and costs due under the lease, unless the lessor shall have regained possession of the land and property, or obtained judgment for the possession thereof, prior to the commencement of the construction, alteration, or repair of the building or other improvement thereof; in which event the purchaser shall have the right only to remove the building or other improvement within thirty days after he shall have purchased the same; and the owner of the land shall receive the rent due him, payable out of the proceeds of the sale, according to the terms of the lease, down to the time of such removal.

SEC. 264. A lien created by this code upon any parcel of land shall be preferred to any lien, mortgage, or other incumbrance which may have attached to the land subsequent to the time when the building or other improvement was commenced, or the materials were commenced to be furnished and placed upon or adjacent to the land; also to any lien, mortgage, or other incumbrance which was unrecorded at the time when the building, structure, or other improvement was commenced, or other materials for the same were commenced to be furnished and placed upon or adjacent to the land; and all liens created by this code upon any building or other improvements shall be preferred to all prior liens, mortgages, or other incumbrances upon the land upon which the building or other improvement shall have been constructed or situated when altered or repaired; and in enforcing such lien, such building or other improvement may be sold separately from the land, and when so sold the purchaser may remove the same, within a reasonable time thereafter, not to exceed thirty days, upon the payment to the owner of the land of a reasonable rent for its use from the date of its purchase to the time of removal: *Provided*, If such removal be prevented by legal proceedings, the thirty days shall not begin to run until the final determination of such proceedings in the court of first resort or the appellate court if appeal be taken.

Priority between
liens and mortgages.

SEC. 265. Every building, or other improvement mentioned in section two hundred and sixty-two, constructed upon any lands with the knowledge of the owner or the person having or claiming any interest therein, shall be held to have been constructed at the instance of such owner or person having or claiming any interest therein; and the interest owned or claimed shall be subject to any lien filed in accordance with the provisions of this code, unless such owner or person having or claiming an interest therein shall, within three days after he shall have obtained knowledge of the construction, alteration, or repair, give notice that he will not be responsible for the same, by posting a notice in writing to that effect in some conspicuous place upon the land, or upon the building or other improvement situated thereon.

Owner of land
charged as owner of
building, when.

SEC. 266. It shall be the duty of every original contractor, within sixty days after the completion of his contract, and of every mechanic, artisan, machinist, builder, lumber merchant, laborer, or other person, save the original contractor, claiming the benefit of this code, within thirty days after the completion of the alteration or repair thereof, or after he has ceased to labor thereon from any cause, or after he has ceased to furnish materials therefor, to file with the recorder of the precinct in which such building or other improvement, or some part thereof, shall be situated, a claim containing a true statement of his demand, after deducting all just credits and offsets, with the name of the owner or reputed owner, if known, and also the name of the person by whom he was employed or to whom he furnished the materials, and also a description of the property to be charged with the lien suf-

Claim of lien must
be filed.

ficient for identification, which claim shall be verified by the oath of himself or of some other person having knowledge of the facts.

Commissioner must record liens.

SEC. 267. The recorder shall record the claim in a book kept for that purpose, which records shall be indexed as deeds and other conveyances are required by law to be indexed, and for which he shall receive the same fees as are allowed by law for recording deeds and other instruments.

Foreclosure must be commenced in six months.

SEC. 268. No lien provided for in this code shall bind any building, structure, or other improvement for a longer period than six months after the same shall have been filed, unless suit be brought before the proper court within that time to enforce the same, or, if a credit be given, then six months after the expiration of such credit; but no lien shall be continued in force for a longer time than one year from the time the work is completed by any agreement to give credit.

Lien for grading street, etc.

SEC. 269. Any person who shall, at the request of the owner of any lot in the district, grade, fill in, or otherwise improve the same or the street in front of or adjoining the same, shall have a lien upon such lot for his work done and materials furnished in the grading, filling in, or otherwise improving the same; and all the provisions of this code respecting the securing and enforcing the mechanic's lien shall apply thereto.

District court to try suits to enforce liens.

SEC. 270. Actions to enforce the liens created by this code shall be brought before the district court, and the pleadings, process, practice, and other proceedings shall be the same as in other cases. In case the proceeds of any sale under this code shall be insufficient to pay all lien holders under it, the liens of all persons other than the original contractor (and subcontractors) shall first be paid in full, or pro rata if the proceeds be insufficient to pay them in full; and out of the remainder, if any, the subcontractor shall be paid in full, or pro rata if the remainder be insufficient to pay them in full, and the remainder, if any, shall be paid to the original contractor; and each claimant shall be entitled to execution for any balance due him after such distribution, such execution to be issued by the clerk of the district court, upon demand, after the return of the marshal or other officer making the sale showing such balance due.

In all actions under this chapter the district court shall, upon entering judgment for the plaintiff, allow as a part of the costs all moneys paid for the filing and recording of the lien, and also a reasonable amount as attorney's fees. All actions to enforce any lien created by this code shall have preference upon the calendar of civil actions brought before the district court and shall be tried without unnecessary delay.

In all actions to enforce any lien created by this chapter all persons personally liable and all lien holders whose claims have been filed for record under the provisions of section two hundred and sixty-six shall, and all other persons interested in the matter in controversy or in the property sought to be charged with the lien may, be made parties; but such as are not made parties shall not be bound by such proceedings. The proceedings upon the foreclosure of the liens created by this code shall be, as nearly as possible, made to conform to the proceedings of a foreclosure of a mortgage lien upon real property.

Payment by owner of building does not prevent lien, when.

SEC. 271. No payment by the owner of the building or structure to any original contractor or subcontractor, made before thirty days from the completion of the building, shall be valid for the purpose of defeating or discharging any lien created by this chapter in favor of any workman, laborer, lumber merchant, or material man, unless such payment so made by the owner of the building or structure to such original contractor or subcontractor has been distributed among such workmen, laborers, lumber merchants, or material men, or, if distributed in part only, then the same shall be valid only to the extent the same has been so distributed.

SEC. 272. Any contractor shall be entitled to recover upon a lien filed by him only such amount as may be due to him according to the terms of his contract, after deducting all claims of other parties for work done and materials furnished as aforesaid; and in all cases where a lien shall be filed under this chapter for work done or materials furnished to any contractor he shall defend any action brought thereupon at his own expense, and during the pendency of such action the owner may withhold from the contractor the amount of money for which such lien is filed; and in case of judgment against the owner or his property upon the liens the owner shall be entitled to deduct from any amount due or about to become due by him to the contractor the amount of such judgment and costs; and if the amount of such judgment, and costs shall exceed the amount due by him to the contractor, or if the owner shall have settled with the contractor in full, he shall be entitled to recover back from the contractor any amount so paid by him, the owner, in excess of the contract price, and for which the contractor was originally the party liable.

Amount of recovery not to exceed amount due on contract; exception.

SEC. 273. Whenever any mechanic, artisan, machinist, builder, lumber merchant, contractor, laborer, or other person shall have furnished or procured any materials for use in the construction, alteration, or repair of any building or other improvement, such materials shall not be subject to attachment, execution, or other legal process to enforce any debt due by the purchaser of such materials except a debt due for the purchase money thereof, so long as in good faith the same have been or are about to be applied to the construction, alteration, or repair of such building, structure, or other improvement.

Building materials, when not subject to attachment.

SEC. 274. The words "building or other improvement," wherever the same are used in this chapter, shall be held to include and apply to any wharf, bridge, ditch, flume, tunnel, fence, machinery, aqueduct to create hydraulic power, or for mining or other purposes, and all other structures and superstructures, whenever the same can be made applicable thereto; and the words "construction, alteration, or repair," wherever the same are used herein, shall be held to include partial construction, and all repairs done in and upon any building or other improvement.

Definitions.

SEC. 275. Nothing contained in this chapter shall affect any lien heretofore acquired, but the same may be enforced by the provisions of this chapter; and where actions are now pending the proceedings, after this chapter goes into effect, may be conducted according to this chapter.

Existing liens and proceedings thereunder not impaired.

CHAPTER TWENTY-NINE.

OF LIENS ON PERSONAL PROPERTY.

Sec.	Sec.
276. Liens for labor on personal property.	286. Filing claim and form thereof.
277. Lien of carriers, storers of merchandise, and agisters of cattle.	287. Filing claim for stumpage.
278. Proceedings to enforce such liens.	288. Record of claim.
279. Agreements not to be interfered with.	289. Limitation for bringing action.
280. Lien for labor on logs.	290. Jurisdiction.
281. Lien on lumber for labor performed thereon.	291. Against what timber lien may be enforced.
282. Lien for stumpage.	292. Joinder of liens.
283. Preferred liens.	293. Judgment lien; execution.
284. Limitation of lien for labor.	294. Sale when property is subject to loss or destruction.
285. Limitation of lien for stumpage.	295. Preventing the identification of timber subject to lien.

SEC. 276. Any person who shall make, alter, repair, or bestow labor on any article of personal property at the request of the owner or lawful possessor thereof shall have a lien upon such property so made, altered, or repaired, or upon which labor has been bestowed, for his just and reasonable charges for the labor he has performed and the

Liens for labor on personal property.

Lien of carriers,
storemen of merchan-
dise, and agisters of
cattle.

material he has furnished, and such person may hold and retain possession of the same until such just and reasonable charges shall be paid.

SEC. 277. Any person who is a common carrier, or who shall, at the request of the owner or lawful possessor of any personal property, carry, convey, or transport the same from one place to another, and any person who shall safely keep or store any grain, wares, merchandise, and personal property at the request of the owner or lawful possessor thereof, and any person who shall pasture or feed any horses, cattle, hogs, sheep, or other live stock, or bestow any labor, care, or attention upon the same at the request of the owner or lawful possessor thereof, shall have a lien upon such property for his just and reasonable charges for the labor, care, and attention he has bestowed and the food he has furnished, and he may retain possession of such property until such charges be paid.

Proceedings to en-
force such liens.

SEC. 278. If such just and reasonable charges be not paid within three months after the care, attention, and labor shall have been performed or bestowed, or the materials or food shall have been furnished, the person having such lien may proceed to sell at public auction the property mentioned in the last two sections, or a part thereof sufficient to pay such just and reasonable charges. Before selling, he shall give notice of such sale by advertisement for three weeks in a newspaper published in the precinct, if there be such publication, or by posting up notice of such sale in three public places in the precinct, one of which shall be the post-office, or adjacent thereto, for three weeks before the time of such sale, and the proceeds of such sale shall be applied, first, to the discharge of such lien, and the costs of keeping and selling such property, and the remainder, if any, shall be paid over to the owner thereof: *Provided*, Nothing herein contained shall be construed as to authorize any warehouseman to sell more of any wool, wheat, oats, or other grain than sufficient to pay charges due the warehouseman on such wool, wheat, oats, or other grain: *And provided further*, If any such warehouseman shall sell, loan, or dispose of in any manner, contrary to the provisions of this chapter, without the consent of the owner thereof, any such wool, wheat, oats, or other grain, he shall, for each and every offense, forfeit and pay to the owner of such wool, wheat, oats, or other grain a sum equal to the market value thereof, and fifty per centum of the market value in addition as a penalty, the market value to be the price such article or articles bore at the time the owner thereof made demand on the warehouseman for the same.

Agreements not to
be interfered with.

SEC. 279. The provisions of the last three sections shall not interfere with any special agreement of the parties.

Lien for labor on
logs.

SEC. 280. Every person performing labor upon, or who shall assist in obtaining or securing, saw logs, spars, piles, or other timber shall have a lien upon the same for the work or labor done upon or in obtaining or securing the same, whether such work or labor was done at the instance of the owner of the same or his agent. The cook in a logging camp and any and all others who may assist in or about a logging camp shall be regarded as a person who assists in obtaining or securing the saw logs, spars, piles, or other timber mentioned herein.

Lien on lumber for
labor performed
thereunder.

SEC. 281. Every person performing labor upon or who shall assist in manufacturing saw logs or other timber into lumber has a lien upon such lumber while the same remains at the yard wherein manufactured, whether such work or labor was done at the instance of the owner of such lumber or his agent.

Lien for stumpage.

SEC. 282. Any person who shall permit another to go upon his timber land and cut thereon saw logs, spars, piles, or other timber has a lien upon such logs, spars, piles, and timber for the price agreed to be paid for such privilege, or for the price such privilege or the stumpage thereon would be reasonably worth, in case there was no express agreement fixing the price.

SEC. 283. The liens provided for in this chapter are preferred liens and are prior to any and all other liens, and no sale, transfer, mortgage, or assignment of any saw logs, spars, piles, or other timber or manufactured lumber shall defeat the lien thereon as herein provided.

Preferred liens.

SEC. 284. The person rendering the service or doing the work or labor named in sections two hundred and seventy-six and two hundred and seventy-seven of this chapter is only entitled to the liens as provided herein for services, work, or labor for the period of six months, or any part thereof next preceding the filing of the claims as provided in section two hundred and eighty-six of this title.

Limitation of lien for labor.

SEC. 285. The person granting the privilege mentioned in section two hundred and eighty-two of this title is only entitled to the lien as provided therein for saw logs, spars, piles, and other timber cut during the six months next preceding the filing of the claim as provided in section two hundred and eighty-six.

Limitation of lien for stumpage.

SEC. 286. Every person, within thirty days after the rendition of the services, or after performing the work or labor mentioned in sections two hundred and seventy-six and two hundred and seventy-seven of this title, who shall claim the benefit hereof must file for record with the recorder of the precinct in which such saw logs, spars, piles, and other timber was cut, or in which such lumber was manufactured, a claim containing a statement of his demand, and the amount thereof, after deducting, as near as possible, all just credits and offsets, with the name of the person by whom he was employed, with a statement of the terms and conditions of his contract, if any; and in case there is no express contract, the claim shall state what such service, work, or labor is reasonably worth, and shall also contain a description of the property to be charged with the lien sufficient for identification with reasonable certainty, which claim must be verified by the oath of himself or some other person for him to the effect that the affiant believes the same to be true, which claim shall be substantially in the following form:

Filing claim.

—form.

———, claimant, vs. ———, defendant.

Notice is hereby given that ——— claims a lien upon (describing property), being about ——— more or less, which were (cut or manufactured) in ——— precinct, District of Alaska, are marked thus ———, and are now lying in ———, for labor performed upon and assistance rendered in (cutting or manufacturing logs or lumber).

That the name of the owner, or reputed owner, is ———; that ——— employed said ——— to perform such labor and render such assistance upon the following terms and conditions (state contract, if any, or reasonable value); that said contract has been faithfully performed and fully complied with on the part of said ———, who performed labor and assisted in (cutting or manufacturing) for the period of ———; that said labor and assistance were so performed and rendered upon said property between the ——— day of ——— and the ——— day of ———, and the rendition of said service was closed on the ——— day of ———, and thirty days have not elapsed since that time; that the amount of claimant's demand for said services is ———; that no part thereof has been paid (except ———), and there is now due and remaining unpaid thereon, after deducting all just credits and offsets, the sum of ———, in which amount he claims a lien upon said property.

DISTRICT OF ALASKA, {
Precinct of ———, } ss:

I, ———, being first duly sworn, on oath say that I am the ——— named in the foregoing claim; that I have heard the same read, know the contents thereof, and believe the same to be true.

Subscribed and sworn to before me this ——— day of ———.

Filing claim for stumpage.

SEC. 287. Every person mentioned in section two hundred and eighty claiming the benefit thereof must file for record with the recorder of the precinct in which such saw logs, spars, piles, and other timber were cut a claim, in substance the same as provided in section two hundred and eighty-six, and verified as therein provided.

Record of claim.

SEC. 288. The recorder must record every claim filed under the provisions of this title in books kept by him for that purpose, which records must be indexed as deeds and other conveyances are required by law to be indexed, and for which he may receive the same fees as are allowed by law for recording deeds or other instruments.

Limitation for bringing action.

SEC. 289. No lien provided for in this chapter shall bind any saw logs, spars, piles, lumber, or other timber for a longer period than six months after the claim, as herein provided for, has been filed, unless an action be commenced within that time to enforce the same; and no lien of any kind or character shall be had upon any lumber or logs after the same shall have been placed in any building or upon any spars or piles after the same shall have been put in use for the purpose for which they were intended.

Jurisdiction.

SEC. 290. The liens provided for in this chapter shall be enforced by an action and shall be governed by the laws regulating the proceeding relating to the mode and manner of trial and the proceedings and laws to secure property so as to hold it for the satisfaction of any lien that may be against it.

Against what timber lien may be enforced.

SEC. 291. Any person who shall bring an action to enforce a lien herein provided for, or any person having a lien as herein provided for, who shall be made a party to any such action, has a right to demand that such lien be enforced against the whole or any part of the saw logs, spars, piles, or other timber or manufactured lumber upon which he has performed labor, or which he has assisted in obtaining or securing, or which has been cut on his timber land during the six months mentioned in sections two hundred and eighty-four and two hundred and eighty-five, for all his labor upon or for all his assistance in obtaining or securing the logs, spars, piles, or other timber, or in manufacturing said lumber during the whole or any part of the six months mentioned in section two hundred and eighty-four, or for timber cut during the whole or any part of the six months mentioned in section two hundred and eighty-five.

Joinder of liens.

SEC. 292. Any number of persons claiming liens under this title may join in the same action, and when separate actions are commenced the court may consolidate them. The court may also allow, as part of the costs, the moneys paid for filing and recording the claim, and a reasonable attorney's fee for each person claiming a lien.

Judgment lien; execution.

SEC. 293. In such action judgment must be rendered in favor of each person having a lien for the amount due him, and the court shall order any property subject to the lien herein provided for to be sold by the marshal in the same manner that personal property is sold on execution, and the court shall apportion the proceeds of such sale to the payment of each judgment pro rata, according to the amount of such judgment.

Sale when property is subject to loss or destruction.

SEC. 294. The judge of the court may, in vacation, upon motion, supported by affidavit, showing that the property is liable to loss or destruction, order any property subject to a lien as in this title provided to be sold by the marshal as personal property is sold on execution before the judgment is rendered, as provided in section two hundred and ninety-three, and the proceeds of such sale must be retained by the marshal until judgment, to be applied as in the section directed.

Preventing the identification of timber subject to lien.

SEC. 295. Any person, firm, or corporation who shall injure, impair, or destroy, or who shall render difficult, uncertain, or impossible of identification any saw logs, spars, piles, or other timber knowing the

same to be subject to a lien, as herein provided, without the express consent of the person entitled to such lien, shall be liable to the lien holder for damages to the amount secured by his lien, which sum may be recovered by an action against such person, firm, or corporation, without bringing the suit as provided for in section three hundred and two of this code: *Provided*, In all such actions the principal debtor shall be made a codefendant.

Principal debtor to be made codefendant.

CHAPTER THIRTY.

OF UNCLAIMED PROPERTY.

Sec.	Sec.
296. Consignee or depositary to enter receipt of property in book.	303. Return of marshal, and fees.
297. When bailee to notify owner of receipt of property.	304. Commissioner to pay charges; balance to clerk of court.
298. When bailee may sell property.	305. Clerk to make entry.
299. Notice of sale, when to be given personally to owner.	306. Owner may claim and receive deposit from clerk within five years.
300. Proceeding when property not claimed.	307. If proceeds not claimed.
301. Inventory and order of sale.	308. Sale of decaying and perishable property.
302. Sale by marshal, notice of.	309. Fees of commissioner and marshal.

SEC. 296. Whenever any personal property shall be consigned to or deposited with any forwarding merchant, wharf, warehouse, or tavern keeper, or the keeper of any depot for the reception and storage of trunks, baggage, merchandise, or other personal property, such consignee or bailee shall immediately cause to be entered in a book kept by him a description of such property, with the date of reception thereof.

Consignee or depositary to enter receipt of property in book.

SEC. 297. If such property shall not have been left with such consignee or bailee for the purpose of being forwarded, disposed of, or kept according to directions received by such consignee or bailee at or before the time of the reception thereof, and if the name and residence of the owner of such property be known to the person having such property in his possession, he shall immediately notify the owner, by letter directed to him and deposited in the post-office, of the reception of such property.

When bailee to notify owner of receipt of property.

SEC. 298. If any such property shall not be claimed and taken away within one year after the time it shall have been so received, the person having possession thereof may, at any time thereafter, proceed to sell the same in the manner provided in this chapter.

When bailee may sell property.

SEC. 299. Before any such property shall be sold, if the name and residence of the owner thereof be known, at least sixty days' notice of such sale shall be given him, either personally or by leaving a notice at his residence or place of doing business; but if the name and residence of the owner be not known, or if service can not be made as above provided, the person having the possession of such property shall cause a notice to be published, containing a description of the property, for the space of six weeks successively in a newspaper if there be one published in the same precinct; if there be no newspaper published in the same precinct, then the notice shall be published in a newspaper nearest thereto in the district; the last publication of such notice shall be at least eighteen days previous to the time of sale.

Notice of sale, when to be given personally to owner.

SEC. 300. If the owner or person entitled to such property shall not take the same away and pay the charges thereon within sixty days from the first publication or service of notice as above provided, it shall be the duty of the person having possession thereof, his agent or attorney, to make and deliver to the commissioner of the same precinct an affidavit setting forth a description of the property remain-

Proceeding when property not claimed.

ing unclaimed, the time of its reception, the publication or service of the notice, and whether the owner of such property be known or unknown.

Inventory and order of sale.

SEC. 301. Upon the delivery to him of such affidavit the commissioner shall cause such property to be opened and examined in his presence, and a true inventory thereof to be made, and shall annex to such inventory an order under his hand that the property therein described be sold by the marshal at public auction.

Sale by marshal, notice of.

SEC. 302. It shall be the duty of the marshal receiving such inventory and order to give ten days' notice of the sale, by posting up written notices thereof in three or more public places in such precinct, one of which shall be the post-office, or immediately adjacent thereto, and to sell such property at public auction to the highest bidder, in the same manner as provided by law for sales under execution from commissioners.

Return of marshal, and fees.

SEC. 303. Upon completing the sale the marshal making the same shall indorse upon the order aforesaid a return of his proceedings thereon, and return the same to the commissioner, together with the inventory and the proceeds of sale, after deducting his fees.

Commissioner to pay charges; balance to clerk of court.

SEC. 304. From the proceeds of such sale the commissioner shall pay all legal charges that have been incurred in relation to such property, or a ratable proportion of each charge if the proceeds of the sale shall not be sufficient to pay all the charges; and the balance, if any there be, he shall immediately pay over to the clerk of the district court, and deliver a statement therewith containing a description of the property sold, the gross amount of such sale, and the amount of costs, charges, and expenses paid to each person.

Clerk to make entry.

SEC. 305. The clerk of the district court shall make an entry of the amount received by him and the time when received, and shall file in his office such statement so delivered to him by the commissioner.

Owner may claim and receive deposit from clerk within five years.

SEC. 306. If the owner of the property sold, or his legal representatives, shall, at any time within five years after such moneys shall have been deposited with the clerk of the district court, furnish satisfactory evidence of the ownership of such property, he or they shall be entitled to receive from him the amount so deposited in his office.

If proceeds not claimed.

SEC. 307. If the amount so deposited with the clerk of the district court shall not be claimed by the owner thereof or his legal representatives within the five years, the same shall belong to the United States.

Sale of decaying and perishable property.

SEC. 308. Property of a perishable kind and subject to decay by keeping, consigned or left in manner before mentioned, if not taken away within thirty days after it shall have been left, may be sold by giving ten days' notice thereof, as provided in section three hundred and two, the sale to be conducted and the proceeds of the same to be applied in the manner before provided in this chapter: *Provided*, Any property in a state of decay, or that is manifestly liable immediately to become decayed, may be summarily sold by order of a commissioner, after inspection thereof, as provided in section three hundred and two of this chapter.

Fees of commissioner and marshal.

SEC. 309. The fees allowed to any commissioner under the provisions of this chapter shall be three dollars for each day's service, and to any marshal the same fees as are allowed by law for sales upon execution, and ten cents a folio for making an inventory of property.

CHAPTER THIRTY-ONE.

OF MORTGAGES OF PERSONAL PROPERTY.

Sec.	Sec.
310. Chattels may be mortgaged.	317. Mode of attachment of mortgaged chattels.
311. Requisite to validity of chattel mortgage.	318. Certified copy in case of loss of original.
312. Mortgage by partnership.	319. Extent of provisions of this chapter.
313. Acknowledgment.	320. Foreclosure.
314. Filing of mortgage and duty of recorder.	321. Satisfaction of mortgage.
315. When and how mortgage to be renewed.	322. Penalty for selling mortgaged chattels.
316. Rights of subsequent mortgagee.	323. Mortgage on growing crops.

SEC. 310. Any interest in personal property which is capable of being transferred may be mortgaged. Chattels may be mortgaged.

SEC. 311. A mortgage of personal property is void as against creditors of the mortgagor and subsequent purchasers and incumbrancers of the property in good faith for value, unless— Requisite to validity of chattel mortgage.

(1) The possession of such property be delivered to and retained by the mortgagee; or

(2) The mortgage provide that the property may remain in the possession of the mortgagor and be accompanied by an affidavit of all the parties thereto, or, in case any party is absent from the precinct where such mortgage is executed, at the time of the execution thereof, an affidavit of those present and of the agent or attorney in fact of such absent party, that the same is made in good faith to secure the amount named therein, and without any design to hinder, delay, or defraud creditors, and be acknowledged and filed as hereinafter provided.

SEC. 312. Subject to the provisions of the next preceding section, one member of a firm of general partners may alone execute a mortgage of personal property and make the affidavit therein required on behalf of the firm, and the mortgage so executed and the affidavit so made is as valid as if executed and made by all the partners or their agent or attorney in fact. In case of a corporation the president, secretary, or managing agent thereof may make the affidavit on its behalf. Mortgage by partnership.

SEC. 313. Every mortgage of personal property shall be acknowledged by the mortgagor or person executing the same, in the manner provided for the acknowledgment of conveyances of real property, before some officer authorized by law to take acknowledgments of deeds. Acknowledgment.

SEC. 314. Every mortgage of personal property, together with the affidavits of the parties thereto or a copy thereof, certified to be correct by the person before whom the acknowledgment has been made, must be filed in the office of the recorder of the precinct where the mortgagor resides, and of the precinct where the property is at the time of the execution of the mortgage, or, in case he is not a resident of the district, then in the office of the recorder of the precinct where the property is at the time of the execution of the mortgage; and the recorder must, on receipt of such mortgage or copy, indorse thereon the time of receiving the same, and file and keep the same in his office for the inspection of all persons, and shall enter in a book, properly ruled and kept for that purpose, the names of all the parties—the names of the mortgagors to be alphabetically arranged—the consideration thereof, the date of its maturity, and the time of filing the same. Filing of mortgage and duty of recorder.

SEC. 315. Every mortgage filed as provided in this chapter shall be void as against the creditors of the person making the same, or against subsequent purchasers or mortgagees in good faith, after the expiration of one year from the filing thereof, unless within thirty days next preceding the expiration of the term of one year a true copy of such When and how mortgage to be renewed.

mortgage, with a verified statement exhibiting the interest of the mortgagee in the property at the time the same is renewed, as claimed by virtue of such mortgage, is again filed in the office where the original was filed; and the effect of such renewal shall be to extend the lien of the mortgage as against the creditors, purchasers, and incumbrancers of the property for the further term of one year.

Rights of subsequent mortgagee.

SEC. 316. Any subsequent mortgagee of personal property upon which a prior mortgage exists, which has been extended or renewed as provided in section three hundred and fifteen of this title, may, at any time during the existence of such mortgage, pay the amount of the debt and interest owing and secured thereby, as shown by such verified statement and mortgage, or deposit the full amount thereof with the recorder of the precinct wherein such verified statement and mortgage are filed, subject to the order of the mortgagee, his legal representatives or assigns, and the receipt or duplicate receipt for such payment or deposit shall be filed in the office and attached to said mortgage, and thereby such subsequent mortgagee shall be subrogated to all the rights of the prior mortgagee under such mortgage.

Mode of attachment of mortgaged chattels.

SEC. 317. Personal property mortgaged may be taken on attachment or execution issued at the action of a creditor of the mortgagor; but before the property is so taken the officer must pay or tender to the mortgagee or the assignee thereof the amount of the mortgaged debt and interest, or must deposit the amount thereof with the recorder of the precinct in which the mortgage is filed, payable to the order of the mortgagee or the assignee thereof; and when the property then taken is sold under process the officer must apply the proceeds of the sale as follows:

(1) To the repayment of the sum paid to the mortgagee or the assignee of said mortgage, with interest from the date of such payment; and

(2) The balance, if any, in like manner as the proceeds of sale under execution are applied in other cases.

Certified copy in case of loss of original.

SEC. 318. A copy of any mortgage of personal property made, acknowledged, and filed as provided in this chapter, certified by the recorder in whose office the same shall be filed, may be read in evidence in any court in the district without further proof of the execution of the original, if the original be lost or out of the power of the person wishing to use it.

Extent of provisions of this chapter.

SEC. 319. The provisions of the foregoing sections of this chapter shall extend to all such bills of sale, deeds of trust, and other conveyances of goods, chattels, or personal property as shall have the effect of a mortgage or lien upon such property.

Foreclosure.

SEC. 320. An action for the foreclosure of a mortgage of personal property, or the enforcement of any lien thereon, of whatever nature, may be commenced and conducted in the same manner as provided by law for the foreclosure of mortgages and liens upon real property, and the same may be joined in an action for the recovery of the possession of the property mortgaged; but it is lawful for the mortgagor of personal property to insert in his mortgage a clause authorizing the marshal to execute the power of sale therein granted to the mortgagee, his legal representative and assigns, in which case the marshal, at the time of default, at the request of the mortgagee, must, and it is hereby made his duty to, advertise and sell the whole or any part of the mortgaged property, wherever it may be, and the mortgagee or his representative or assigns may, in good faith, purchase the property so sold, or any part thereof. The marshal may require an indemnity bond from the mortgagee or his assigns before taking possession of or selling the mortgaged property.

Satisfaction of mortgage.

SEC. 321. Whenever the debt or obligation secured by any mortgage of personal property which has been filed in the office of the recorder

as provided in this chapter shall be paid or discharged, an acknowledgment of satisfaction, signed by the mortgagee, his legal representative or assigns, must be indorsed upon the mortgage or copy thereof filed as aforesaid, and the fact of such discharge or satisfaction noted by the recorder in the book kept by him, as provided in section three hundred and fourteen of this title, opposite the names of the parties to such mortgage.

SEC. 322. Any person having conveyed any goods, chattels, or personal property to another by mortgage who shall, during the existence of the lien or title created by such mortgage, sell the property or any part thereof to a third party for a valuable consideration without informing him of the existence and effect of such mortgage shall forfeit and pay to the purchaser twice the value of such property so sold, which forfeiture may be recovered in an action of debt in any court having jurisdiction thereof.

Penalty for selling mortgaged chattels.

SEC. 323. The lien of a mortgage on a growing crop continues on the crop after severance, whether remaining in its original state or converted into another product, so long as the same remains on the land of the mortgagor.

Mortgage on growing crops.

CHAPTER THIRTY-TWO.

OF LIMITED PARTNERSHIPS:

Sec.	Sec.
324. Limited partnerships, for what purpose formed.	329. Effect of using name of special partner.
325. General and special partners, their liability and definition of.	330. Capital stock not to be reduced during partnership.
326. Certificate for limited partnership, what to contain and where filed.	331. Actions, etc., by and against members of partnership.
327. Certificate to be published; effect of false statement therein.	332. Dissolution of partnership, notice, how filed and published.
328. Limited partnership, how continued and renewed.	333. When to be considered general partners.

SEC. 324. Limited partnerships for the transaction of mercantile, mechanical, or manufacturing business may be formed within the district by two or more persons, upon the terms and subject to the conditions and limitations contained in this chapter.

Limited partnerships, for what purpose formed.

SEC. 325. A limited partnership may consist of one or more persons, who are known and called general partners, and are jointly and severally liable as general partners now are by law, and of one or more persons who shall contribute to the common stock a specific sum in actual money as capital, and are known and called special partners, and are not personally liable for any debts of the partnership except as in this chapter specially provided.

General and special partners, their liability and definition of.

SEC. 326. The persons forming such partnerships shall make and severally subscribe a certificate in duplicate and file one of such certificates with the recorder of the precinct in which the principal place of business of the partnership is to be. Before being filed the execution of such certificate shall be acknowledged by each partner subscribing it before some officer authorized to take acknowledgments of deeds; and such certificate shall contain the name assumed by the partnership and under which its business is to be conducted, the names and respective places of residence of all the general and special partners, the amount of capital which each special partner has contributed to the common stock, the general nature of the business to be transacted, and the time when the partnership is to commence and when it is to terminate.

Certificate for limited partnership, what to contain and where filed.

SEC. 327. Such partnership can not commence before the filing of the certificate of partnership; and if a false statement is made in such

Certificate to be published; effect of false statement therein.

certificate all the persons subscribing thereto are liable as general partners for all the debts of the partnership. The partners shall, for four successive weeks immediately after the filing of the certificate of partnership, publish a copy of the same in some newspaper published in the precinct where the principal place of business of the partnership is, or, if no such paper be published therein, then in some newspaper in general circulation therein, and until such publication is made and completed the partnership is to be deemed general.

Limited partnership, how continued and renewed.

SEC. 328. A limited partnership may be continued or renewed by making, acknowledging, filing, and publishing a certificate thereof in the same manner provided in this chapter for the formation of such partnership originally; and every such partnership not renewed or continued as herein provided from and after the expiration thereof according to the original certificate shall be deemed a general partnership.

Effect of using name of special partner.

SEC. 329. The business of the partnership shall be conducted under a name in which the names of the general partners only shall be inserted, without the addition of the word "company" or any other general term. If the name of any special partner is used in such firm with his consent or privity, he shall be deemed and treated as a general partner; or if he personally makes any contract respecting the concerns of the partnership with any person except the general partners, he shall be deemed and treated as a general partner in relation to such contract, unless he makes it appear that in making such contract he acted and was recognized as a special partner only.

Capital stock not to be reduced during partnership.

SEC. 330. During the continuance of any partnership formed under this chapter no part of the capital stock thereof shall be withdrawn nor any division of interests or profits be made so as to reduce such capital stock below the sum stated in the certificate of partnership before mentioned; and if at any time during the continuance or at the termination of such partnership the property or assets thereof are not sufficient to satisfy the partnership debts, then the special partners shall be severally liable for all sums or amounts by them in any way received or withdrawn from such capital stock, with interest thereon from the time they were so received or withdrawn respectively.

Actions, etc., by and against members of partnership.

SEC. 331. All actions or proceedings respecting the business of such partnership shall be prosecuted by and against the general partners only, except in those cases where special partners or partnerships are to be deemed general partners or partnerships, in which case all the partners deemed general partners may join or be joined therein; and excepting also those cases where special partners are severally liable on account of sums or amounts received or withdrawn from the capital stock as provided in the preceding section.

Dissolution of partnership, notice, how filed and published.

SEC. 332. No dissolution of a limited partnership shall take place except by operation of law before the time specified in the certificate of partnership, unless a notice of such dissolution, subscribed by the general and special partners, is filed with the original certificate of partnership, or, the certificate, if any, renewing or continuing such partnership, nor unless a copy of such notice be published for the time and in the manner prescribed for publication of the certificate of partnership.

When to be considered general partners.

SEC. 333. In all cases not otherwise provided for in this chapter all the members of limited partnerships shall be subject to all the liabilities and entitled to all the rights of general partners.

CHAPTER THIRTY-THREE.

INJURY TO LIVE STOCK BY RAILROADS.

Sec.	Sec.
334. Railway companies liable for killing stock, when.	338. Proof of killing or injury to be deemed conclusive evidence of negligence.
335. What is lawful fencing of track.	339. Service of summons in cases arising under the provisions of this chapter. Legal fence, definition of.
336. Notice of animal killed or injured.	
337. Penalty for failing to file notice.	

SEC. 334. Any person, persons, company, or corporation, or lessee or agent thereof, owning or operating any railroad within the district, shall be liable for the value of any horses, mules, colts, cows, bulls, calves, hogs, or sheep killed, and for reasonable damages for any injury to any such live stock upon or near any unfenced track of any railroad in the district, wherever such killing or injury is caused by any moving train or engine or cars upon such track. A substantial wire fence four feet high, constructed with four strands of wire or its equivalent, shall be a legal fence.

Railway companies liable for killing stock, when.

SEC. 335. No railroad track shall be deemed to be fenced within the meaning of this chapter unless such track is guarded by such fence against the entrance thereon of any such live stock on either side of the track, and not more than one hundred feet distant therefrom: *Provided*, Complete natural defenses against the entrance of such stock upon the track, such as natural walls or deep ditches, shall be deemed and held to be a fence within the meaning of this chapter when the same, in connection with other and ordinary lawful fences, form a continuous guard and defense against the entrance of such live stock upon the track.

What is lawful fencing of track.

SEC. 336. Whenever any such live stock mentioned in section three hundred and thirty-four is so killed or injured upon the unfenced railroad track of any railroad in the district, the person, persons, company, or corporation owning or operating such railroad, or his or their lessees or agents, or some proper and authorized agent or employee thereof, shall immediately cause to be filed a notice of such killing or injury by filing a concise description of the animal or animals so killed or injured, including any and all brands, earmarks, or other marks of ownership, and, if only injured, the nature of such injury, with the railroad agents at the two extremities of the section on which such killing or injury took place; the description shall be open to inspection at all reasonable hours of each week day for one month after such killing or injury took place.

Notice of animal killed or injured.

SEC. 337. Any person, persons, company, or corporation, or his or their lessees or authorized agents, owning or operating any railroad within the district, who shall neglect or fail to file or cause to be filed the notice provided for in the preceding section, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not exceeding two hundred dollars for each offense.

Penalty for failing to file notice.

SEC. 338. In every action for the recovery of the value of any live stock mentioned in section three hundred and thirty-four so killed, or for damages for injury to the same, as hereinbefore provided, proof of such killing or injury shall of itself be deemed and held to be conclusive evidence of negligence upon the part of the person, persons, company, or corporation, or his or their lessees or agents, owning or operating such railroad: *Provided*, Contributory negligence on the part of the plaintiff in such action may be set up as a defense: *But provided further*, The allowing of stock to run at large upon common unfenced range or upon inclosed land owned or in possession of the owner of such stock shall not be deemed or held to be such contributory

Proof of killing or injury to be deemed conclusive evidence of negligence.

negligence: *Provided further*, In any such action proof of willful intent on the part of the plaintiff therein to procure the killing or injury of any such stock in the manner aforesaid shall defeat the recovery of any damages for such killing or injury.

Service of summons
in cases arising under
the provisions of this
chapter.

SEC. 339. In any action authorized by this code service of summons or any other necessary process may be made upon any person, persons, company, or corporation, or his or their lessees or agents, owning or operating any railroad in the district, by personal service upon any authorized agent thereof residing or stationed in the precinct where such action is brought.

CHAPTER THIRTY-FOUR.

OF THE ESTABLISHMENT AND REGULATION OF FERRIES.

Sec.

- 340. Ferry license.
- 341. Payment therefor.
- 342. To whom license granted.
- 343. Notice of application for license.
- 344. Undertaking of applicant.
- 345. General duties of ferry keepers.
- 346. Commissioner to fix regular fare; penalty for illegal fare.
- 347. Commissioners may alter rates of fare.

Sec.

- 348. List of rates to be posted up near ferry.
- 349. Persons to be ferried in the order of arrival; penalty for not.
- 350. Ferry keeper, exclusive right to transport.
- 351. How licenses to keep ferry forfeited.
- 352. Penalty for keeping ferry without license.

Ferry license.

SEC. 340. The commissioner of any precinct in the district may grant a license to any person applying therefor to keep a ferry across any lake or stream within his precinct, upon being satisfied that a ferry is necessary at the point applied for, which license shall continue in force for a term to be fixed by the commissioner, not exceeding five years: *Provided, however*, Nothing in this chapter shall be so construed as to empower the commissioner of any precinct in the district to grant a license for a ferry across any bay or arm of the sea.

Payment therefor.

SEC. 341. The commissioner shall tax such sum as shall appear reasonable, not less than one nor more than one hundred dollars per annum, for such license; and the person to whom such license shall be granted shall pay to such commissioner the tax for one year in advance, taking his receipt therefor; and upon the payment of such license tax the commissioner shall issue such license under the seal of his office, and deposit the sum so received with the clerk of the district court, who shall turn the same, according to law, into the Treasury of the United States.

To whom license
granted.

SEC. 342. Unless otherwise provided by law no such license shall be granted to any person other than the owner of the land embracing or adjoining such lake or stream where the ferry is proposed to be kept, unless the landing place of such proposed ferry shall be on government land at the end of a street in an incorporated city or town, or unless the owner shall neglect to apply for such license; and whenever application shall be made for a license by any person other than such owner, the commissioner shall not grant the same unless proof be made that the applicant caused notice, in writing, of his intention to make such application to be given to such owner, if residing in the precinct, at least thirty days before the application before the commissioner is made, unless the landing place of such proposed ferry shall be at the end of a street in an incorporated city or town as aforesaid.

Notice of applica-
tion for license.

SEC. 343. Every person intending to apply for a license to keep a ferry at any place shall give notice of such intention by posting up notices in at least three public places in the neighborhood where the ferry is proposed to be kept thirty days prior to the time when appli-

cation shall be made: *Provided*, When application shall be made for the renewal of the license, where the former license has expired, the same may be granted or renewed without previous notice or petition.

SEC. 344. Every person applying for a license to keep a ferry shall, before the same is issued, enter into a bond or undertaking to the United States, with one or more sureties, to be approved by the commissioner, in a sum not less than one hundred nor more than five hundred dollars, conditioned that such person will keep the ferry according to law, the bond to be filed in the office of the commissioner; and if default shall at any time be made in the condition of such bond or undertaking, damages, not exceeding the penalty, may be recovered by any person aggrieved.

Undertaking of applicant.

SEC. 345. Every person obtaining a license to keep a ferry shall provide and keep in good and complete repair the necessary boat or boats for the safe conveyance of all persons and property, and furnish such boats at all times with suitable oars, setting poles, and other implements necessary for the service thereof, and shall keep a sufficient number of discreet and skillful men to attend and manage the same; and he shall also at all times keep the place of embarking and landing in good order and repair by cutting away the bank of the lake or stream so that persons and property may be embarked and landed without danger or unnecessary delay.

General duties of ferry keepers.

SEC. 346. Whenever the commissioner of any precinct shall grant a license to keep a ferry across any lake or stream he shall establish the rates of ferriage which may be lawfully demanded for the transportation of persons and property across the same, having due regard to the breadth and situation of the stream and the dangers and difficulties incident thereto, and the publicity of the place at which the same shall have been established; and every keeper of a ferry who shall at any time demand and receive more than the amount so designated for ferrying shall forfeit and pay to the party aggrieved for every such offense the sum of five dollars over and above the amount which shall have been illegally received, to be recovered before any commissioner having jurisdiction.

Commissioner to fix regular fare; penalty for illegal fare.

SEC. 347. The commissioners of the several precincts be, and they are hereby, authorized to fix, alter, and establish from time to time the rates of ferriage to be levied and collected at all ferries now established or hereafter to be established by law within or bordering upon the precinct lines of any of the precincts in said district.

Commissioners may alter rates of fare.

SEC. 348. Every person licensed to keep a ferry shall post up in some conspicuous place near his ferry landing a written or printed list of the rates of ferriage which are chargeable by law at the ferry, which list of rates shall at all times be written in a plain, legible manner and posted up so near the place where persons shall pass across such ferry that the same may be easily read; and if at any time such keeper shall neglect or refuse to post and keep up such list it shall not be lawful to charge or take any ferriage or compensation at such ferry during the time of such delinquency.

List of rates to be posted up near ferry

SEC. 349. All persons shall be received into the ferryboats and conveyed across the stream over which such ferry shall be established according to their arrival at the same; and if any keeper of a ferry shall act contrary to this regulation he shall forfeit and pay the sum of three dollars for every such offense to the party aggrieved, to be recovered before any commissioner having jurisdiction: *Provided*, Public officers on urgent business, postriders, couriers, physicians, surgeons, and midwives shall in all cases be first carried over where all can not go at the same time.

Persons to be ferried in the order of arrival; penalty for not.

SEC. 350. Every person licensed to keep a ferry according to the provisions of this chapter shall have the exclusive privilege of transporting all persons and property over and across the stream where

Ferry keeper, exclusive right to transport.

such is established, and shall be entitled to all the fare arising by law therefrom: *Provided*, Nothing herein contained shall be construed to prevent any person from crossing over such stream at such ferry in his own boat, or to take in and carry over any person, when the same is done without fee or charge, and not with intent to injure any person licensed to keep a ferry.

How licenses to keep
ferry forfeited.

SEC. 351. If any person licensed to keep a ferry shall fail to pay the tax assessed thereon when due, or shall not provide and keep in good and complete repair the necessary boat or boats, with the oars, setting poles, and other necessary implements for the service thereof, or shall neglect to employ a sufficient number of skillful and discreet ferrymen, as is provided in section three hundred and forty-five of this title, within three months from the time license shall be granted; or if such ferry shall not at any time be kept in good condition and repair, agreeably to the provisions of this chapter; or if the same shall be abandoned, disused, or unfrequented for the space of six months at any one time, it shall be lawful for the commissioner of the proper precinct, on complaint being made in writing, to summon the person licensed to keep such ferry to show cause why such license should not be revoked, and to decide thereon according to the testimony adduced and the laws of the district, which decision when made shall be valid to all intents and purposes, subject to be reviewed by the district court: *Provided*, If any ferry shall be disused by reason of the stream over which the same is established being frozen or fordable at certain seasons of the year, or by reason of the travel being subject to periodical fluctuations, it shall not work a forfeiture within the meaning of this section.

Penalty for keeping
ferry without license.

SEC. 352. Any person who shall maintain any ferry and receive ferriage without first obtaining a license for the same shall pay a fine of ten dollars for each offense, to be collected for the use of the district by action before any commissioner having jurisdiction; and any person is hereby authorized to bring such action: *Provided*, It shall not be considered unlawful for any person to transport any other person or his property over any stream for hire when it shall be made evident that there is no ferry, or that the ferry established at such place was not in actual operation at the time or in sufficient repair to have afforded to such person or his property a safe and speedy passage.

CHAPTER THIRTY-FIVE.

OF TRAVEL ON PUBLIC HIGHWAYS.

Sec.	Sec.
353. Persons meeting on highway to turn to the right.	356. Rules of travel for traction engines, etc.
354. Penalty and damage for violation of preceding section.	357. Whistles not to be blown on highways and streets.
355. Employer liable for wrongdoing of servant; action against the one a bar, etc.	358. Driving steam engines over public bridge.
	359. Penalty.

Persons meeting on
highway to turn to the
right.

SEC. 353. Whenever any persons driving any vehicles shall meet on any public highway in the district, whether owned or kept by a corporation or private person, the persons so meeting shall seasonably turn their vehicles to the right of the center of the road, so as to permit each vehicle to pass without interfering with or interrupting the other.

Penalty and damage
for violation of pre-
ceding section.

SEC. 354. If any person shall willfully violate the provisions of the preceding section he shall forfeit and pay the sum of five dollars for every such violation to the party injured, to be recovered by a civil action, and such further damage in the same action as such party may directly sustain by reason of such violation.

SEC. 355. Whenever any person driving a vehicle who shall violate the provisions of section three hundred and fifty-three is at the time in the employ of another, such other person is liable for the penalty herein provided the same as if he were the driver of such vehicle at the time of such violation; but an election to sue either the driver or employer is a bar to an action against the other.

Employer liable for wrongdoing of servant; action against the one a bar, etc.

SEC. 356. It shall be the duty of any person or persons running or propelling or in charge of any portable or traction engine over the public highways in the district to bring the portable or traction engine to a stop when within one hundred yards of any person or persons going in the opposite direction with a team or teams, and remain stationary until the team or teams shall have passed by.

Rules of travel for traction engines, etc.

SEC. 357. It shall be unlawful to blow the whistle of such portable or traction engines while upon the public highway or while passing over the streets of any city, town, or village in the district.

Whistles not to be blown on highways and streets.

SEC. 358. It shall be unlawful for any person or persons to drive any traction or portable engine of over two tons weight over any bridge or culvert on any public street or highway within the district without using on such bridge or culvert, for the purpose of securing its safety, four stout pieces of plank, each of which shall be at least ten feet in length, one foot in width, and two inches in thickness, two of the pieces of plank to be always under the wheels of the traction or portable engine while it shall be crossing the bridge or culvert.

Driving steam engines over public bridge.

SEC. 359. The penalty for the violation of any of the provisions of the three preceding sections shall be a fine of not less than one dollar nor more than fifty dollars for each offense, and in addition to such fine any person causing damage to the bridge or culvert shall be liable for all damages which may result from the crossing of such traction or portable engine.

Penalty.

CHAPTER THIRTY-SIX.

OF INSURANCE.

Sec.
360. What companies, etc., may transact business.
361. Service of process on insurance companies.
362. Fraternal and beneficial societies.
363. To whom above provisions apply.

Sec.
364. Penalty for violations.
365. Fees for filing.
366. Form of oath.
367. Common law made applicable.
368. Conflicting acts repealed.

SEC. 360. No company, corporation, or association, or firm, or individual shall be permitted to transact a life, fire, or marine insurance business in the district until he or it has filed in the office of the secretary of the district a certificate by the secretary of state or other proper officer of some State of the United States, setting forth that the said company, corporation, association, firm, or individual has been qualified to carry on the business of insurance in such State in accordance with the laws thereof.

What companies etc., may transact business.

SEC. 361. No insurance company, corporation, association, firm or individual shall be permitted to transact a life, fire, or marine insurance business in the district until it shall have filed with the clerk of each division of the district court a power of attorney which shall set forth that such company is a corporation or duly organized insurer (naming the principal place of business of the company and principal place of business for the Pacific coast), which power of attorney shall authorize a citizen and resident of the district to receive and accept service in any proceeding in a court of justice of the district. If any attorney of any insurance company appointed under the provisions of this section shall remove from the district or become disqualified in

Service of process on insurance companies.

any manner from accepting service, and if any citizen or resident of the district shall have any claim by virtue of any insurance policy issued by any such company not represented by attorney in the district, valid service may be made on such company by service on the clerk of the district court or any division thereof: *Provided*, In such case the clerk of the district court shall immediately notify such company and the principal agent for the Pacific coast, inclosing a copy of the service by mail, postpaid: *And provided further*, In such case no proceedings shall be had within sixty days after such service on the clerk.

Fraternal and bene-
ficial societies.

SEC. 362. All orders or secret societies, such as Masons, Odd Fellows, Druids, Knights of Pythias, Ancient Order of United Workmen, Modern Woodmen of America and other benevolent, fraternal, or cooperative societies associated or incorporated for the sole purpose of mutual protection and relief of its members only, and for the payment of stipulated sums of money to the families of deceased members, or for property of its members only destroyed by fire, are hereby declared not to be fire or insurance companies in the sense and meaning of this chapter, and they are exempt from the provisions hereof.

To whom above pro-
visions apply.

SEC. 363. The provisions of this chapter, under either term or designation of company, corporation, association, firm, or individual in either case, where either term or designation is used, shall apply to any insurer, company, corporation, association, firm, or individual engaged as insurers or who may hereafter engage as insurers in the district, or who may engage in offering or affording indemnity against the casualties of fire or life.

Penalty for viola-
tions.

SEC. 364. Any officer, agent, or employee of any insurance company or other person violating any of the provisions of this chapter shall be fined not less than one hundred nor more than five hundred dollars, and in default of payment of such fine shall be imprisoned not less than ten days nor more than six months.

Fees for filing.

SEC. 365. The secretary of the district shall collect from each company or person for the service provided in this chapter the following fees: For filing certificate of qualification, five dollars; for filing power of attorney, five dollars; and the secretary shall account for the same in the manner provided by law in the case of other fees collected or received by them.

Form of oath.

SEC. 366. Every officer in the district for whom a special oath is not provided by law shall, before entering upon the duties of his office, take and subscribe to the following oath:

I, ———, do solemnly swear (or affirm) that I will defend and support the Constitution of the United States, and perform all the duties of the office on which I am about to enter, and therein do equal right and justice to all men, so help me God.

Common law made
applicable.

SEC. 367. So much of the common law as is applicable and not inconsistent with the Constitution of the United States or with any law passed or to be passed by the Congress is adopted and declared to be law within the district of Alaska.

Interpretation of
words of singular
number, etc.

SEC. 368. That in the interpretation of this Act words of the singular number shall be deemed to include their plurals, and that words of the masculine gender shall be deemed to include the feminine, as the case may be. Whenever a section of this Act refers to another section, a section of the same title is intended, unless the contrary clearly appears.

Existing rights un-
affected.

No person shall be deprived of any existing legal right or remedy by reason of the passage of this Act, and all civil actions or proceedings commenced in the courts of the district before or within sixty days after the approval of this Act may be prosecuted to final judgment under the law now in force in the district, or under this Act. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Pending actions.

Repeal.

Approved, June 6, 1900.

CHAP. 787.—An Act To authorize the city of Tucson, Arizona, to issue bonds for waterworks, and for other purposes.

June 6, 1900.

Whereas the mayor and common council of the city of Tucson, Arizona, acting under the authority of the Act of Congress entitled "An Act to amend an Act to prohibit the passage of local or special laws in the Territories, to limit Territorial indebtedness, and so forth," approved March fourth, eighteen hundred and ninety-eight, caused an election to be held in the city of Tucson on the fifth day of May, eighteen hundred and ninety-eight, on the question of issuance of one hundred thousand dollars fifty-year five per centum interest-bearing bonds of the said city of Tucson for the construction of a water and sewerage system in the said city, and notice of said election was duly given as prescribed in the said Act of Congress, and at said election more than two-thirds of the voters qualified, as in the said Act of Congress prescribed, voted for the issuance of said bonds; and

Tucson, Ariz.
Preamble.
Vol. 30, p. 252.

Whereas afterwards the said city of Tucson appointed a water and sewerage commission to investigate the question of water supply and waterworks for said city, and the said commission recommended to the said mayor and common council the purchase of the existing water plant instead of the construction of a wholly new plant for said city, and the mayor and common council thereupon and after consideration voted to purchase such existing water plant and to issue the said one hundred thousand dollars of bonds for that purpose: Now, therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the mayor and common council of the city of Tucson, Arizona, be, and they are hereby, authorized, upon the passage of an ordinance or resolution to that effect, to issue one hundred thousand dollars fifty-year five per centum interest-bearing bonds of said city for the purchase for said city of the existing water plant which supplies the said city and its inhabitants with water. Said bonds may be made payable in gold coin of the United States of America of the present standard weight and fineness. Said bonds shall be in such form and denominations, and payable at such time and place, and interest thereon shall be payable annually or semi-annually, as the mayor and common council of said city shall provide in said ordinance or resolution. Said bonds shall be signed by the mayor, have the corporate seal of the city affixed, attested by the city recorder, and the coupons may bear the engraved or lithographed signatures of the mayor and recorder, or be signed by them in person. The purchaser of the said bonds shall not be bound to see to the application of the purchase money. The said one hundred thousand dollars of bonds may be issued in whole or in part payment for said existing water plant, and the city may, in addition to such bonds, assume as part of the purchase money of any water plant so purchased any mortgage existing thereon, not exceeding in amount the sum of ten thousand dollars, and may provide for the payment of the same by the issue of like bonds of the city, or in such other manner as the mayor and common council shall by ordinance or resolution determine.

Issue of bonds authorized to purchase existing water plant.

Form, etc., of bonds.

Purchaser not bound to see to application of purchase money.

Further issue to pay existing mortgage.

Levy of tax to pay interest on bonds.

SEC. 2. That the mayor and common council of said city of Tucson are hereby required and directed to levy and collect, in addition to all other taxes in said city, an ad valorem tax upon all the taxable property in said city sufficient to pay the interest on the said bonds as the same becomes due, and also at or before the time when the principal of the said bonds becomes due, a further ad valorem tax upon all the taxable property in said city sufficient to pay the same or to provide for the payment thereof. Such taxes shall be levied and collected at the same time and in the same manner as other taxes upon the property in said city. But the city may use and apply the net revenues of the water plant to pay interest on the bonds issued under this Act, and to the extent that such revenues are actually so used and applied may

—use of net revenues of water plant.

Control of water-
works, etc.

omit the levy and collection of said tax, or the city may use such net revenues or any part thereof for the extension of said water plant.

SEC. 3. That the mayor and common council of the said city are hereby authorized to operate, manage, and control the said waterworks so authorized to be purchased, and for this purpose to appoint such agents, servants, and employees as they may deem proper, and to pay the same out of the revenues from the said waterworks or from any other revenues of the said city not otherwise appropriated.

Repeal.

Further proceedings
as to bond issue un-
necessary.

SEC. 4. That all Acts and parts of Acts, general and special, so far as they are in conflict with the provisions of this Act, are hereby repealed, and no proceedings for the issue of the bonds in this Act authorized or for the assumption of the mortgage debt in this Act authorized shall be necessary other than those in this Act provided for.

Approved, June 6, 1900.

June 6, 1900.

CHAP. 788.—An Act To authorize the President to place Andrew Geddes on the retired list with the rank of captain.

Andrew Geddes.
May be placed on
retired list of Army.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and he is hereby, authorized to revoke his order of December third, eighteen hundred and eighty, confirming the sentence of dismissal in the case of Captain Andrew Geddes, Twenty-fifth United States Infantry, and to disapprove the sentence and to revoke and set aside General Court-Martial Orders Numbered Sixty-four, Headquarters of the Army, Adjutant-General's Office, Washington, December fourth, eighteen hundred and eighty, approving the pending sentence in the said case and ordering his dismissal to take effect December thirty-first, eighteen hundred and eighty, and to order and cause to be issued to said Geddes an honorable discharge as of date December thirty-first, eighteen hundred and eighty, and to nominate and, by and with the advice and consent of the Senate, appoint said Geddes a captain of infantry in the United States Army, and place him upon the retired list with the rank of captain, the retired list being increased for that purpose only: *Provided*, That no pay, compensation, or allowance shall accrue by reason of this Act for any cause prior to its passage.

Proviso.
No pay, etc.

Approved, June 6, 1900.

June 6, 1900.

CHAP. 789.—An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and one, and for other purposes.

District of Colum-
bia.
Appropriations.
Half from District
revenues.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the half of the following sums named, respectively, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and the other half out of the revenues of the District of Columbia, for the purposes following, being for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and one, namely:

General expenses.

GENERAL EXPENSES.

Executive office.
Commissioners, sec-
retary, etc.

FOR EXECUTIVE OFFICE: For two Commissioners, at five thousand dollars each; Engineer Commissioner, one thousand seven hundred and sixty-eight dollars (to make salary five thousand dollars); secretary, two thousand one hundred and sixty dollars; two assistant secretaries to Commissioners, at one thousand dollars each; clerk, one

thousand five hundred dollars; clerk, one thousand four hundred dollars; three clerks, one of whom shall be a stenographer and typewriter, at one thousand two hundred dollars each; messenger clerk, six hundred dollars; messenger, six hundred dollars; stenographer and typewriter, seven hundred and twenty dollars; two drivers, at four hundred and eighty dollars each; laborer, three hundred and sixty-five dollars; veterinary surgeon for all horses in the departments of the District government, one thousand two hundred dollars; inspector of buildings, two thousand four hundred dollars; principal assistant inspector of buildings, one thousand six hundred dollars; two assistant inspectors of buildings, at one thousand two hundred dollars each; four assistant inspectors of buildings, at one thousand dollars each; clerk, nine hundred dollars; messenger, four hundred and eighty dollars; janitor, nine hundred dollars; steam engineer, nine hundred dollars; two firemen, at four hundred and eighty dollars each; two elevator operators, at three hundred and sixty dollars each; messenger, four hundred and eighty dollars; three watchmen, at four hundred and eighty dollars each; two laborers, at three hundred and sixty dollars each; property clerk, one thousand six hundred dollars; deputy property clerk, one thousand two hundred dollars; clerk, seven hundred and twenty dollars; messenger, six hundred dollars; inspector of plumbing, two thousand dollars; five assistant inspectors of plumbing, one at one thousand two hundred dollars and four at one thousand dollars each; five members of the plumbing board, at three hundred dollars each; harbor master, one thousand two hundred dollars; boiler for harbor boat, one thousand five hundred dollars; in all, sixty thousand two hundred and ninety-three dollars.

FOR ASSESSOR'S OFFICE: For assessor, three thousand five hundred dollars; three assistant assessors, at three thousand dollars each; two assistant assessors, at one thousand six hundred dollars each; two clerks, at one thousand four hundred dollars each; four clerks, at one thousand two hundred dollars each; draftsman, one thousand two hundred dollars; three clerks, at one thousand dollars each; assistant or clerk, nine hundred dollars; clerk in charge of records, one thousand dollars; clerk to board of assistant assessors, one thousand two hundred dollars; two clerks, at nine hundred dollars each; license clerk, one thousand two hundred dollars; inspector of licenses, one thousand two hundred dollars; messenger and driver, for board of assistant assessors, six hundred dollars; in all, thirty-five thousand four hundred dollars.

Assessor's office.

FOR COLLECTOR'S OFFICE: For collector, four thousand dollars; deputy collector, one thousand eight hundred dollars; cashier, one thousand eight hundred dollars; bookkeeper, one thousand six hundred dollars; two clerks, at one thousand four hundred dollars each; two clerks, at one thousand two hundred dollars each; clerk and messenger, one thousand dollars; messenger, six hundred dollars; in all, sixteen thousand dollars.

Collector's office.

FOR AUDITOR'S OFFICE: For auditor, three thousand six hundred dollars; chief clerk, one thousand nine hundred dollars; bookkeeper, one thousand eight hundred dollars; clerk, one thousand six hundred dollars; disbursing officer, two thousand five hundred dollars; deputy disbursing officer, who shall hereafter, in the absence of the disbursing officer, be authorized to transact all duties pertaining to said disbursing officer, and who shall be required to give bond to the said disbursing officer in the sum of twenty-five thousand dollars, conditioned on the faithful performance of the duties of his office, but said disbursing officer to be responsible to the United States, District of Columbia, and the people whom he pays, as now required by law, one thousand five hundred dollars; three clerks, at one thousand four hundred dollars each; two clerks, at one thousand two hundred dollars

Auditor's office.

each; clerk, one thousand dollars; messenger, six hundred dollars; in all, twenty-one thousand one hundred dollars.

Attorney's office.

FOR ATTORNEY'S OFFICE: For attorney, four thousand dollars; assistant attorney, two thousand dollars; special assistant attorney, one thousand six hundred dollars; law clerk, one thousand two hundred dollars; messenger, two hundred dollars; in all, nine thousand dollars.

Sinking-fund office.

FOR SINKING-FUND OFFICE, UNDER CONTROL OF THE TREASURER OF THE UNITED STATES: For clerk, one thousand six hundred dollars; clerk, nine hundred dollars; in all, two thousand five hundred dollars.

Coroner's office.

FOR CORONER'S OFFICE: For coroner, one thousand eight hundred dollars.

Market masters.

FOR MARKET MASTERS: For two market masters, at one thousand two hundred dollars each; one market master, nine hundred dollars; for hire of laborers for cleaning markets, one thousand two hundred dollars; in all, four thousand five hundred dollars.

Sealer of weights and measures.

FOR OFFICE OF SEALER OF WEIGHTS AND MEASURES: For sealer of weights and measures, two thousand five hundred dollars; assistant sealer of weights and measures, one thousand two hundred dollars; clerk, nine hundred dollars; laborer, three hundred and sixty dollars; in all, four thousand nine hundred and sixty dollars.

Engineer's office.

FOR ENGINEER'S OFFICE: Record division: For chief clerk, one thousand nine hundred dollars; two clerks, at one thousand six hundred dollars each; one clerk, one thousand four hundred dollars; three clerks, at one thousand two hundred dollars each; clerk, seven hundred and twenty dollars; two messengers, at four hundred and eighty dollars each; computing engineer, two thousand seven hundred and fifty dollars; assistant engineer, one thousand six hundred dollars; two assistant engineers at one thousand five hundred dollars each; three rodmen, at seven hundred and eighty dollars each; three chainmen, at six hundred and fifty dollars each; draftsman, one thousand two hundred dollars; inspector of streets, one thousand two hundred dollars; two assistant inspectors of streets, at one thousand two hundred dollars each; superintendent of streets, two thousand dollars; superintendent of county roads, one thousand five hundred dollars; superintendent of parking, one thousand three hundred dollars; assistant superintendent of parking, nine hundred dollars; clerk, nine hundred dollars; inspector of asphalt and cements, two thousand four hundred dollars; inspector of gas and meters, two thousand dollars; assistant inspector of gas and meters, one thousand dollars; assistant inspector of gas and meters, seven hundred and twenty dollars; messenger, four hundred and eighty dollars; inspector of sewers, one thousand two hundred dollars; superintendent of sewers, two thousand seven hundred and fifty dollars; general inspector of sewers, one thousand three hundred dollars; two assistant engineers, at one thousand five hundred dollars each; draftsman, one thousand two hundred dollars; leveler, one thousand two hundred dollars; three rodmen, at seven hundred and eighty dollars each; three chainmen, at six hundred and fifty dollars each; clerk, one thousand four hundred dollars; two clerks, at one thousand dollars each; two inspectors of property, at nine hundred and thirty-six dollars each; two sewer tappers, at one thousand dollars each; permit clerk, one thousand four hundred dollars; assistant permit clerk, eight hundred and forty dollars; in all, sixty-five thousand eight hundred and seventy-two dollars.

Special assessment office.

SPECIAL ASSESSMENT OFFICE: For special assessment clerk, one thousand seven hundred dollars; seven clerks, at one thousand two hundred dollars each; two clerks, at nine hundred dollars each; in all, eleven thousand nine hundred dollars.

Street sweeping office.

STREET SWEEPING OFFICE: For superintendent, two thousand two hundred dollars; assistant superintendent and clerk, one thousand six hundred dollars; clerk, nine hundred dollars; four inspectors, at one

thousand two hundred dollars each; ten inspectors, at one thousand one hundred dollars each; three assistant inspectors, at nine hundred dollars each; foreman of public dumps, nine hundred dollars; messenger and driver, six hundred dollars; in all, twenty-four thousand seven hundred dollars.

BOARD OF EXAMINERS, STEAM ENGINEERS: For compensation for board of examiners of steam engineers in the District of Columbia, three, at three hundred dollars each, nine hundred dollars. Board of examiners.
steam engineers.

That overseers, inspectors, and other employees temporarily required in connection with sewer, street, or road work, or the construction and repair of buildings and bridges, or any work authorized by appropriations, and all expenses incidental to or necessary for the proper execution of said work shall be paid from and equitably charged against the sums appropriated for said work; and the Commissioners of the District, in their annual report to Congress, shall report the number of such overseers, inspectors, and other employees, and their work, and the sums paid to each, and out of what appropriation. Payment of tempo-
rary employees; re-
port.

SUPERINTENDENT OF CHARITIES: For superintendent of charities, three thousand dollars; messenger, eight hundred and forty dollars; traveling expenses, one hundred and fifty dollars; in all, three thousand nine hundred and ninety dollars. Superintendent of
charities.

FOR SURVEYOR'S OFFICE: For surveyor, three thousand dollars; assistant surveyor, one thousand eight hundred dollars; for such employees as may be required, in accordance with the provisions of the Act of Congress making the surveyor of the District of Columbia a salaried officer, seven thousand dollars; in all, eleven thousand eight hundred dollars. Surveyor's office.

FREE PUBLIC LIBRARY: For librarian, one thousand six hundred dollars; assistant librarian, nine hundred dollars; assistant, seven hundred and twenty dollars; assistant, six hundred dollars; cataloguer, six hundred dollars; janitor, four hundred and eighty dollars; attendant, three hundred and sixty dollars; purchase of books, one thousand dollars; binding, one thousand five hundred dollars; rent, fuel, light, fitting up rooms, and other contingent expenses, three thousand five hundred dollars; in all, eleven thousand two hundred and sixty dollars. Free Public Library.

CONTINGENT AND MISCELLANEOUS EXPENSES.

For contingent expenses of the government of the District of Columbia, namely: For printing, checks, books, law books, books of reference and periodicals, stationery; detection of frauds on the revenue; repairs of market houses, painting; surveying instruments and implements; drawing materials; binding, rebinding, repairing, and preservation of records; maintaining and keeping in good order the laboratory and apparatus in the office of the inspector of asphalt and cement; damages; care of horses not otherwise provided for, horse-shoeing; fuel, ice, gas, repairs, insurance, repairs to pound and vehicles, and other general necessary expenses of District offices, including the sinking-fund office, office of the superintendent of charities, harbor master, health department, surveyor's office, sealer of weights and measures' office, and police court, twenty-three thousand five hundred dollars; and the Commissioners shall so apportion this sum as to prevent a deficiency therein: *Provided*, That horses and vehicles appropriated for in this Act shall be used only for official purposes: *Provided further*, That the accounting officers of the Treasury are hereby authorized to audit and allow in the accounts of the District Commissioners expenditures made for law books, books of reference, and periodicals from appropriations made for contingent and miscellaneous expenses of the District for the fiscal years eighteen hundred and ninety-nine and nineteen hundred. Contingent expenses.

Provisos.
Horses, etc.

Allowance in Com-
missioners' accounts
for books, etc.

Engineer department, stables.

For contingent expenses of stables of the engineer department, including forage, livery of horses, shoeing, purchase and repair of vehicles, purchase and repair of harness, blankets, lap robes, purchase of horses, whips, oil, brushes, combs, sponges, chamois skins, buckets, halters, jacks, rubber boots and coats, medicines, and other necessary articles and expenses, five thousand dollars; and no expenditure on account of the engineer department for the items named in this paragraph shall be made from any other fund.

Rent.

For rent of District offices, nine thousand dollars.

For rent of old record vault, six hundred dollars.

For rent of property yards, three hundred dollars.

Collection personal taxes.

For necessary expenses in the collection of overdue personal taxes by distraint and sale and otherwise, and for other necessary items, one thousand five hundred dollars.

Judicial expenses.

For judicial expenses, including procurement of chains of title, the printing of briefs in the court of appeals of the District of Columbia and witness fees in District cases before the supreme court of said District, one thousand dollars.

Coroner's expenses.

For livery of horse or horse hire for coroner's office, jurors' fees, removal of deceased persons, making autopsies, ice, disinfectants, and other necessary supplies for the morgue, and the necessary expenses of holding inquests, including stenographic services in taking testimony, and photographing unidentified bodies, one thousand two hundred dollars.

Advertising.

For general advertising, authorized and required by law, and for tax and school notices and notices of changes in regulations, two thousand five hundred dollars.

Notice of arrears of taxes.
Vol. 26, p. 24.

For advertising notice of taxes in arrears July first, nineteen hundred, as required to be given by Act of March nineteenth, eighteen hundred and ninety, three thousand dollars, to be reimbursed by a charge of fifty cents for each lot or piece of property advertised: *Provided*, That in lieu of the notice now required to be given by the Commissioners of the District of Columbia of the pamphlet containing the list of taxes in arrears, the said Commissioners shall give notice, by advertising twice a week, for three successive weeks, beginning on the third Monday in March of each year hereafter, in the regular issue of two or more daily newspapers published in said District, that the said pamphlet has been printed and that a copy thereof will be delivered to any taxpayer applying therefor at the office of the collector of taxes of said District; and all Acts or parts of Acts inconsistent herewith are hereby repealed.

Proviso.

Notice of printing of pamphlet containing list of taxes in arrears.

To enable the assessor to continue account of arrears of taxes on real property, due the District of Columbia, including the payment of necessary clerical force, two thousand dollars.

Repairs, market houses.

For special repairs to market houses, two thousand two hundred and fifty dollars.

Enforcing game and fish laws.

For the enforcement of the game and fish laws of the District of Columbia, to be expended under the direction of the Commissioners, five hundred dollars.

Register of wills.

Reproduction, etc., certain records.

To enable the register of wills to continue the work of comparing, correcting, and reproducing certain records, or will books, in his office, including clerical service, purchase of books, and necessary equipments, two thousand dollars.

Recorder of deeds.
Purchase of book typewriters.
Vol. 30, p. 769.

To enable the recorder of deeds of the District of Columbia to purchase twenty Elliott & Hatch book typewriters for recording deeds and other instruments of writing in his office, as authorized by the Act of Congress approved December twenty-first, eighteen hundred and ninety-eight, three thousand five hundred dollars.

Restoring portraits.

For restoration and preservation of portraits belonging to the District of Columbia, nine hundred dollars.

PLATS OF SUBDIVISIONS OUTSIDE OF WASHINGTON.

To pay the expenses of such surveys as may be necessary to enable the Commissioners of the District to determine whether plats of subdivisions of land within said District offered for record have been made in conformity to the "Act to regulate subdivision of land within the District of Columbia," approved August twenty-seventh, eighteen hundred and eighty-eight, two thousand dollars.

Surveys and plats of
outside subdivisions.

Vol. 25, p. 451.

PERMANENT SYSTEM OF HIGHWAYS.

To pay the expenses of carrying out the plan for the extension of a permanent system of highways in conformity with the "Act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," approved March second, eighteen hundred and ninety-three, two thousand five hundred dollars; to be paid wholly out of the revenues of the District of Columbia.

Extension of high-
ways.
Vol. 27, p. 532.

ASSESSMENT AND PERMIT WORK.

For assessment and permit work, one hundred and forty thousand dollars.

Assessment and per-
mit work.

For paving roadways under the permit system, ten thousand dollars.

IMPROVEMENTS AND REPAIRS.

For work on streets and avenues named in Appendix X, Book of Estimates, nineteen hundred and one, one hundred and sixty thousand dollars, to be expended in the discretion of the Commissioners upon streets and avenues specified in the schedules named in said appendix and in the aggregate for each schedule as stated herein, namely:

Improvements and
repairs.

Streets and avenues.

GEORGETOWN SCHEDULE: Ten thousand and eighty dollars.

Allotment.

NORTHWEST SECTION SCHEDULE: Forty-nine thousand one hundred and twenty dollars.

SOUTHWEST SECTION SCHEDULE: Twenty thousand dollars.

SOUTHEAST SECTION SCHEDULE: Thirty-nine thousand and forty dollars.

NORTHEAST SECTION SCHEDULE: Forty-one thousand seven hundred and sixty dollars.

Provided, That the streets and avenues shall be contracted for in the order in which they appear in said schedules, and be completed in such order as nearly as practicable, and shall be paved, in the discretion of the Commissioners, instead of being graded and regulated.

Previous
Order of precedence.

Under appropriations contained in this Act no contract shall be made for making or relaying asphalt pavement at a higher price than one dollar and eighty cents per square yard for a quality equal to the best laid in the District of Columbia prior to July first, eighteen hundred and eighty-six, and with same depth of base: *Provided*, That these conditions as to price and depth of base shall not apply to those streets on which, in the judgment of the Commissioners, by reason of heavy traffic, poor foundation, or other causes, a pavement of more than ordinary strength is required, in which case the limit of price may be increased to two dollars per square yard. And hereafter, when as many streets and entire blocks of streets in any section have been paved as the amount allotted to that section will permit, and there still remains a balance insufficient to pave an entire block of the street provided for pavement upon the schedule, such balance shall remain available and be added to the allotment for that section for the next succeeding year.

Limit for contracts
for asphalt pave-
ments.

—increase for certain
streets.

Available balance.

For widening and paving roadway of G street northwest, between Sixth and Fifteenth streets, nineteen thousand dollars.

G street NW.

Fifteenth street.	For paving Fifteenth street from V to W streets, three thousand five hundred dollars.
Grading.	GRADING STREETS, ALLEYS, AND ROADS: For purchase and repair of cars, carts, tools, or the hire of the same and horses, to be used by the inmates of the Washington Asylum in the work of grading and pay of dump men needed to carry out the work, eight thousand dollars.
Condemnation of streets, etc.	CONDEMNATION OF STREETS, ROADS, AND ALLEYS: For purchase or condemnation of streets, roads, and alleys, one thousand dollars.
Sewers.	SEWERS.
Cleaning.	For cleaning and repairing sewers and basins, fifty thousand dollars.
Replacing.	For replacing obstructed sewers, twenty-five thousand dollars.
Main, pipe, etc.	For main and pipe sewers and receiving basins, fifty thousand dollars.
Suburban.	For suburban sewers, fifty thousand dollars.
Condemnation of rights of way, etc.	For purchase or condemnation of rights of way for construction, maintenance, and repair of public sewers, one thousand dollars, or so much thereof as may be necessary.
Automatic flushing tanks.	For automatic flushing tanks, one thousand dollars.
Tiber Creek*, etc.	For completing contract on the Tiber Creek and New Jersey avenue high-level intercepting sewer, twenty-five thousand dollars. For damages and losses occasioned by the construction of the Tiber Creek and New Jersey avenue high-level intercepting sewer, through Arthur place, between B and C streets northwest, eighteen thousand dollars, to be immediately available; said amount to cover and be in full of all damages and losses on account of such construction.
Pumping plant, etc.	For so much of the permanent pumping plant at the foot of New Jersey avenue southeast, including outlet chambers, gates, connections, and so forth, as is immediately necessary for the purpose of draining the intercepting sewer already constructed, one hundred and ten thousand dollars; and the Commissioners of the District of Columbia are authorized to use for such purpose any unexpended balance of the appropriation for the preparation of plans and acquiring land for said pumping station.
Extension of boundary sewer.	Any unexpended balance of the appropriation for the extension of the boundary sewer to the vicinity of Twenty-second and A streets northeast shall remain available during the fiscal year ending June thirtieth, nineteen hundred and one. And the Commissioners of the District of Columbia are authorized to enter into contract for the extension of the boundary sewer to the vicinity of Twenty-second and A streets northeast, at a cost not to exceed two hundred and thirty thousand dollars, to be paid from time to time as appropriations may be made by law.
East side intercepting sewer.	For continuing the construction in part of the east side intercepting sewer between Twenty-second and A streets northeast and Twelfth street southeast, now under contract, forty thousand dollars. For continuing the construction in part of the east side intercepting sewer from Twelfth street southeast to the pumping station at the foot of New Jersey avenue, now under contract, forty thousand dollars.
Arizona avenue sewer.	For construction in part of the Arizona avenue sewer, fifty thousand dollars.
L street sewer.	For constructing the L street sewer from near Twenty-first and L streets northwest to the east side of Sixteenth street, thirty thousand dollars.
Plans for sewage-disposal system.	For preparation of detailed plans and specifications for sewage-disposal system complete, twenty-thousand dollars.

Streets.

STREETS.

Repairs.

REPAIRS STREETS, AVENUES, AND ALLEYS: For current work of repairs of streets, avenues, and alleys, including resurfacing and repairs to concrete pavements with the same or other not inferior material,

two hundred thousand dollars; and this appropriation shall be available for repairing the pavements of street railways when necessary. The amounts thus expended shall be collected from such railroad company as provided by section five of "An Act providing a permanent form of government for the District of Columbia," approved June eleventh, eighteen hundred and seventy-eight, and shall be deposited to the credit of the appropriation for the fiscal year in which they are collected.

For replacing and repairing sidewalks and curbs around public reservations and municipal buildings, ten thousand dollars.

REPAIRS COUNTY ROADS: For current work of repairs of county roads and suburban streets, sixty thousand dollars.

CONSTRUCTION OF COUNTY ROADS: For construction of county roads and suburban streets, as follows:

For macadamizing Kenesaw avenue and Park drive, ten thousand dollars;

For macadamizing Michigan avenue, ten thousand dollars;

For paving Eighteenth street (extended) and Cincinnati street from Columbia road to Rock Creek and completing paving of Twentieth street between Baltimore and Cincinnati streets, seventeen thousand dollars;

For grading and regulating Blagden avenue, five thousand dollars;

For grading and regulating Quincy street, Petworth, from Brightwood avenue to Eighth street, two thousand dollars;

For improving Bladensburg road from Fifteenth street northward, fifteen thousand dollars;

For grading and macadamizing Frankfort, Twenty-second, and Twenty-fourth streets, Langdon, three thousand dollars;

For improving Connecticut avenue west of Rock Creek, seven thousand five hundred dollars;

For grading and regulating streets in Woodridge subdivision, two thousand five hundred dollars;

For completing the paving of Nineteenth street extended, between Florida avenue and Columbia road, five thousand six hundred dollars, to be immediately available;

For grading and macadamizing Eleventh street extended, between Florida avenue and Lydecker avenue, twenty thousand dollars;

For grading, repairing, pavement of gutters, and improving Thirty-seventh street between New Cut road and Tennallytown road and other streets in Burleith addition, four thousand dollars;

For grading and regulating Cathedral avenue from Connecticut avenue to Woodley road and the highway along the west border of the Zoological Park from Woodley road to Cathedral avenue, as shown on the plan of the permanent system of highways, third section, twenty-one thousand dollars: *Provided*, That parties interested first deposit with the collector of taxes of the District of Columbia an equal sum to be used toward defraying the cost of the work: *And provided*, That the full width of the highway bordering the Zoological Park be donated to the District of Columbia whenever it lies within the limits of Woodley Park.

And the Commissioners of the District of Columbia are hereby authorized to use as a highway so much of the Zoological Park as lies within the lines of said proposed highway;

To construct a masonry retaining wall between Cincinnati street and Woodley road to define the limits of a new driveway which the Commissioners of the District of Columbia are hereby authorized to lay out along the east side of Rock Creek from Connecticut avenue to Zoological Park, four thousand dollars: *Provided*, That all the land within the limits of said highway between Cincinnati street and Woodley road shall first be dedicated to the District of Columbia;

Street railways.
Vol. 20, p. 106.

Sidewalks, etc.

County roads.

Kenesaw avenue,
etc.

Michigan avenue.
Eighteenth street
extended.
Cincinnati street.

Blagden avenue.
Quincy street.

Bladensburg road.

Langdon.

Connecticut ave-
nue.

Woodridge.

Nineteenth street
extended.

Eleventh street ex-
tended.

Thirty-seventh
street.

Cathedral avenue.

Proviso.
—conditions: deposit.
—donation.

Driveway east side
of Rock Creek, etc.

Proviso.
—dedication.

Crescent street.	For grading and improving Crescent street, two thousand dollars;
Bennings road, etc.	For grading and regulating Bennings road and Anacostia road east of Eastern Branch, ten thousand dollars; in all, one hundred and thirty-eight thousand six hundred dollars.
District quarry. Bids for operating.	The Commissioners of the District of Columbia are hereby authorized to invite bids and make contract for operating the District quarry for such term of years, not exceeding five, as may be determined by them to be most advantageous to the District.
Sprinkling, sweeping, etc., streets.	SPRINKLING, SWEEPING, AND CLEANING: For sprinkling, sweeping, and cleaning streets, avenues, alleys, and suburban streets, including necessary incidental expenses, one hundred and fifty-five thousand dollars: <i>Provided</i> , That the Commissioners of the District shall make specifications for the manner of sweeping and cleaning the streets by machinery and by hand labor, and shall advertise to let the work to the lowest responsible bidder, according to such specifications, and if the same, or any part thereof, can not be procured to be done at a price not exceeding twenty cents for hand work and twenty cents for machine work per thousand square yards, then they may do said work under their immediate direction, but the same shall be done according to the said specifications: <i>Provided further</i> , That the specifications for bids shall provide that the payment for labor in the execution of said contract shall not be less than that now paid by the Commissioners of the District of Columbia for cleaning the streets by hand: <i>And provided further</i> , That of the amount hereby appropriated, twenty-five thousand dollars, or such part thereof as the Commissioners may deem advisable, may be expended under the immediate direction of the Commissioners without contract.
<i>Provisos.</i> Specifications for bids.	
—limit of price under.	
—expenditure without contract.	
Cleaning snow and ice. Vol. 23, p. 309.	For cleaning snow and ice from crosswalks and gutters, and so forth, under the Act approved March second, eighteen hundred and ninety-five, one thousand dollars.
Parking commission.	FOR THE PARKING COMMISSION: For contingent expenses, including laborers, cart hire, trees, tree boxes, tree stakes, tree straps, planting and care of trees on city and suburban streets, whitewashing, care of parks, and miscellaneous items, twenty-two thousand five hundred dollars.
Addition public park on Eighteenth street.	For the purchase of lot twelve, block eight, in Commissioners' subdivision of Washington Heights, so as to cause the public park on Eighteenth street extended to front on Eighteenth street, eleven thousand eight hundred dollars.
Lighting.	LIGHTING: For illuminating material, lighting, extinguishing, repairing, and cleaning public lamps on avenues, streets, roads, and alleys; purchasing and expense of erecting and maintaining new lamp-posts, street designations, lanterns, and fixtures; moving lamp-posts, painting lamp-posts and lanterns; replacing and repairing lamp-posts and lanterns damaged or unfit for service; for rent of storeroom, cartage of material, and other necessary items and services, one hundred and seventy-eight thousand dollars: <i>Provided</i> , That no more than twenty dollars per annum for each street lamp shall be paid for gas and no more than twenty-four dollars for oil, lighting, extinguishing, repairing, painting, and cleaning, under any expenditure provided for in this Act: <i>Provided</i> , That all of said lamps shall burn every night, on the average, from fifteen minutes after sunset to forty-five minutes before sunrise: <i>Provided further</i> , That before any expenditures are made from the appropriations herein provided for the contracting gas companies shall equip each street lamp with a self-regulating burner and tip, so combined and adjusted as to secure, under all ordinary variations of pressure and density, a consumption of five cubic feet of gas per hour: <i>And provided further</i> , That not more than five thousand dollars of said appropriation may be expended for lighting, extinguishing, repairing, painting, and cleaning public lamps of a higher candle-
<i>Provisos.</i> Limit per lamp.	
—to burn every night.	
—self-regulating burner and tip.	
Amount available for lamps of higher candlepower, etc.	

power than those provided for above, which lamps shall not be subject to the restrictions of this paragraph excepting as to the time of burning.

For electric arc lighting, including necessary inspection, and for extensions of such service, not exceeding sixty-three thousand dollars: *Provided*, That not more than seventy-two dollars per annum shall be paid for any electric arc light burning every night from fifteen minutes after sunset to forty-five minutes before sunrise, and operated wholly by means of underground wire; and each arc light shall be of not less than one thousand actual candlepower, and no part of this appropriation shall be used for electric lighting by means of wires that may exist on or over any of the streets or avenues of the city of Washington: *Provided further*, That hereafter the Commissioners of the District of Columbia are hereby authorized to grant permits for the repair, enlargement, and extension, under proper regulations, of existing electric-lighting conduits, and in every conduit constructed or to be constructed under the provisions of this paragraph, three ducts shall be reserved for the use of the United States and the District of Columbia, and as a condition for the right to use conduits heretofore built, or to be built under the provisions of this Act, the electric-lighting companies shall be required at all times to furnish to the public and to private consumers in all parts of the District of Columbia standard arc lights of not less than one thousand actual candlepower, at a rate not exceeding seventy-two dollars per annum for each arc light; and on and after the first day of June, nineteen hundred, the maximum price of electric current sold or furnished to any consumer in the District of Columbia shall not exceed ten cents per kilowatt hour. That if consumers other than the Government shall not pay monthly electric bills within ten days after the same shall have been presented, said companies may charge and collect from said consumer so failing to pay said bill as aforesaid eleven cents per kilowatt hour for the electric current furnished to said consumer during said month: *And provided further*, That the right to amend, modify, or repeal the privileges herein granted, and to further limit the prices herein specified, is hereby expressly reserved; any company charging or collecting an amount in excess of the rates herein prescribed shall be deemed guilty of a misdemeanor, and shall pay to the District of Columbia the sum of fifty dollars for each and every offense, to be collected as other fines are now collected in the District of Columbia.

HARBOR AND RIVER FRONT: For the improvement and protection of the harbor and river front, the enforcement of laws and regulations, construction and maintenance of wharves and buildings, and for other necessary items and services, three thousand dollars.

BATHING BEACH: For the improvement, care, and repair of the public bathing beach in the Potomac River, in the District of Columbia, two thousand dollars; five hundred dollars of which shall be immediately available.

FOR PUBLIC SCALES: For repair and replacement of public scales, two hundred dollars.

FOR PUBLIC PUMPS: For the purchase, replacement, and repair of public pumps, cleaning and protecting public wells, filling abandoned or condemned public wells, five thousand dollars.

BRIDGES.

For ordinary care of bridges, including keepers, oil, lamps, and matches, four thousand dollars.

For construction and repairs of bridges, fifteen thousand dollars.

For continuing the construction of a bridge across Rock Creek on the line of Massachusetts avenue extended, fifty thousand dollars: *Provided*, That the Commissioners of the District of Columbia are hereby authorized to purchase or condemn so much of the land within the lines

Electric lighting.

Provisos.
Limit of price, etc.

Enlargement, etc.,
of existing conduits.

Reservation of ducts
for city, etc.

Rates.

—increase for failure
to pay bill.

Amendment.

Penalty excessive
rates.

Harbor and river
front.

Bathing beach.

Public scales.

Pumps.

Bridges.

Care.

Repairs.

Rock Creek bridge,
Massachusetts ave-
nue, extended.
Provisos.
—condemnation pro-
ceedings.

of Massachusetts avenue extended to which the District does not now possess title, and such adjacent land for side slopes, embankments, and so forth, as may be necessary, and to use for such purpose so much of the sum hereby appropriated as may be necessary; and the proceedings for condemnation, if the same be necessary, shall be in accordance with the provisions relating to the condemnation of land as contained in section three of the Act approved August thirtieth, eighteen hundred and ninety, entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-one, and for other purposes;" and the Commissioners of the District of Columbia, upon the confirmation by the court of the award of the commissioners appointed to appraise the land to be taken, and after payment into said court of the amount thereof, may enter upon said land and proceed with the construction of said bridge, notwithstanding any appeal or other proceeding at law or in equity, of any person interested in the proceedings: *Provided, however,* That the Commissioners of the District of Columbia may, within fifteen days after the filing of the award of said commissioners, reject the same, in which event new commissioners shall be summoned to appraise the land to be taken, and the same proceedings shall be had as in the case of the first commission.

Toward the construction of a bridge across Rock Creek on the line of Connecticut avenue extended, forty thousand dollars.

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—construction not-withstanding appeal.

—rejection of award.

Bridge, Connecticut avenue, extended.

Washington Aqueduct.

Maintenance, etc.

Filtering plant.

WASHINGTON AQUEDUCT.

For operation, maintenance, and repair of the aqueduct and its accessories, including Conduit road, twenty-two thousand dollars.

For protection to the inlet to the conduit at Great Falls, five thousand dollars.

For repairing the by-conduit, Dalecarlia reservoir, ten thousand dollars.

For establishing those portions of a filtration plant which are essential to the operation of either system of filtration adopted, including necessary land, grading, masonry, and appurtenances, two hundred thousand dollars, to be available immediately and until expended.

INCREASING THE WATER SUPPLY.

Washington Aqueduct tunnel.

For completing the work on the Washington Aqueduct tunnel and Howard University reservoir, one hundred and thirty-nine thousand and thirty-four dollars and thirty-four cents.

Public schools.

PUBLIC SCHOOLS.

Board of education, appointment, etc.

—term of office, etc.

—duties, etc.

The Commissioners of the District of Columbia are hereby authorized to appoint seven persons, bona fide residents and taxpayers of the District of Columbia, and who have been such for five years immediately preceding their appointment, who shall constitute a board of education, and whose term of office shall be seven years, except that the terms of the persons first appointed shall terminate as follows: One each year, to be determined by lot among the seven members of the board first appointed. The compensation of members of the board shall be ten dollars each for personal attendance at each meeting, but shall not exceed for any member five hundred dollars per annum. The board shall have complete jurisdiction over all administrative matters connected with the public schools of the District of Columbia, except that all expenditures of public funds for such school purposes shall be made and accounted for as now provided by law under the

direction and control of the Commissioners of the District of Columbia. The board shall make all needful rules and regulations which may be proper for the government and control of said schools, and shall make annual report to the Commissioners of the District of Columbia, who shall transmit the same to Congress, of the condition and operations of said schools, and the sanitary and structural condition of all buildings in use as well as those in course of construction, with recommendations as respects needed changes.

The board shall have power to appoint one superintendent for all the public schools of the District of Columbia, two assistant superintendents, one of whom, under the direction of the superintendent, shall have charge of schools for colored children; a secretary, and three clerks, and to remove said officers at its pleasure, and shall also have power to employ and remove all teachers, officers, and other employees connected with the public schools not already specified: *Provided*, That the graduates of the normal schools shall have preference in all cases when appointments of teachers for the grade schools are to be made. The superintendent shall annually submit to the board for its approval the course of studies and list of text-books and other apparatus to be used in said schools.

Superintendent,
secretary, clerks, etc.

Proviso.
Preference to normal school graduates
as teachers.

Text-books.

The board shall annually transmit to the Commissioners of the District of Columbia an estimate in detail of the amount of money required for the public schools for the ensuing year, and said Commissioners shall include the same in their annual estimate of appropriations for the District of Columbia with such recommendations as they may deem proper.

Annual estimate of
money required.

The foregoing provisions under the head of "Public schools" shall take effect on the first day of July, nineteen hundred, and all Acts and parts of Acts in conflict herewith are hereby repealed.

Effect.
Repeal.

FOR OFFICERS: For seven members of the board of education, at five hundred dollars each, three thousand five hundred dollars, not more than one thousand seven hundred and fifty dollars of which shall be used during the first half of the fiscal year; one superintendent of public schools, four thousand dollars; two assistant superintendents, at two thousand five hundred dollars each; one secretary, one thousand eight hundred dollars; one clerk, one thousand four hundred dollars; two clerks, at one thousand dollars each; and one messenger, seven hundred and twenty dollars; in all, eighteen thousand four hundred and twenty dollars.

Salaries.

FOR TEACHERS: For one thousand two hundred and twenty-four teachers, to be assigned as follows:

Teachers.

For director of high schools, two thousand five hundred dollars;

For eleven supervising principals, at two thousand dollars each;

For five principals of high schools, at one thousand six hundred dollars each;

For principal of White Normal School, and principal of Colored Normal School, at one thousand six hundred dollars each;

For director of primary instruction, director of manual training, three heads of departments of high schools, head of high school manual training shop, and two grammar school principals, eight in all, at one thousand five hundred dollars each;

For five principals of buildings, at one thousand three hundred dollars each;

For director of music, two directors of drawing, director of physical culture, director of manual training, first assistant teacher of manual training, two normal training teachers, twelve high school teachers, and ten principals of buildings, thirty in all, at one thousand two hundred dollars each;

For director of primary work, high school teacher, and principal of building, three in all, at one thousand one hundred dollars each;

For eighty-five, at one thousand dollars each;
 For eighteen, at nine hundred and fifty dollars each;
 For twenty-one, at nine hundred dollars each;
 For fourteen, at eight hundred and seventy-five dollars each;
 For sixteen, at eight hundred and fifty dollars each;
 For eighty-five, at eight hundred and twenty-five dollars each;
 For thirty-one, at eight hundred dollars each;
 For eighty-eight, at seven hundred and seventy-five dollars each;
 For seventeen, at seven hundred and fifty dollars each;
 For one hundred and twenty-seven, at seven hundred dollars each;
 For four, at six hundred and seventy-five dollars each;
 For one hundred and thirty-one, at six hundred and fifty dollars each;
 For twenty-four, at six hundred dollars each;
 For seven, at five hundred and seventy-five dollars each;
 For one hundred and sixty, at five hundred and fifty dollars each;
 For three, at five hundred and twenty-five dollars each;
 For one hundred and thirty-one, at five hundred dollars each;
 For thirty-nine, at four hundred and seventy-five dollars each;
 For fifty, at four hundred and fifty dollars each;

Proviso.
 No sex discrimination.
 Designated salaries
 not to be changed.

For one hundred and eight, at four hundred and twenty-five dollars each; in all, eight hundred and fifty-three thousand four hundred dollars: *Provided*, That in assigning salaries to teachers, no discrimination shall be made between male and female teachers employed in the same grade of school and performing a like class of duties; and it shall not be lawful to pay, or authorize or require to be paid, from any of the salaries of teachers herein provided, any portion or percentage thereof for the purpose of adding to salaries of higher or lower grades.

Night schools.

For teachers of night schools, who may also be teachers in the day schools, eight thousand eight hundred dollars.

For contingent and other necessary expenses of night schools, five hundred dollars.

Kindergarten
 Janitors.

For kindergarten instruction, twenty-five thousand dollars.

FOR JANITORS AND CARE OF BUILDINGS AND GROUNDS: For care of the High School and annex, of the first eight divisions, two thousand dollars;

Of the Jefferson Building and the Western High School, at one thousand four hundred dollars each;

Of the Eastern High School, Business High School, High School of the ninth, tenth, and eleventh divisions, and Stevens School buildings, five, at one thousand two hundred dollars each;

Of the Franklin Building, one thousand one hundred dollars;

Of the Wallach Building, one thousand dollars;

Of the Curtis, Dennison, Force, Gales, Garnet, Grant, Henry, Peabody, Seaton, Sumner, Webster, and O Street Manual Training School, twelve, at nine hundred dollars each;

Of the Lincoln, Miner, and Mott buildings, three, at eight hundred dollars each;

Of the Abbott, Berrett, John F. Cook, and Randall buildings, four, at seven hundred dollars each;

Of the Adams, Addison, Ambush, Amidon, Anthony Bowen, Arthur, Banneker, Bell, Blair, Blake, Bradley, Brent, Briggs, Brightwood, Brookland, Bruce, Buchanan, Carbery, Congress Heights, Corcoran, Cranch, Douglass, Fillmore, Garrison, Giddings, Eckington, Greenleaf, Harrison, Hayes, Hilton, Jackson, Johnson, Jones, Lenox, Logan, Lovejoy, McCormick, Madison, Magruder, Maury, Monroe, Morse, Patterson, Payne, Phelps, Phillips, Pierce, Polk, Slater, Smallwood, Taylor, Tenley, Toner, Towers, Twining, Tyler, Van Buren, Weightman, Wilson, Wormly, building in third division, building in sixth division, and two new eight-room buildings, sixty-four in all, at five hundred dollars each;

Of the Garfield, Hillsdale, Thompson, Van Buren annex, and Woodburn buildings, four, at two hundred and fifty dollars each;

Of the Bennings (white), Bennings (colored), Birney, Chevy Chase, Hamilton, High Street, Langdon, Potomac, Reservoir, Takoma Park, and Threlkeld buildings, eleven, at one hundred and sixty-five dollars each;

For care of smaller buildings and rented rooms, including cooking and manual training schools wherever located, at a rate not to exceed forty-eight dollars per annum for the care of each schoolroom, four thousand six hundred and seventy-six dollars; in all, sixty-seven thousand four hundred and forty-one dollars.

MISCELLANEOUS: For rent of school buildings and repair shop, seventeen thousand dollars.

For repairs and improvements to school buildings and grounds, fifty thousand dollars.

For necessary repairs to and changes in plumbing in existing school buildings, twenty-five thousand dollars.

For the purchase and repair of tools, machinery, material, and apparatus to be used in connection with instruction in manual training, and for incidental expenses connected therewith, ten thousand dollars.

For fuel, thirty-seven thousand dollars.

For furniture for new school buildings and additions to buildings, as follows:

For two new eight-room buildings, at one thousand five hundred dollars each; for one new four-room building, seven hundred and fifty dollars;

In all, three thousand seven hundred and fifty dollars.

For contingent expenses, including furniture, books, books of reference, and periodicals, stationery, printing, insurance, and other necessary items not otherwise provided for, including maintenance of horse and carriage for the superintendent, thirty thousand six hundred dollars.

For text-books and school supplies for use of pupils of the first eight grades, who at the time are not supplied with the same, to be distributed by the superintendent of public schools under regulations to be made by the board of education of the District of Columbia, and for the necessary expenses of the purchase, distribution, and preservation of said text-books and supplies, forty-five thousand dollars.

For purchase of United States flags, one thousand dollars.

BUILDINGS AND GROUNDS: For site for and toward the construction of one twelve-room building (Eckington and vicinity), second division, twenty thousand dollars; and the total cost of said building, including cost of site, under a contract which is hereby authorized therefor shall not exceed sixty-six thousand dollars.

For site for and toward the construction of one eight-room building to relieve the Greenleaf School, fourth division, twenty thousand dollars; and the total cost of said building, including cost of site, under a contract which is hereby authorized therefor, shall not exceed fifty-two thousand five hundred dollars.

For site for and toward the construction of one eight-room building, Washington Heights, seventh division, twenty thousand dollars; and the total cost of said building, including cost of site, under a contract which is hereby authorized therefor, shall not exceed fifty-six thousand dollars.

For one four-room building and site, Petworth, seventh division, twenty-five thousand dollars.

For one four-room building and site, eighth division, twenty thousand dollars.

For one four-room building and site, Kenilworth, eighth division, eighteen thousand dollars.

Rent.

Repairs.

Fuel.

Furniture.

New buildings.

Contingent expenses

Free text-books.

Flags.

Buildings and sites

For completing manual-training high school, ninth, tenth, and eleventh divisions, one hundred thousand dollars.

For site for and toward the construction of one eight-room building, tenth division, twenty thousand dollars; and the total cost of said building, including cost of site, under a contract which is hereby authorized therefor, shall not exceed fifty-two thousand five hundred dollars.

For site for and toward the construction of one eight-room building, eleventh division, twenty thousand dollars; and the total cost of said building, including cost of site, under a contract which is hereby authorized therefor, shall not exceed forty-seven thousand five hundred dollars.

The total cost of the fireproof manual-training school building, including cost of site, first eight divisions, and the total amount of contracts heretofore authorized therefor, is hereby increased by the amount of forty-five thousand dollars.

Toward furniture for and equipment of the Manual Training School for the first eight divisions, twenty thousand dollars.

For construction of a fence around the Western High School, one thousand eight hundred dollars.

For additional amount for one eight-room school building, northeast, twelve thousand dollars.

For additional amount for rebuilding the Lovejoy School building, eight thousand dollars.

For additional amount for one eight-room school building, southeast, eight thousand dollars.

For additional amount for one eight-room school building, Hillsdale, eight thousand dollars.

For additional amount for four-room school building, Takoma Park, eight thousand dollars.

For improving and inclosing grounds of the Hubbard School, Columbia Heights, two thousand five hundred dollars.

For the purchase and improvement of lot eleven, block thirteen, for the enlargement of the playgrounds of the Brookland School, one thousand five hundred dollars, or so much thereof as may be necessary.

That the total cost of the site and of the several and respective buildings herein provided for, when completed upon plans and specifications to be previously made and approved, shall not exceed the several and respective sums of money herein respectively appropriated or authorized for such purposes.

That the plans and specifications for each of said buildings, and for all other buildings provided for in this Act, shall be prepared under the supervision of the inspector of buildings of the District of Columbia, and shall be approved by the Architect of the Capitol and the Commissioners of the District, and said building shall be constructed by the Commissioners in conformity therewith: *Provided*, That hereafter in the purchase of sites and in preparing plans for new school buildings proper regard shall be had for future enlargement of said buildings.

Limit of cost.

Preparing plans,
etc.

Proviso.
—future enlargement
of building to be con-
sidered.

Police.

FOR METROPOLITAN POLICE.

Salaries.

For major and superintendent, three thousand three hundred dollars; captain, one thousand eight hundred dollars; three lieutenants, inspectors, at one thousand five hundred dollars each; chief clerk, who shall also be property clerk, two thousand dollars; clerk, one thousand five hundred dollars; clerk, nine hundred dollars; two clerks, at six hundred dollars each; four surgeons of the police and fire departments, at five hundred and forty dollars each; additional compensation for fourteen privates detailed for special service in the detection and prevention of crime, three thousand three hundred and sixty dollars, or as

much thereof as may be necessary; nine lieutenants, at one thousand three hundred and twenty dollars each; thirty-two sergeants, at one thousand one hundred and forty dollars each; three hundred and twenty-five privates, class one, at nine hundred dollars each; two hundred and fifteen privates, class two, at one thousand and eighty dollars each; three telephone operators, at six hundred dollars each; twenty-one station keepers, at seven hundred and twenty dollars each; eleven laborers, at four hundred and eighty dollars each; laborer in charge of the morgue, six hundred and eighty dollars; messenger, seven hundred dollars; messenger, five hundred dollars; major and superintendent, mounted, two hundred and forty dollars; captain, mounted, two hundred and forty dollars; forty-nine lieutenants, sergeants, and privates, mounted, at two hundred and forty dollars each; twenty-four drivers, at five hundred and ten dollars each; and three police matrons, at six hundred dollars each; in all, six hundred and forty-four thousand one hundred and forty dollars.

MISCELLANEOUS: For rent of substation at Anacostia, three hundred and sixty dollars;

Rent, Anacostia.

For fuel, two thousand dollars;

Fuel.

For repairs to stations, five thousand dollars;

Repairs.

For miscellaneous and contingent expenses, including stationery, books, books of reference, and periodicals, telegraphing, photographing, printing, binding, gas, ice, washing, meals for prisoners, furniture and repairs thereto, beds and bedclothing, insignia of office, purchase and care of horses, bicycles, police equipments and repairs of same, harness, forage, repairs to vehicles, van, ambulances, and patrol wagons, and expenses incurred in the prevention and detection of crime, and other necessary items, twenty-two thousand five hundred dollars;

Contingent expenses.

For flags and halyards for station houses, one hundred and twenty-five dollars;

Flags.

For purchase of site and erection of station house, north of Florida avenue, twenty-nine thousand dollars;

New building.

For rent of police department headquarters and property store-rooms, one thousand eight hundred dollars;

Rent.

In all, sixty thousand seven hundred and eighty-five dollars.

To enable the Commissioners of the District of Columbia to provide transportation and a suitable place for the reception, transportation, and detention of the children under sixteen years of age and (in the discretion of the Commissioners) of girls and women over sixteen years of age, arrested by the police on charge of offense against any law in force in the District of Columbia, or held as witnesses, or held pending investigation, examination, or otherwise, eight thousand dollars, or so much thereof as may be necessary: *Provided*, That all such persons held or detained under public authority prior to the adjudication of cases in which they may be involved shall be held at the place so provided.

Place for detention of children, etc.

Proviso.
—detention of other persons.

FOR THE FIRE DEPARTMENT.

Fire department.

For chief engineer, two thousand dollars; two assistant chief engineers, at one thousand two hundred dollars each; clerk, one thousand dollars; fire marshal, one thousand dollars; machinist, one thousand dollars; twenty-three foremen, at one thousand dollars each; fourteen engineers, at one thousand dollars each; fourteen firemen, at eight hundred and forty dollars each; six tillermen, at eight hundred and forty dollars each; twenty-three hostlers, at eight hundred and forty dollars each; one hundred and fifty-eight privates, at eight hundred dollars each; eight watchmen, at six hundred dollars each; in all, two hundred and eleven thousand seven hundred and twenty dollars.

Salaries.

MISCELLANEOUS: For repairs to engine houses, four thousand five hundred dollars;

Miscellaneous

For repairs of apparatus, and new appliances, four thousand five hundred dollars;

For purchase of hose, nine thousand dollars;

For fuel, four thousand dollars;

For purchase of horses, ten thousand five hundred dollars;

For forage, nine thousand dollars;

For contingent expenses, horseshoeing, furniture, fixtures, washing, oil, medical and stable supplies, harness, blacksmithing, labor, gas, and other necessary items, twelve thousand dollars;

For flags and halyards, two hundred dollars;

In all, fifty-three thousand seven hundred dollars.

;

Increase.

INCREASE FIRE DEPARTMENT: For additional amount for house and furniture for a chemical engine company, in Tennallytown, seven thousand dollars;

For additional amount for house and furniture for a truck company in Columbia Heights, seven thousand dollars;

For two combination chemical and hose wagons for Georgetown and Brookland, at one thousand eight hundred dollars each, three thousand six hundred dollars;

For one water tower, seven thousand five hundred dollars;

For house, lot, and furniture for a combination chemical and hose company to be located in Brookland, District of Columbia, fifteen thousand dollars;

For the purchase of a chemical fire engine to be located at Cleveland Park, seven hundred dollars.

In all, forty thousand eight hundred dollars.

Telegraph and telephone service.

TELEGRAPH AND TELEPHONE SERVICE.

Salaries.

For superintendent, one thousand six hundred dollars; electrician, one thousand two hundred dollars; inspector of lamps, one thousand dollars; three inspectors, at nine hundred dollars each; three telegraph operators, at one thousand dollars each; three telephone operators, at six hundred dollars each; expert repairman, nine hundred and sixty dollars; three repairmen, at seven hundred and twenty dollars each; two laborers, at four hundred dollars each; in all, fifteen thousand two hundred and twenty dollars.

Supplies.

For general supplies, repairs, new batteries, and battery supplies, telephone rental and purchase, wire for extension of the telegraph and telephone service, repairs of lines and instruments, purchase of poles, tools, insulators, brackets, pins, hardware, cross arms, ice, record books, stationery, printing, purchase of horse and harness, washing, blacksmithing, forage, extra labor, new boxes, rent of stable and store-room, and other necessary items, twelve thousand dollars.

Fire-alarm telegraph, etc.

For placing wires of fire-alarm telegraph and police telephone service under ground in existing conduits, including cost of cables, terminal boxes, and posts, connections to existing conduits, manholes, hand-holes, posts for fire-alarm and police boxes, extra labor, and other necessary items, six thousand dollars.

For purchase and erection of the necessary poles, cross arms, insulators, pins, braces, wire, cable, conduit connections, extra labor, and other necessary items, five thousand dollars.

Extension police-patrol system.

For extension of police-patrol system, including purchase of twenty new boxes, purchase and erection of the necessary poles, cross arms, insulators, pins, braces, wire, cable, conduit connections, extra labor, and other necessary items, five thousand dollars.

Health department.

HEALTH DEPARTMENT.

Salaries.

For health officer, three thousand dollars; fourteen sanitary and food inspectors, who shall also oversee the collection of garbage and

dead animals, at one thousand two hundred dollars each; sanitary and food inspector, who shall also inspect dairy products, and shall be a practical chemist, one thousand six hundred dollars; sanitary and food inspector, who shall be a veterinary surgeon, and act as inspector of live stock and dairy farms, one thousand two hundred dollars; inspector of marine products, one thousand two hundred dollars; chief clerk and deputy health officer, one thousand eight hundred dollars; clerk, one thousand four hundred dollars; four clerks, two of whom may act as sanitary and food inspectors, at one thousand two hundred dollars each; two clerks, at one thousand dollars each; clerk, six hundred dollars; messenger and janitor, six hundred dollars; pound master, one thousand two hundred dollars; laborers, at not exceeding forty dollars per month, one thousand nine hundred and twenty dollars; ambulance driver, four hundred and eighty dollars; sanitary and food inspector, who shall be a veterinary surgeon, nine hundred dollars; in all, thirty-nine thousand five hundred dollars.

MISCELLANEOUS: For rent of stable, one hundred and twenty dollars.

For the enforcement of the provisions of the Act to prevent the spread of scarlet fever and diphtheria in the District of Columbia, approved December twentieth, eighteen hundred and ninety, and the Act to prevent the spread of contagious diseases in the District of Columbia, approved March third, eighteen hundred and ninety-seven, under the direction of the health officer of the District, ten thousand dollars.

For maintaining the disinfecting service, three thousand dollars.

For abatement of nuisances under section twenty-six of an ordinance to revise, consolidate, and amend the ordinances of the board of health, and so forth, legalized by the Act of August seventh, eighteen hundred and ninety-four, the cost of such abatement, when collected from the responsible party, to be deposited in the Treasury to the credit of the United States and the District of Columbia in equal parts, two hundred dollars.

Enforcement of section sixteen of an Act to regulate in the District of Columbia the disposal of certain refuse, and for other purposes, approved January twenty-fifth, eighteen hundred and ninety-eight, five hundred dollars.

For enforcement of the provisions of an Act to cause the removal of weeds from lands in the city of Washington, District of Columbia, and for other purposes, approved March first, eighteen hundred and ninety-nine, five hundred dollars.

For emergency fund for the enforcement of the provisions of section four of an Act to provide for the drainage of lots in the District of Columbia, approved May nineteenth, eighteen hundred and ninety-six, two thousand dollars.

Rent.

Scarlet fever and diphtheria.
Vol. 26, p. 691.
Vol. 29, p. 635.

Disinfecting service

Abating nuisances.

Vol. 28, p. 257.

Disposal of refuse.
Vol. 30, p. 233.

Removal of weeds.
Vol. 30, p. 959.

Drainage of lots.
Vol. 29, p. 126.

DISPOSAL OF CITY REFUSE.

For the collection and disposal of garbage, miscellaneous refuse, and ashes, in the city of Washington and the more densely populated suburbs, for collecting and disposing of dead animals and night soil in the District of Columbia, and for the payment of necessary inspection and incidental expenses, one hundred and fifteen thousand dollars, of which sum five hundred dollars shall be immediately available: *Provided*, That the Commissioners may, on and after the passage of this Act, enter into a contract or contracts for the collection and disposal of garbage, miscellaneous refuse, ashes, night soil, and dead animals, under such regulations and specifications as they may establish, for a period not exceeding five years, after advertisement and the receipt of proposals.

Said Commissioners shall definitely fix the collection districts in the city of Washington and District of Columbia and stipulate in said

Collection and disposal of city refuse

Provido.
Contracts.

Collection districts.

—specifications in
bids.

Provisos.
Manner of disposal,
etc.

Contract for tempo-
rary service.

Regulations, penal-
ties.

regulations and specifications the number of collections to be made, whether daily, semi-weekly, or tri-weekly in said districts, so that efficient collections may be enforced, and to require that all bidders shall stipulate in their proposals the increased compensation they will require if semi-weekly collections are required to be made tri-weekly or tri-weekly collections are to be made daily in any of said districts or portions of such districts, and the reduction in compensation said bidders will concede if daily collections are changed to tri-weekly or tri-weekly collections are changed to semi-weekly in any of said districts or portions of such districts: *Provided further*, That all garbage collected under the provisions of this Act shall be disposed of through a reduction or consumption process in such a manner as to entail no damage or claim against the District of Columbia for such disposal, and subject to the sanitary inspection and approval of the Commissioners. All contracts shall expressly provide that no garbage or other vegetable or animal matter shall be dumped into the Potomac River or any other waters, fed to animals or exposed to the elements upon lands: *Provided further*, That said Commissioners may, either with or without advertisement, enter into a contract or contracts for the collection and disposal of garbage and dead animals, at a rate not exceeding seventy thousand dollars per annum, from the first day of July nineteen hundred until such time as the plant necessary for the collection and disposal of garbage, miscellaneous refuse, ashes, night soil, and dead animals, under the five-year contract hereinbefore authorized, shall be ready for operation; and said Commissioners are hereby authorized to make all regulations necessary for the collection and disposal of miscellaneous refuse, ashes, dead animals, and night soil, and to annex to such regulations such penalties as may, in the judgment of said Commissioners, be necessary to secure the enforcement thereof.

Courts.

COURTS.

Police court.

FOR THE POLICE COURT: For two judges, at three thousand dollars each; compensation of two justices of the peace, acting as judges of the police court during the absence of said judges, not exceeding three hundred dollars each; clerk, two thousand dollars; two deputy clerks, at one thousand five hundred dollars each; two deputy clerks, at one thousand dollars each; three bailiffs, at nine hundred dollars each; one deputy marshal, nine hundred dollars; doorkeeper, five hundred and forty dollars; engineer, nine hundred dollars; janitor, three hundred and sixty dollars; in all, nineteen thousand dollars.

Miscellaneous.

MISCELLANEOUS: For witness fees, four thousand dollars;
For repairs of police-court building, seven hundred dollars;
For repairs to police-court furniture and replacing same, two hundred dollars;
For feeding jurors, two hundred dollars;
For rent of property adjoining police-court building, for police court and other purposes, six hundred dollars;
For compensation of jury, eight thousand dollars;
In all, thirteen thousand seven hundred dollars.

Defending suits in
claims.
Proviso.
Congress to author-
ize payment of judg-
ments.
Vol. 21, p. 284.

DEFENDING SUITS IN CLAIMS: For defending suits in the United States Court of Claims, two thousand dollars: *Provided*, That no judgment heretofore or hereafter rendered under the Act of June sixteenth, eighteen hundred and eighty, entitled "An Act to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes," shall be paid by the Secretary of the Treasury until said judgment shall have been reported to, and specific authority for payment thereof granted by, Congress.

Lunacy writs.

WRITS OF LUNACY: To defray the expenses attending the execution of writs de lunatico inquirendo and commitments thereunder, in all

cases of indigent insane persons committed or sought to be committed to the Government Hospital for the Insane by order of the executive authority of the District of Columbia under the provisions of the Act approved January thirty-first, eighteen hundred and ninety-nine, six hundred dollars: *Provided*, That the appropriation of six hundred dollars for writs of lunacy, for the service of the fiscal year nineteen hundred, is hereby made available for the execution of the provisions of the Act approved January thirty-first, eighteen hundred and ninety-nine.

Vol. 30, p. 811.

Proviso.
Unexpended bal-
ance available.

INTEREST AND SINKING FUND.

Interest and sink-
ing fund.

For interest and sinking fund on the funded debt, exclusive of water bonds, one million two hundred and thirteen thousand nine hundred and forty-seven dollars and ninety-seven cents.

EMERGENCY FUND.

To be expended only in case of emergency, such as riot, pestilence, public insanitary conditions, calamity by flood or fire, and of like character, and in all cases of emergency not otherwise sufficiently provided for, eight thousand dollars: *Provided*, That in the purchase of all articles provided for in this Act no more than the market price shall be paid for any such articles, and all bids for any of such articles above the market price shall be rejected.

Emergency fund.

Proviso.
Purchases.

ROCK CREEK PARK.

Rock Creek Park.

For care and improvement of Rock Creek Park, to be expended under the direction of the board of control of said park, fifteen thousand dollars; and for the purpose of securing better alignment of boundaries the Commissioners of the District of Columbia and the board of control of Rock Creek Park are hereby authorized to adjust and change the boundary between said park and the tract of land near Brightwood, District of Columbia, recently purchased by the District of Columbia for a reservoir site: *Provided*, That the area of Rock Creek Park shall not be diminished by such adjustment or change.

Care and improve-
ment.

Alignment of
boundaries near
Brightwood author-
ized.

Proviso.
—not to diminish
park area.

FOR REFORMATORIES AND PRISONS.

Reformatories.

SUPPORT OF CONVICTS: For support, maintenance, and transportation of convicts transferred from the District of Columbia, to be expended under the direction of the Attorney-General, forty-eight thousand dollars.

Support of convicts.

COURT-HOUSE, DISTRICT OF COLUMBIA: For the following force necessary for the care and protection of the court-house in the District of Columbia, under the direction of the United States marshal of the District of Columbia: One engineer, one thousand two hundred dollars; three watchmen, at seven hundred and twenty dollars each; three firemen, at seven hundred and twenty dollars each; five laborers, at four hundred and eighty dollars each; and seven assistant messengers, at seven hundred and twenty dollars each; in all, twelve thousand nine hundred and sixty dollars, to be expended under the direction of the Attorney-General.

Court-house.

WARDEN OF THE JAIL: For warden of the jail of the District of Columbia, two thousand dollars, to be paid under the direction of the Attorney-General.

Warden of jail.

SUPPORT OF PRISONERS: For expenses for maintenance of the jail of the District of Columbia, and for support of prisoners therein, to be expended under the direction of the Attorney-General, forty-three thousand dollars.

Support of prison-
ers.

Transporting paupers, etc.

TRANSPORTATION OF PAUPERS AND PRISONERS: For transportation of paupers, two thousand dollars.

For conveying prisoners to the workhouse, two thousand dollars.

Washington Asylum.

FOR WASHINGTON ASYLUM: For intendant, one thousand two hundred dollars; visiting physician, one thousand and eighty dollars; resident physician, four hundred and eighty dollars; matron, six hundred dollars; clerk, seven hundred and eighty dollars; property clerk, seven hundred and eighty dollars; baker, four hundred and twenty dollars; principal overseer, one thousand dollars; seven overseers, at six hundred dollars each; engineer, six hundred dollars; assistant engineer, three hundred and fifty dollars; second assistant engineer, three hundred dollars; engineer at hospital for seven and one-half months, at fifty dollars per month; five watchmen, at three hundred and sixty-five dollars each; night watchman, five hundred and forty-eight dollars; blacksmith and woodworker, five hundred dollars; carpenter, five hundred dollars; driver for dead wagon, three hundred and sixty-five dollars; hostler and ambulance driver, two hundred and forty dollars; keeper at female workhouse, three hundred dollars; keeper at female workhouse, one hundred and eighty dollars; two female attendants at almshouse, at one hundred and fifty dollars each; hospital cook, three hundred and sixty-five dollars; four cooks, at one hundred and twenty dollars each; two cooks, at sixty dollars each; trained nurse, who shall act as superintendent of nursing, four hundred and eighty dollars; graduate nurse, three hundred and sixty-five dollars; pupil nurses, not less than nine in number, nine hundred dollars; registered pharmacist, who shall act as hospital clerk, seven hundred and twenty dollars; in all, twenty thousand three hundred and fifty-three dollars.

For contingent expenses, including improvements and repairs, provisions, fuel, forage, lumber, gas, ice, shoes, clothing, dry goods, tailoring, hardware, medicines, repairs to tools, cars, tracks, steam-heating and cooking apparatus, painting, and other necessary items and services, fifty-five thousand dollars.

For continuing erection of a workhouse for males, fifty thousand dollars.

For repairs to buildings, painting, lumber, hardware, cement, lime, oil, removal of floors, and repairs to plumbing, steam-heating and cooking apparatus, two thousand dollars.

For erection of a deadhouse, one thousand two hundred dollars.

For building and furnishing a receiving ward that will protect the hospital from contagion and disturbances of all kinds, fifteen thousand dollars.

For repair of water-closets in the female wards of the hospital, one thousand dollars.

For bathroom fixtures and plumbing in nurses' home, one hundred dollars.

For erection of a porch to the north wing of the almshouse, one thousand two hundred dollars.

Reform school.

FOR REFORM SCHOOL: For superintendent, one thousand five hundred dollars; assistant superintendent, nine hundred dollars; teachers and assistant teachers, five thousand and forty dollars; matron of school, six hundred dollars; four matrons of families, at one hundred and eighty dollars each; three foremen of workshops, at six hundred and sixty dollars each; farmer, four hundred and eighty dollars; engineer, three hundred and ninety-six dollars; assistant engineer, three hundred dollars; baker, cook, shoemaker, and tailor, at three hundred dollars each; laundress, one hundred and eighty dollars; two dining-room servants, seamstress, and chambermaid, at one hundred and forty-four dollars each; florist, three hundred and sixty dollars; watchmen, not exceeding six in number, one thousand six hundred and twenty dollars; secretary and treasurer of board of trustees, six hun-

dred dollars; in all, sixteen thousand four hundred and fifty-two dollars.

For support of inmates, including groceries, flour, feed, meats, dry goods, leather, shoes, gas, fuel, hardware, furniture, tableware, farm implements, seeds, harness and repairs to same, fertilizers, books, stationery, plumbing, painting, glazing, medicines and medical attendance, stock, fencing, repairs to buildings, and other necessary items, including compensation, not exceeding nine hundred dollars, for additional labor or services, and for transportation and other necessary expenses incident to securing suitable homes for discharged boys, not exceeding five hundred dollars, all under the control of the Commissioners, twenty-six thousand dollars.

For additional amount for construction of assembly hall, five thousand six hundred dollars.

REFORM SCHOOL FOR GIRLS: Superintendent, one thousand dollars; treasurer, six hundred dollars; matron, six hundred dollars; two teachers, at four hundred and eighty dollars each; overseer; seven hundred and twenty dollars; four teachers of industries, at two hundred and fifty dollars each; engineer, four hundred and eighty dollars; assistant engineer, three hundred and sixty dollars; night watchman, three hundred and sixty-five dollars; laborer, three hundred dollars; in all, six thousand three hundred and eighty-five dollars. Reform school for girls.

For groceries, provisions, light, fuel, soap, oil, lamps, candles, clothing, shoes, forage, horseshoeing, medicines, medical attendance, hack hire, transportation, labor, sewing machines, fixtures, books, stationery, horses, vehicles, harness, cows, pigs, fowls, sheds, fences, repairs, and other necessary items, eight thousand dollars.

For furnishing and equipping new building, five thousand dollars.

FOR THE SUPPORT OF THE INSANE.

For support of the indigent insane of the District of Columbia in the Government Hospital for the Insane in said District as provided in sections forty-eight hundred and forty-four and forty-eight hundred and fifty of the Revised Statutes, one hundred and twenty-seven thousand dollars. Support of insane. R. S., secs. 4844, 4850, pp. 939, 940.

For deportation from the District of Columbia of nonresident insane persons, in accordance with the Act of Congress "To change the proceedings for admission to the Government Hospital for the Insane in certain cases, and for other purposes," approved January thirty-first, eighteen hundred and ninety-nine, one thousand dollars. Deporting nonresident insane. Vol. 30, p. 811.

FOR INSTRUCTION OF THE DEAF AND DUMB.

For expenses attending the instruction of deaf and dumb persons admitted to the Columbia Institution for the Deaf and Dumb from the District of Columbia, under section forty-eight hundred and sixty-four of the Revised Statutes, ten thousand five hundred dollars, or so much thereof as may be necessary. Columbia Institution for Deaf and Dumb. R. S., sec. 4864, p. 942.

FOR CHARITIES.

Charities.

PUBLIC CHARITIES: For relief of the poor, thirteen thousand dollars.

For the Freedmen's Hospital and Asylum, as follows:

For subsistence, twenty-two thousand five hundred dollars;

For salaries and compensation of the surgeon in chief, not to exceed three thousand dollars; two assistant surgeons, clerk, assistant clerk, pharmacist, assistant pharmacist, steward, engineer, matron, nurses, laundresses, cooks, teamsters, watchmen, and laborers, sixteen thousand dollars;

For rent of hospital buildings and grounds, four thousand dollars;

Relief of poor.

Freedmen's Hospital.

For fuel and light, clothing, bedding, forage, transportation, medicine, medical and surgical supplies, surgical instruments, electric lights, repairs, furniture, and other absolutely necessary expenses, eleven thousand five hundred dollars;

In all, fifty-four thousand dollars.

Site for municipal hospital.

For the purchase by the Commissioners of the District of Columbia of a suitable site in the District of Columbia for a municipal hospital, one hundred thousand dollars, or so much thereof as may be necessary;

Columbia Hospital, etc.

For the Columbia Hospital for Women and Lying-in Asylum, maintenance, twenty thousand dollars.

For repairs, one thousand dollars.

For municipal lodging house and wood and stone yard, including rent, four thousand dollars.

Industrial Home school.

FOR THE INDUSTRIAL HOME SCHOOL: For maintenance, thirteen thousand dollars.

For repairs and improvements to buildings, fences, and grounds, two thousand dollars.

For enlargement and improvement of plant for industrial training, two thousand dollars.

For erection of new four-room school building, twenty thousand dollars.

Board of Children's Guardians.
Vol. 27, p. 268.

BOARD OF CHILDREN'S GUARDIANS: For the Board of Children's Guardians, created under the Act approved July twenty-six, eighteen hundred and ninety-two, namely: For administrative expenses, including salaries of agents, not to exceed two thousand four hundred dollars, expenses in placing and visiting children, and all office and sundry expenses, seven thousand dollars;

Care of children.

For care of feeble-minded children; board and care of all children committed to the guardianship of said board by the courts of the District, and for the temporary care of children pending investigation or while being transferred from place to place, forty thousand dollars;

In all, forty-seven thousand dollars.

Private charities.
Soldiers and Sailors' Home, etc.

PRIVATE CHARITIES: For temporary Home for ex-Union Soldiers and Sailors, Grand Army of the Republic, two thousand five hundred dollars, to be expended under the direction of the Commissioners of the District of Columbia.

For the Women's Christian Association, maintenance, four thousand dollars.

For Young Women's Christian Home, maintenance, one thousand dollars.

For Hope and Help Mission, maintenance, two thousand dollars.

For the Washington Hospital for Foundlings, maintenance, six thousand dollars.

For Saint Ann's Infant Asylum, maintenance, five thousand four hundred dollars.

For the German Orphan Asylum, maintenance, one thousand eight hundred dollars.

For the National Association for the Relief of Destitute Colored Women and Children, maintenance, including repairs, nine thousand nine hundred dollars.

For steam heating plant, two thousand five hundred dollars.

For the Newsboys' and Children's Aid Society, maintenance, one thousand dollars.

For Eastern Dispensary, maintenance, one thousand five hundred dollars.

For Central Dispensary and Emergency Hospital, maintenance, fifteen thousand dollars.

For the Women's Clinic, maintenance, one thousand dollars.

For the Children's Hospital, maintenance, ten thousand dollars.

For the National Homeopathic Hospital Association of Washington,

District of Columbia, for maintenance, eight thousand five hundred dollars.

For the Washington Home for Incurables, maintenance, two thousand dollars.

For the instruction and employment of the blind who are actual residents of the District of Columbia, and for the purchase and repair of machinery and tools which may be needed to equip a workshop for the blind of said District, five thousand dollars, to be expended under the direction of the Commissioners of the District of Columbia.

Instruction, etc., resident blind.

Garfield and Providence Hospitals: For isolating wards for minor contagious diseases at Garfield and Providence hospitals, maintenance, each, three thousand dollars, six thousand dollars.

Garfield and Providence hospitals.

MILITIA OF THE DISTRICT OF COLUMBIA.

Militia.

For the following, to be expended under the authority of the Commissioners of the District of Columbia, namely:

For rent, fuel, light, care, and repair of armories, and practice ships, and for telephone service, fourteen thousand four hundred and seventy-five dollars.

Rent, etc.

For lockers, furniture, and gymnastic apparatus for armories, four hundred dollars.

For printing and stationery, five hundred dollars.

For cleaning and repairing uniforms, arms, and equipments, and contingent expenses, one thousand dollars.

For custodian in charge of United States property and storerooms, nine hundred dollars.

For expenses of drills and parades, one thousand dollars.

For expenses of rifle practice and matches, three thousand six hundred dollars.

For expenses of camps and instruction, practice marches, and practice cruises, thirteen thousand six hundred dollars.

For pay of troops, other than Government employees, to be disbursed under the direction of the commanding general, seventeen thousand six hundred dollars: *Provided*, That members of the National Guard of the District of Columbia who receive compensation for their services as such shall not be held or construed to be officers of the United States, or persons holding any place of trust or profit, or discharging any official function under or in connection with any Executive Department of the Government of the United States within the provision of section fifty-four hundred and ninety-eight of the Revised Statutes of the United States.

Pay.

proviso.
Members of National Guard not deemed officers of United States.

R. S., sec. 5498, p. 1065.

For general incidental expenses of the service, three hundred dollars.

And no contract shall be made or liability incurred under appropriations for the militia of the District of Columbia beyond the sums herein appropriated.

WATER DEPARTMENT.

Water department.

The following sums are hereby appropriated to carry on the operations of the water department, to be paid wholly from its revenues, namely:

Appropriations payable from its revenues.

For revenue and inspection branch: For water registrar, who shall also perform the duties of chief clerk, one thousand eight hundred dollars; two clerks, at one thousand four hundred dollars each; two clerks, at one thousand dollars each; chief inspector, nine hundred and thirty-six dollars; eight inspectors, at nine hundred dollars each; messenger, six hundred dollars.

Revenue and inspection branch.

For distribution branch: For superintendent, two thousand four hundred dollars; draftsman, one thousand five hundred dollars; fore-

Distribution branch.

man, one thousand two hundred dollars; two clerks, at one thousand dollars each; timekeeper, eight hundred dollars; assistant foreman, nine hundred dollars; tapper and machinist, nine hundred dollars; three steam engineers, at one thousand one hundred dollars each; property keeper, six hundred dollars; driver, four hundred and eighty dollars; hostler, four hundred and eighty dollars; calker, seven hundred and twenty dollars; in all, thirty thousand six hundred and sixteen dollars.

Contingent expenses. For contingent expenses, including books, blanks, stationery, forage, advertising, printing, and other necessary items and services, two thousand five hundred dollars.

Fuel, etc. For fuel, repairs to boilers, machinery, and pumping stations, pipe distribution to high and low service, material for high and low service, including public hydrants and fire plugs, and labor in repairing, replacing, raising, and lowering mains, laying new mains and connections, and erecting and repairing fire plugs and public hydrants, ninety thousand dollars.

For purchase of water meters, to be placed in such private residences as desired, and installed at the expense of the property owner, and said meters shall at all times remain and be the property of the water department, five thousand dollars.

Interest and sinking fund.

For interest and sinking fund on water-stock bonds, six thousand and twenty-five dollars.

Extending high-service system.

For continuing the extension of the high-service system of water distribution, to include all necessary land, machinery, buildings, mains, and appurtenances, so much as may be available in the water fund, during the fiscal year nineteen hundred and one, after providing for the expenditures hereinbefore authorized, is hereby appropriated.

Limit of requisitions on the Treasury.

SEC. 2. That said Commissioners shall not make requisitions upon the appropriations from the Treasury of the United States for a larger amount during the fiscal year nineteen hundred and one than they make on the appropriations arising from the revenues, including drawback certificates, of said District.

Approved, June 6, 1900.

June 6, 1900.

CHAP. 790.—An Act Making provision for emergencies in river and harbor works, for certain surveys, and for the diversion of certain appropriations or modification of provisions heretofore made.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of two hundred and fifty thousand dollars be, and the same is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to be immediately available, and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers, for the following purposes, to wit:

—for emergencies.

(1) To provide for the restoration of channels, or river and harbor improvements, heretofore established or made by the Government, where, by reason of emergency occurring since the passage of the river and harbor Act of March third, eighteen hundred and ninety-nine, the usual depth of such channels, or customary use of such improvement, can not be maintained, and there is no sufficient fund available for such restoration. The amount herein provided, or so much thereof as is not required for the surveys hereinafter mentioned, shall be allotted by the Secretary of War: *Provided*, That in no case shall such allotment be made unless recommended by the local engineer having such channel or improvement in charge, and the Chief of Engineers, respectively: *Provided further*, That for no single channel or improvement shall a sum greater than ten thousand dollars be

Appropriations for emergencies in river and harbor works, etc. Amount.

Expenditure.

—allotments.

Provisos. Recommendation of local engineer, etc., requisite.

Limit for single channel.

allotted; and in expending any such allotment advertisement for bids may be dispensed with on the recommendation of the local engineer.

(2) For the necessary cost of the surveys herein directed to be made: *Provided*, That the necessary expenses for such examinations and surveys on rivers, or at harbors where work is being carried on by the United States, may be paid from available funds where the unexpended balances of former appropriations for such works are sufficient for such purpose.

Surveys,
—unexpended bal-
ances available.

SEC. 2. That the Secretary of War is hereby authorized to cause preliminary examinations and surveys to be made at the localities named in this section, as hereinafter provided. In all cases a preliminary examination shall first be made, which shall embrace information concerning the commercial importance, present and prospective, of the river or harbor mentioned, and a report as to the advisability of its improvement. If upon such preliminary examination the proposed improvement is not deemed advisable no further action shall be taken thereon without the further direction of Congress; but in case the report shall be to the effect that such river or harbor is worthy of improvement, the Secretary of War is hereby authorized, at his discretion, to authorize surveys to be made and the cost of improving such river or harbor to be estimated and to be reported to Congress, to wit:

Preliminary exam-
inations and surveys
directed.
—scope of, etc.

ARKANSAS.

Arkansas.

Red River, in the States of Louisiana, Arkansas, and Texas, and in the Indian Territory, from the city of Shreveport, in the State of Louisiana, to the city of Denison, in the State of Texas: With a view to ascertaining whether the navigation of said river can be permanently improved by a system of cut-offs, levees, locks, and dams, or by any other plan; the cost of said examination and survey, if made, to be paid out of the unexpended balance of the appropriation made for continuing the improvement of said river by the Act of March third, eighteen hundred and ninety-nine.

Vol. 30, p. 1140.

The river and harbor front of the city of Camden, Arkansas, on the Ouachita River: With a view to improving said harbor and grading and protecting the river bank in front of said city, the expenses of said examination and survey to be paid out of any fund now available for the improvement of the Ouachita River.

ALABAMA.

Alabama.

Mobile Harbor: With a view to obtaining channels of a width of three hundred feet at the bottom across the bar below Fort Morgan, with appropriate side slopes, and with mean depths of twenty-five and thirty feet respectively.

Warrior and Tombigbee rivers: With a view to the construction of locks and dams numbered one, two, and three, between the mouth of said rivers and Tuscaloosa; and an amount sufficient for such survey or surveys may, in the discretion of the Secretary of War, be diverted from any appropriation heretofore made for said rivers.

CALIFORNIA.

California.

San Joaquin River, above the mouth of the Stanislaus River: With a view of determining the advisability of closing the mouths of the more important blind sloughs leading from said San Joaquin River and tributaries, especially those known as Finegan, Amphlet, and Walden sloughs, that the water in the main channel of the said San Joaquin River may be retained therein and more effectually promote navigation thereof.

The San Joaquin River and the waterways connecting the same with the Straits of Carquines, extending from the town of Antioch to Suisun Point.

Oakland Harbor: With a view to the improvement of said harbor to meet the needs of present and prospective commerce from the western end of the tidal canal to deep water in San Francisco Bay, including the excavation of a tidal basin.

Connecticut.

CONNECTICUT.

Branford Harbor:

Delaware.

DELAWARE.

Smyrna River: With a view to securing two short crosscuts to shorten the distance from the head of navigation to Delaware Bay.

Mispillion River, from its mouth to the head of navigation.

Florida.

FLORIDA.

Carrabelle Harbor:

Georgia.

GEORGIA.

Savannah Harbor: With a view to a reexamination of the plan for deepening said harbor as submitted in the Report of the Chief of Engineers for eighteen hundred and eighty-eight, page ten hundred and fifty-nine, and a report as to what changes or modifications, if any, are necessary to carry out said plan.

Skiddaway Narrows:

Preliminary examination and survey of the Skiddaway Narrows, connecting the Isle of Hope River with Burnside River, for a channel seventy-five feet wide and six feet deep at mean low water.

Illinois.

ILLINOIS.

Upper Illinois, etc.,
rivers.

Further surveys,
etc., by Board of En-
gineers authorized.
Vol. 30, p. 1146.

Upper Illinois River and Des Plaines River:

That the board of three engineers, appointed by the Secretary of War, in pursuance of a paragraph in the river and harbor Act approved March third, eighteen hundred and ninety-nine, to make a survey and estimates of cost of the improvement of the Upper Illinois River and the lower Des Plaines River in Illinois, with a view to the extension of navigation from the Illinois River to Lake Michigan at or near the city of Chicago, is hereby authorized to report the estimates of cost for a channel ten feet deep, and for a channel twelve feet deep, and for a channel fourteen feet deep through said proposed route, and that the said estimates cover and include a proper connection at Lockport with the sanitary and ship canal which has been constructed by the sanitary district of Chicago. The said board of engineers is also further authorized to make a survey and estimate of cost for the improvement of the Lower Illinois River from the end of said proposed route to the mouth of said river, for channels ten, twelve, and fourteen feet deep, respectively, and to report the estimates of cost thereof: *And provided further*, That surveys and estimates of cost shall be made in pursuance of the provisions contained in the Act aforesaid, and especially in accordance with section twenty-two of said Act: *And provided further*, That said surveys shall be commenced and the expenses for said surveys and reports shall be paid as follows: Any unexpended balance of the appropriation of thirty thousand dollars not required for the completion of the survey already contained in said Act shall be first applied and used, and no further expense shall be incurred for such estimates and surveys without the further direction of Congress, and the Secretary of War shall ascertain and report

Provisos.
—how made.

Vol. 30, p. 1155.

Expenses, etc.

to Congress what amount of money shall be required to complete said surveys and estimates of costs.

Rock River, at the head of the feeder for the Illinois and Mississippi Canal: With a view to the construction of a lock and a dam in Rock River in connection with said canal.

The harbor of Harrisonville, in the Mississippi River: With a view of restoring it.

KENTUCKY AND TENNESSEE.

Kentucky and Tennessee.

The east bank of the Mississippi River between the highlands near the city of Hickman, in the State of Kentucky, and Slough Landing, in Lake County, in the State of Tennessee, with a view to constructing such works as may be required to prevent overflows along said section of the river, such examination and survey to be made under the direction of the Mississippi River Commission, the cost thereof to be paid out of the unexpended balance authorized to be expended by said commission.

MAINE.

Maine.

Portland Harbor: With a view to removing so much of Witch Rock as endangers navigation.

MARYLAND.

Maryland.

Harbor of Havre de Grace: With a view to the removal of rocks near the entrance.

MASSACHUSETTS.

Massachusetts.

Boston Harbor: With a view to providing channels two thousand feet wide, or such width as may be necessary, and thirty-five feet deep from the navy-yard at Charlestown and the Chelsea Bridge and Charles River Bridge to President Roads, and from President Roads through Broad Sound Channel to the ocean.

Lynn Harbor: With a view of securing a channel two hundred feet wide and fifteen feet deep at mean low water, including the basin extending beyond the inner ship channel, and the removal of a small point on the eastern bank of the channel near to said basin.

Beverly Harbor: With a view to the straightening, widening, deepening, and otherwise improving the entrance to the harbor and the approaches to the wharves and docks therein.

MICHIGAN.

Michigan.

Muskegon Harbor: With a view to obtaining a channel of the depth of twenty feet and a uniform width of three hundred feet from the exterior to the interior lake; the plan to provide for sheet piling to prevent erosion along the banks not protected by cribs.

Saint Clair Flats Canal, in Lake Saint Clair: With a view to doubling the capacity of the so-called Saint Clair Flats Canal.

Detroit River: With a view to obtaining a sufficient depth of water in the channel on the west side of Grosse Isle.

MINNESOTA.

Minnesota.

Burlington Bay, Lake County: With a view to improving said bay and the construction of a harbor therein.

Warroad Harbor and Warroad River.

MONTANA.

Montana.

Kootenai River between Jennings, Montana, and the international boundary line, with a view to removing obstructions to navigation.

New Hampshire.

NEW HAMPSHIRE.

Hendersons Point, Portsmouth Harbor: With a view of removing a portion of said point for the purpose of improving navigation to the navy-yard.

New Jersey.

NEW JERSEY.

Beach Thoroughfare:

New York.

NEW YORK.

Lake Erie entrance to Black Rock Harbor and Erie Basin.

Grasse River from its confluence with the Saint Lawrence River to Massena: With a view to obtaining a depth of twenty-one feet.

Saint Lawrence River, at the head of Long Sault Island: With a view of removing the rock obstruction in the south branch of said river, so as to give a navigable depth of twenty feet of water.

Buttermilk Channel, New York Harbor: With a view to obtaining a channel of the same width and depth as those contemplated by the project adopted for Bay Ridge and Red Hook channels.

Fire Island Inlet, in Great South Bay, to Patchogue River: With a view to obtaining a channel not less than ten feet in depth and two hundred feet in width at mean low water.

Nevada.

NEVADA.

Colorado River: Between El Dorado Canyon and Rioville, Nevada, with a view to the extension of navigation to Rioville.

North Carolina.

NORTH CAROLINA.

Trent River from the junction of Trent River with Neuse River up to Trenton: With a view to obtaining a depth of eight feet at mean low water at the city of Newbern and up to the wharves and freight depots of said city, and a channel fifty feet wide and eight feet deep from Newbern through Foy's Flats to Pollokville, and a channel thirty feet wide and four feet deep at mean low water from Pollokville to Trenton.

Wilmington Harbor: With a view to providing a sufficient width and depth to permit vessels now using said harbor to turn or swing around therein, Cape Fear River, with a view to obtaining a navigable channel from Wilmington to Fayetteville of four, six, or eight feet at mean low water.

Pasquotank River: With the view of obtaining a navigable depth of sixteen feet at mean low water from South Mills, on the Pasquotank River, thence down the Pasquotank River, through Albemarle Sound, Croatan Sound, Pamlico Sound, and Core Sound, to Beaufort Inlet, including also cost of procuring a navigable depth of eighteen feet through Beaufort Inlet and eighteen feet through Ocracoke Inlet, respectively.

Scuppernong River: With the view of improving the bar at the mouth of Scuppernong River, emptying into Albemarle Sound, North Carolina, to the end that the channel be dredged one thousand two hundred feet long, one hundred and fifty feet wide, with nine feet depth of water at mean low tide.

Ohio.

OHIO.

Cleveland Harbor: With a view to the further improvement of said harbor: First, by such additional construction or extension as may be necessary to provide a safer and better entrance for vessels at the main

entrance to the breakwater in said harbor. Second, to provide such additional harbor room as may be found necessary by an extension eastward of the breakwater now under construction in said harbor.

Sandusky Harbor: With a view to obtaining and maintaining a channel twenty-one feet deep at mean lake level, with a width of four hundred feet in the approaches to harbor front and three hundred feet in the harbor channels.

OHIO RIVER (IN KENTUCKY).

Ohio River, Kentucky.

With a view to the construction of a pier for a harbor of refuge on the south shore at or near the city of Maysville, Kentucky.

With a view to ascertaining the desirability of acquiring the island immediately below the Louisville and Portland Canal in the Ohio River, known as Sand Island, and probable cost of purchasing the same.

OHIO RIVER.

Ohio River.

Continuing and completing the survey of the Ohio River from Marietta to the mouth of the Big Miami River in accordance with the provisions of the river and harbor Act of March third, eighteen hundred and ninety-nine, the expense thereof to be paid out of any moneys already appropriated and not expended for the general improvement of the Ohio River.

OREGON.

Oregon.

Columbia River between the foot of The Dalles Rapids and the head of Celilo Falls, Oregon and Washington: with a view to the construction of a canal and locks to overcome the obstructions to navigation.

RHODE ISLAND.

Rhode Island.

Ohio Reef, located in the east passage of Narragansett Bay: With a view to determining the advisability of removing said reef as a dangerous obstruction to the navigation of said bay.

Sakonnet Harbor: To ascertain the advisability and cost of removing rocks which are an obstruction to navigation.

Pawtucket River: With a view to securing a channel two hundred feet wide and eighteen feet deep from the mouth of the river at Providence to the lower wharves in the city of Pawtucket.

SOUTH CAROLINA.

South Carolina.

Great Pedee River between Cheraw and the Wilmington, Columbia and Augusta Railroad bridge.

Ashley River from the city of Charleston to the head of navigation.

SOUTH DAKOTA.

South Dakota.

For a survey of the Sioux River and an estimate of the cost of constructing a dam for the storage of the water of said stream in Lake Kempteska and Lake Ponsett, together with an estimate of the capacity of said reservoir and the feasibility of utilizing the same.

TEXAS.

Texas.

Trinity River from the city of Dallas to the city of Fort Worth: With a view to securing a navigable depth of four, five, and six feet respectively.

Galveston Bay: With a view to widening, deepening, and extending the present channel from a point where it now is of sufficient width and depth to a point opposite Twentieth street; thence to a point opposite Thirty-fifth street; thence to a point opposite Fifty-first street, with a report as to the relative importance of the respective sections.

Also for survey and making plans for improvement of inner harbor of Galveston.

Sabine Pass: With a view to widening and straightening the main ship channel and increasing the depth, if necessary, from a point one thousand feet north of the United States life-saving station to Sabine Lake.

Brazos River from its mouth to the city of Waco: With a view to procuring a navigable depth of four, five, and six feet, first, from its mouth to the town of old Washington, in Washington County; second, from said town of old Washington to the city of Waco. In case a survey is made, the report thereon shall show the most advantageous depth to each point, and whether a system of locks and dams will be necessary, and if so, the cost and location of same.

Virginia.

VIRGINIA.

Quantico Creek:

Norfolk: To remove bar and secure depth of twenty-eight feet at point between the twenty-eight foot channel and the pier of the Southern Railway Company near Norfolk, Virginia.

Appomattox River: Resurvey and estimate for the deflection of the river at Petersburg.

Pagan River from Smithfield, Virginia, to James River, with a view to securing a channel eighty feet wide and ten feet deep at mean low tide, or such improvement as may be found expedient.

Chesconnessex Creek, an estuary of the Chesapeake Bay running up into land on the western side of Accomac County, Virginia, with a view to dredging the same.

Washington.

WASHINGTON.

Tacoma Harbor:

SNAKE RIVER, in the States of Idaho and Washington, from the head of navigation on said river to the point of junction with the Columbia River, with a view to improving said river.

Wisconsin.

WISCONSIN.

Manitowoc Harbor: With a view of making a harbor of refuge with a depth of not less than twenty feet.

Sturgeon Bay and Lake Michigan Ship Canal: With a view to deepening the Sturgeon Bay and Lake Michigan Ship Canal to eighteen feet; said improvement to begin at the Lake Michigan end of said waterway and to continue throughout the length of said canal and in the waters of Sturgeon Bay so far as is necessary to secure a navigable channel having a depth of eighteen feet of water from Lake Michigan to the waters of Green Bay.

Milwaukee Harbor.
Provided,
—preliminary exam-
inations only.

Milwaukee Harbor: With a view to necessary enlargement and suitable protection therefor: *Provided, however,* That at the following named localities preliminary examinations only shall be made: Mahon Harbor, Delaware; Long Prairie River, and its sources; Sioux River, South Dakota.

Channel, South Pass,
Mississippi River.
Termination of Eads
contract authorized.

SEC. 3. That the Secretary of War is hereby authorized, in his discretion, to terminate the contract heretofore entered into with the late James B. Eads for the maintenance of the channel through the South Pass of the Mississippi River, in pursuance of an Act of Congress approved March third, eighteen hundred and seventy-five, entitled "An Act authorizing James B. Eads and others to construct

etties, and so forth, and to maintain channels between South Pass of Mississippi River and Gulf of Mexico," and of an Act of Congress approved June nineteenth, eighteen hundred and seventy-eight, entitled "An Act to amend an Act entitled 'An Act making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes,'" approved March third, eighteen hundred and seventy-five, and of an Act of Congress approved March third, eighteen hundred and seventy-nine, entitled 'An Act to amend an Act entitled 'An Act making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes,'" approved March third, eighteen hundred and seventy-five. The Secretary of War is also authorized, in his discretion, to purchase from the heirs or legal representatives of the said James B. Eads the dredges and other plant including real estate now used by them for the maintenance of said channel, or such portion of said plant as he may deem desirable; and in case the Secretary of War and the heirs or legal representatives of the estate of James B. Eads, deceased, are unable to agree upon the price to be paid for said dredges and plant, including real estate, or so much thereof as the Secretary of War may deem necessary to purchase, then such price shall be assessed by a board of three appraisers to be appointed as follows: One appraiser to be appointed by the Secretary of War, one by the heirs or legal representatives of James B. Eads, deceased, and in case these two fail to agree, they shall jointly choose a third appraiser, and the three so appointed shall, by a majority vote, duly appraise the price to be paid for said dredges and plant, including real estate, and in case such appraisal is approved by the Secretary of War, the same shall be deemed to be the price which the Secretary of War is authorized to pay for said dredges and plant including real estate or so much thereof as the Secretary of War may deem necessary to purchase: *Providing*, That in no event shall more than two hundred thousand dollars be paid for all the dredges, plant and real estate owned or possessed by the heirs or legal representatives of James B. Eads, deceased, at or about the South Pass. And in case the Secretary of War shall terminate said contract the sum of two hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available, for the purchase of the whole or a part of said plant, or for otherwise providing a proper plant for the maintenance of said Pass. In case of the termination of said contract, by virtue of the provisions hereof or by expiration of said contract the Secretary of War is hereby directed to take charge of said channel, including the jetties, and all auxiliary works connected therewith, and thereafter to maintain with the utmost efficiency said South Pass Channel; and for that purpose he is hereby authorized to draw his warrants from time to time on the Treasurer of the United States, until otherwise provided for by law, for such sums of money as may be necessary, not to exceed in the aggregate for any one year one hundred thousand dollars. In the event that the Secretary of War shall elect to terminate said contract, any sum which shall at that time have been appropriated by Congress to pay what would be due to the heirs or legal representatives of said James B. Eads at the expiration of said contract may be used by him in making such payment, when he shall terminate the same, anything in the law making such appropriation to the contrary notwithstanding.

SEC. 4. That the Secretary of War is authorized in his discretion to direct diversions from appropriations heretofore made or to make modifications in projects heretofore included in river and harbor bills as follows:

Cumberland Sound: The sum of fifty thousand dollars, or so much

Vol. 20, p. 168.

Vol. 20, p. 376.

Purchase of dredges etc., authorized.

—board to assess price.

Provido.
—limit of payment.

—appropriation.

Secretary of War to maintain channel if contract is terminated.

—appropriation.

Payment of available funds to Eads heirs authorized.

Diversion of appropriations authorized.

Cumberland Sound.

	thereof as may be necessary, may be diverted from the sums of money heretofore appropriated and now standing to the credit of the existing project for jetty work in Cumberland Sound, in the States of Florida and Georgia, to be used for sluicing and dredging at the mouth of said sound or elsewhere in said sound, and belonging to said project, where sluicing and dredging may be needed or required; but nothing herein contained shall be construed to increase the limit of cost of said project or improvement beyond the amount fixed by the Acts making appropriation for said project and fixing the ultimate sum which may finally be devoted to said project: <i>And provided further</i> , That any changes in the location of the jetties which the Secretary of War may consider for the interest of the work are authorized.
Vol. 30, p. 1106, etc.	
<i>Proviso.</i> Change of jetties.	
Lake George Channel, Mich., etc.	Lake George Channel and connecting waters below Sault Sainte Marie, Michigan: So as to restore and make available a channel formerly used through said lake of a depth and a width not less than formerly employed, an amount not exceeding one hundred thousand dollars may be diverted from the balance remaining from the amounts heretofore appropriated for the Saint Marys River at the Falls in Michigan.
Buffalo Harbor, N. Y.	Buffalo Harbor, New York: The sum of ten thousand dollars, or so much thereof as may be necessary, may be diverted from amounts now available for maintenance of Buffalo Harbor, in deepening the entrance to Buffalo Harbor and the City Ship Canal.
Milford Haven, Va.	Milford Haven, Virginia: The unexpended balance of the appropriation for the improvement of the harbor at Milford Haven, Virginia, or any part thereof, may, in the discretion of the Secretary of War, be used for the improvement of the bar within said harbor.
Charleston, S. C.	Charleston Harbor, South Carolina: The amounts heretofore authorized for a contract or contracts for materials and work, or so much thereof as may be necessary, may be expended in the work of dredging in accordance with the approved project.
Winyah Bay, S. C.	Winyah Bay, South Carolina: The dredge or dredges employed in connection with the work of improvement at the entrance to Winyah Bay, and such other dredges owned or controlled by the Government as are used on Winyah Bay River systems and canals, may be used in dredging the shoal places between the entrance and the city of Georgetown, South Carolina, the places at which and depths to which such dredging shall be done to be determined by the Secretary of War, upon the recommendation of the Chief of Engineers, United States Army; and any expense so caused shall be paid from amounts heretofore appropriated for said Winyah Bay.
California. Purchase of sites for débris dams, etc. Vol. 29, p. 232.	Land for débris dams and impounding works in California: From the funds appropriated by the river and harbor Act of eighteen hundred and ninety-six for the construction of débris dams and impounding works in California, the sum of ten thousand dollars may be expended for the purchase of lands necessary for the construction of said works: <i>Provided</i> , That an equal amount is paid by the State of California: <i>And provided further</i> , That the Secretary of War may proceed at once with the construction of said works and that the gross expenditure for lands in the construction of said works shall not exceed in the aggregate twenty thousand dollars: <i>And provided further</i> , That where in such works more than one dam or impounding work is embraced within a project the Secretary of War may proceed to construct the said works in parts or sections and submit the plans and specifications for such parts or sections to the State board of examiners of said State for approval under the laws thereof: <i>And provided further</i> , That in all cases one-half of the expense of such works shall be paid by the State of California.
<i>Provisos.</i> State to pay half. Limit of cost.	
Construction in sections, etc.	
State to pay half.	
Lorain Harbor, Ohio. Vol. 30, p. 1129.	Lorain Harbor, Ohio: The Secretary of War may enter into a contract or contracts for portions of the work authorized by the Act of March third, eighteen hundred and ninety-nine, without regard to the estimate heretofore made in the report of the Chief of Engineers for

the completion of said work: *Provided*, That the total amount contracted for shall not exceed the sum heretofore authorized: *Provided*, That the cost of any portion of such work shall not exceed by more than one-tenth the estimate of cost as heretofore made in the Report of Chief of Engineers.

Proviso.
Limit of cost.

Upper White River, Arkansas, Lock and Dam Numbered Two: That the provision in the river and harbor Act approved March third, eighteen hundred and ninety-nine, making appropriation for improving Upper White River, Arkansas, is hereby amended to read as follows:

Upper White River,
Ark.

"Improving Upper White River, Arkansas: For the construction of Lock and Dam Numbered One, on Upper White River, at or near Batesville, according to the project, plans, and specifications submitted in report printed in House Document Numbered Seventy-eight, Fifty-fourth Congress, second session, to complete said lock and dam, one hundred and sixty thousand dollars; and the Secretary of War may also expend toward the construction of Lock and Dam Numbered Two, according to the same plan, by contract or in any manner that in his judgment may be most economical and advantageous to the Government, a sum not to exceed one hundred and fifty thousand dollars, to be paid for as appropriations may from time to time be made by law."

Vol. 30, p. 1142,
amended.

Ocmulgee River, Georgia: The provision in the river and harbor Act approved March third, eighteen hundred and ninety-nine, authorizing contracts to be made for improving Ocmulgee River, is hereby amended to read as follows: "*Provided*, That a contract or contracts may be entered into by the Secretary of War to complete the present project of improvement, or the required materials may be purchased and the work of improvement be carried on otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate one hundred and thirty-six thousand dollars, exclusive of amounts herein and heretofore appropriated."

Ocmulgee River, Ga.
Vol. 30, p. 1138,
amended.

Proviso.
Contracts

Yaquina Bay, Oregon: The balance remaining of twenty-five thousand dollars appropriated by the river and harbor Act of eighteen hundred and ninety-six for said Yaquina Bay, or so much thereof as may be necessary, may be expended in removing the cluster of rocks on one side of the channel, located about two thousand feet beyond the end of the south jetty, in accordance with the recommendation of a board of engineers made November fourteenth, eighteen hundred and ninety-nine, in House Document Numbered One hundred and ten, Fifty-sixth Congress, first session.

Yaquina Bay, Oreg.
Vol. 29, p. 214.

Ashland Harbor, Wisconsin: That in lieu of completing the shore end of the breakwater at Ashland, Wisconsin, as provided for in the river and harbor Act of March third, eighteen hundred and ninety-nine, there shall be substituted a breakwater, starting at a point on the shore about two thousand six hundred feet east of the point at which the existing shore arm of breakwater would meet shore if prolonged, and running in a direction parallel to existing breakwater for a distance of four thousand seven hundred feet, or of such a length as may be necessary to fully protect the harbor of Ashland.

Ashland Harbor,
Wis.
Vol. 30, p. 1132.

Warroad River, Minnesota: The following paragraph in an Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved March third, eighteen hundred and ninety-nine, to wit:

Warroad River,
Minn.
Vol. 30, p. 1145,
amended.

"For removing a sand bar at the mouth of Warroad River, Minnesota, three thousand dollars, or so much thereof as may be necessary," is hereby amended so as to read as follows:

"For improving the mouth of Warroad River, Minnesota, three thousand dollars, or so much thereof as may be necessary."

Mississippi River.
Vol. 30, p. 1127,
amended.

Outlet of Mississippi River: Section one of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved March third, eighteen hundred and ninety-nine, be, and the same is hereby, amended as follows: In the paragraph beginning "Improving outlet of the Mississippi River," strike out the word "two" before the word "dredges" and insert in lieu thereof the words "one or more."

East Channel, New
York Harbor, re-
named Ambrose
Channel.
Vol. 30, p. 1123.
Post, p. 627.

SEC. 5. That the so-called East Channel across Sandy Hook Bar, New York Harbor, for the improvement of which provision was made by the river and harbor Act approved March third, eighteen hundred and ninety-nine, shall hereafter be known as Ambrose Channel.

Guam.
Harbor improve-
ment board author-
ized.

SEC. 6. That the Secretary of the Navy is hereby authorized and directed to appoint two naval officers, and the Secretary of War one engineer officer, to constitute a board whose duty it shall be, under the direction of the Secretary of the Navy, to make a survey, plan, and estimates for the improvement of a harbor at the island of Guam; and the sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for this purpose.

Approved, June 6, 1900.

June 6, 1900.

CHAP. 791.—An Act Making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and one, and for other purposes.

Appropriations for
sundry civil expenses.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, for the objects hereinafter expressed, for the fiscal year ending June thirtieth, nineteen hundred and one, namely:

Treasury Department.

UNDER THE TREASURY DEPARTMENT.

Public buildings.

PUBLIC BUILDINGS.

Altoona, Pa.

For court-house and post-office at Altoona, Pennsylvania: The Secretary of the Treasury is hereby authorized to enter into a contract or contracts for the completion of said building within its present limit of cost.

Albany, N. Y.

For custom-house and post-office at Albany, New York: For making cellar water-tight and for special necessary repairs to building and approaches, twenty-five thousand dollars.

Boston, Mass.

For post-office and subtreasury at Boston, Massachusetts: For repairs of the building, installation of elevator system, remodeling, and plumbing, and work incident to electric-light service, one hundred and seventy-five thousand dollars.

Baltimore, Md.

For custom-house at Baltimore, Maryland: For continuation of building under present limit, one hundred and fifty thousand dollars, and the Secretary of the Treasury is hereby authorized to enter into a contract or contracts for the completion of said building within its present limit of cost.

—repairs, old court-
house building.

For rental of temporary quarters for the accommodation of custom-house and other Government officials at Baltimore, Maryland, and for removing furniture, fixtures, safes, and other Government property, and for repairing the old United States court-house building and the adjacent building erected by the city of Baltimore and to adapt the same to the uses of Government offices, twenty-three thousand dollars: *Provided*, That all the provisions in the sundry civil Act approved March second, eighteen hundred and ninety-five, relating to the build

Proviso.
Building for use of
State courts.

ing for the use of the State courts within the city of Baltimore are hereby extended for such time as may be determined upon by the Secretary of the Treasury or until further action of Congress.

Building for Bureau of Engraving and Printing: For the erection and completion of a wing at the west end of the building of the Bureau of Engraving and Printing, including heating and ventilation, one hundred thousand dollars: *Provided*, That the Secretary of the Treasury is hereby authorized to use such portion of B street southwest, now included in the grounds of said Bureau, as may be necessary for the foundation of said wing.

For the erection and completion of necessary fireproof outbuildings for the Bureau of Engraving and Printing, one hundred and fifteen thousand dollars.

For post-office at Blair, Nebraska: For completion of building under present limit, twenty-one thousand five hundred dollars.

For custom-house and post-office at Bristol, Tennessee: For completion of building under present limit, twenty-five thousand dollars.

For custom-house and post-office at Brunswick, Georgia: For completion of building under present limit, twenty-five thousand dollars.

For post-office at Butte, Montana: For continuation of building under present limit, fifty thousand dollars.

For custom-house and post-office at Cincinnati, Ohio: For providing proper facilities for the use of post-office inspectors, two thousand five hundred dollars.

For temporary post-office building at Chicago, Illinois: For providing proper facilities for the use of the post-office inspectors, three thousand dollars.

For rental of quarters at Chicago, Illinois: For annual rental of temporary quarters for the accommodation of certain Government officials for the year ending March twenty-eighth, nineteen hundred and one, twenty-six thousand five hundred and six dollars and sixty cents.

For post-office and court-house at Chicago, Illinois: For continuation of building under present limit, one hundred and thirty thousand dollars. The Secretary of the Treasury is hereby authorized to use out of the appropriation heretofore made a sum not exceeding twenty-five thousand dollars for the employment of architect, draftsmen, and other skilled service to continue the preparation of the plans and specifications; and also a sum not exceeding ten thousand dollars for the employment of special experts to assist the architect. Such special experts may be employed by the Secretary of the Treasury without compliance with the conditions prescribed by the Act entitled "An Act to regulate and improve the civil service," approved January sixteenth, eighteen hundred and eighty-three.

For post-office, custom-house, and court-house at Cleveland, Ohio: For purchase of site and commencement of building, four hundred thousand dollars; and the Secretary of the Treasury is hereby authorized to enter into a contract or contracts for the completion of said building within the present limit of cost.

For custom-house, post-office, and court-house at Dubuque, Iowa: For completion of improvement and enlargement of building under present limit, fifty thousand dollars.

For post-office at Elgin, Illinois: For completion of building under present limit, fifty thousand dollars.

For immigrant station at Ellis Island, New York Harbor: For completion of buildings, two hundred thousand dollars.

For post-office at Freeport, Illinois: For completion of building under present limit, thirty-seven thousand five hundred dollars.

For post-office, court-house, and custom-house at Indianapolis, Indiana: For purchase of site, in the discretion of the Secretary of

Vol. 28, p. 584.

Bureau of Engraving and Printing.
Completion of west wing.

Proviso.
—use of B street authorized.

Blair, Nebr.

Bristol, Tenn.

Brunswick, Ga.

Butte, Mont.

Cincinnati, Ohio.

Chicago, Ill.

Vol. 22, p. 408.

Cleveland, Ohio.

Dubuque, Iowa.

Elgin, Ill.

Ellis Island, N. Y.

Freeport, Ill.

Indianapolis, Ind.

the Treasury, and commencement of building, under present limit, three hundred and twenty-five thousand dollars.

For rent of quarters for use of the post-office and other Government officials at Indianapolis, Indiana, fourteen thousand dollars.

Jamestown, N. Y.

For post-office at Jamestown, New York: For completion of building under present limit, thirty-seven thousand five hundred dollars.

Janesville, Wis.

For post-office at Janesville, Wisconsin: For completion of building under present limit, twenty-five thousand dollars.

Joliet, Ill.

For post-office at Joliet, Illinois: For completion of building under present limit, fifty thousand dollars.

Kansas City, Kans.

For post-office at Kansas City, Kansas: For continuation of building under present limit, fifty thousand dollars.

Los Angeles, Cal.

For court-house and post-office at Los Angeles, California: The Secretary of the Treasury is hereby authorized to enter into a contract or contracts for the completion of the addition to court-house and post-office within the present limit of cost.

Macon, Ga.

For rental of quarters at Macon, Georgia: For annual rental of temporary quarters for the accommodation of certain Government officials, including necessary moving expenses, provided that the same shall be made necessary by removal from present Government building, five thousand dollars.

Menominee, Mich.

For post-office at Menominee, Michigan: For completion of building under present limit, twenty-five thousand dollars.

Monmouth, Ill.

For post-office at Monmouth, Illinois: For completion of building under present limit, twenty-three thousand five hundred dollars.

New Brighton, Pa.

For post-office at New Brighton, Pennsylvania: For completion of building under present limit, thirty-seven thousand five hundred dollars.

New Brunswick,
N. J.

For post-office at New Brunswick, New Jersey: For completion of building under present limit, fifty thousand dollars.

Newport News, Va.

For custom-house and post-office at Newport News, Virginia: For completion of building under present limit, sixty-five thousand dollars.

Newport, Vt.

For court-house, post-office, and custom-house at Newport, Vermont: For completion of building under present limit, twenty-five thousand dollars.

New York, N. Y.

For subtreasury at New York, New York: For construction of new vaults, one hundred and twenty-five thousand dollars.

For post-office and court-house at New York, New York: For repairs, twenty-five thousand dollars.

Oakland, Cal.

For post-office at Oakland, California: For continuation of building under present limit, fifty thousand dollars.

Philadelphia, Pa.

For mint building at Philadelphia, Pennsylvania: For completion of building under present limit, three hundred and fifty-one thousand three hundred and seventy-five dollars and nine cents.

For post-office and court-house at Philadelphia, Pennsylvania: For renovation of the plumbing and drainage system, eighty thousand dollars.

St. Cloud, Minn.

For post-office at Saint Cloud, Minnesota: For completion of building under present limit, twenty-five thousand dollars.

St. Louis, Mo.

For custom-house and post-office at Saint Louis, Missouri: For new boilers, twenty-five thousand dollars; elevator equipments, twenty-three thousand dollars; in all, forty-eight thousand dollars.

Salem, Oreg.

For post-office at Salem, Oregon: For continuation of building under present limit, twenty-five thousand dollars.

Streator, Ill.

For post-office at Streator, Illinois: For completion of building under present limit, twenty-five thousand dollars.

Tampa, Fla.

For court-house, post-office, and custom-house at Tampa, Florida: For continuation of building under present limit, one hundred thousand dollars.

For post-office at Winston, North Carolina: For completion of building under present limit, twenty-five thousand dollars. Winston, N. C.

Hereafter, the Secretary of the Treasury is authorized, whenever in his judgment such work should be performed, to pay for the installation of engineering and electric-light plants in all buildings in process of erection, or hereafter to be erected, under the control of the Treasury Department, from the construction funds of such buildings. Construction funds available for electric lighting, etc.

For Treasury building at Washington, District of Columbia: For repairs to Treasury, Butler, and Winder buildings, eight thousand dollars. Treasury buildings, D. C.

For new boilers, twenty-two thousand dollars; new pipe tunnels, fifteen thousand dollars; new plumbing, toilet rooms, and expenses incident thereto, forty thousand dollars; and for additional vaults, seventy-five thousand dollars; in all, one hundred and fifty-two thousand dollars.

Fire-alarm system, Treasury Department: For maintenance of the automatic fire-alarm system now in the Treasury and Winder buildings, two thousand six hundred and twenty-five dollars. —fire alarm system.

For repairs and preservation of public buildings: Repairs and preservation of custom-houses, court-houses, post-offices, and quarantine stations, and other public buildings and the grounds thereof under the control of the Treasury Department, exclusive of marine hospitals, three hundred and fifty thousand dollars: *Provided*, That of the sum hereby appropriated not exceeding ten thousand dollars may be used, in the discretion of the Secretary of the Treasury, in the employment of superintendents and others at a rate of compensation not exceeding for any one person six dollars per day. Repairs and preservation. *Proviso.* Superintendents.

MARINE HOSPITALS.

Marine Hospitals.

For marine hospital at Cleveland, Ohio: For additional amount for isolation ward and mortuary, two thousand five hundred dollars; additional amount for boiler house and stack, two thousand five hundred dollars; in all, five thousand dollars. Cleveland, Ohio.

For marine hospital at Boston, Massachusetts: For additional amount for laundry building, one thousand five hundred dollars; additional amount for isolation ward, three thousand dollars; in all, four thousand five hundred dollars. Boston, Mass.

For marine hospital at Detroit, Michigan: For additional amount for laundry building, three thousand dollars. Detroit, Mich.

For marine hospital at Mobile, Alabama: For isolation ward, two thousand five hundred dollars. Mobile, Ala.

For marine hospital at San Francisco, California: For surgeons' residence, eight thousand dollars. San Francisco, Cal.

For marine hospital at Saint Louis, Missouri: For isolation ward and annex, one thousand dollars. St. Louis, Mo.

Books and journals for the use of the Marine-Hospital Bureau may be purchased during the fiscal year nineteen hundred and one at a cost not to exceed five hundred dollars, and paid for from the appropriation for the Marine-Hospital Service. Books, etc., for Bureau.

QUARANTINE STATIONS.

Quarantine stations.

For quarantine station, Reedy Island, Delaware River: For landing pier and improvements of station, eight thousand dollars. Reedy Island.

For quarantine station, Delaware Breakwater, Delaware: For accommodations for passengers, six thousand dollars; crematory, one thousand two hundred and fifty dollars; in all, seven thousand two hundred and fifty dollars. Delaware Breakwater.

Cape Charles, Va.	For quarantine station, Cape Charles, Virginia: For crematory, one thousand two hundred and fifty dollars.
Brunswick, Ga.	For quarantine station, Brunswick, Georgia: For removal of station, purchase of site, erection of buildings, and equipment of station, twenty thousand dollars.
Gulf station.	For quarantine station, Gulf: For improvements to station: Dredging machinery, two thousand five hundred dollars; artesian well, three thousand dollars; telephone line, four hundred dollars; crematory, one thousand two hundred and fifty dollars; in all, seven thousand one hundred and fifty dollars.
Establishing stations at Key West and Mullet Key, Fla.	For the establishment of national quarantine stations, in the discretion of the Secretary of the Treasury, near Key West, and at Mullet Key, Florida, made necessary by the transfer, by direction of the President, of the Tortugas quarantine station to the Navy Department for use as a coaling station for the Navy, one hundred and twenty-five thousand dollars.
South Atlantic station.	For quarantine station, South Atlantic: For accommodations for crew, one thousand dollars; transfer barge, one thousand dollars; crematory, one thousand dollars; in all, three thousand dollars.
Savannah, Ga.	For quarantine station, Savannah, Georgia: For purchase of buildings, wharves, and disinfecting apparatus, twenty thousand dollars. Improvement of station: Attendants' quarters, hospital building, bath house, boathouse, and small boat, ten thousand dollars; in all, thirty thousand dollars.
San Diego, Cal.	For quarantine station, San Diego, California: For improvements of station: Wharf extension, buildings, and crematory, and addition to water supply, twenty-three thousand seven hundred and fifty dollars.
San Francisco, Cal.	For quarantine station, San Francisco, California: For improvements of station: Iron pier or floating disinfecting plant, one hundred thousand dollars; electric-light plant, ten thousand dollars; additional accommodations for cabin passengers, ten thousand dollars; water system, five thousand dollars; heating apparatus, two thousand dollars; extension of disinfecting and isolation buildings, three thousand five hundred dollars; disinfecting and laundry appliances, one thousand two hundred dollars; in all, one hundred and thirty-one thousand seven hundred dollars.
Heating apparatus for public buildings.	HEATING APPARATUS FOR PUBLIC BUILDINGS: For heating, hoisting, and ventilating apparatus, and repairs to the same, for all public buildings, including marine hospitals and quarantine stations, and the marine-hospital sanatorium, Fort Stanton, New Mexico, under control of the Treasury Department, exclusive of personal services, except for work done by contract, one hundred and fifty thousand dollars; but of this amount not exceeding fifteen thousand dollars may be expended for personal services of mechanics employed from time to time for casual repairs only.
Vaults, safes, and locks.	VAULTS, SAFES, AND LOCKS FOR PUBLIC BUILDINGS: For vaults, safes, and locks, and repairs to the same, for all public buildings under control of the Treasury Department, exclusive of personal services, except for work done by contract, thirty thousand dollars; but of this amount not exceeding three thousand dollars may be expended for personal services of mechanics employed from time to time for casual repairs only.
Plans.	PLANS FOR PUBLIC BUILDINGS: For books, technical periodicals and journals, law books and books of reference, photographic materials, and in duplicating plans required for all public buildings under control of the Treasury Department, three thousand five hundred dollars.
Supervising Architect of the Treasury, report on public buildings.	The Supervising Architect of the Treasury shall hereafter include in his annual report statements showing, under the following titles, the number of custom-houses, court-houses, post-offices, and buildings

used for two or more of said objects: The actual cost of construction, cost of alterations and repairs, cost of sites, and date of purchase, as to each of said buildings, and the aggregate of such expenditures under each of said titles; also the same information, under their respective titles, as to marine hospitals, quarantine stations, and all other buildings under the control of the Treasury Department.

LIGHT-HOUSES, BEACONS, AND FOG SIGNALS.

Light-houses, beacons, and fog signals.

Cape Elizabeth, Maine: For additional amount authorized for completing a light-ship and fog signal near Cape Elizabeth, Maine, twenty thousand dollars.

Cape Elizabeth, Me.

Narraguagus light station, Maine: For purchase of additional land for boat slip, one hundred and fifty dollars.

Narraguagus, Me.

Kennebec River lights boathouses, Maine: For erection of boathouses at Doubling Point, Doubling Point Range, Squirrel Point, and Perkins Island light stations, one thousand six hundred and twenty dollars.

Kennebec River lights boathouses, Me.

Rockland Breakwater, Maine, pier-head light: For the construction of a light station on the outer end of the Rockland Breakwater, consisting of a stone pier supporting a small dwelling with a light and fog signal, thirty thousand dollars.

Rockland Breakwater, Me.

Long Island Head light station, Massachusetts: For removing the station to a new site, where it will not be exposed to injury by firing of guns in the new seacoast battery, four thousand five hundred dollars.

Long Island Head, Mass.

Eastern Point light station, Massachusetts: For the construction of a boathouse at Eastern Point light station, Massachusetts, five hundred dollars.

Eastern Point, Mass.

Pollock Rip Shoals, Massachusetts: For an automatic towing machine for the light-ship at a point north of the bell buoy near the broken part of Pollock Rip Shoals, at the northeastern entrance of Nantucket Shoals, Massachusetts, five thousand dollars.

Pollock Rip Shoals, Mass.

Tender for the inspector, Third light-house district: Toward constructing, equipping, and outfitting, complete for service, a new steam tender for buoyage, supply, and inspection in the Third light-house district, New York, sixty-two thousand five hundred dollars; and the total cost of said tender, under a contract which is hereby authorized therefor, shall not exceed one hundred and twenty-five thousand dollars; and the Light-House Board is authorized to employ temporarily at Washington not exceeding three draftsmen, to be paid at current rates, to prepare the plans for the tenders for which appropriations are made by this Act; such draftsmen to be paid from and equitably charged to the appropriations for building said vessels; such employment to cease and determine on or before the date when the plans for such vessels being finished, proposals for building said vessels are invited by advertisement.

Tender, Third district.

Staten Island light-house depot, New York: For continuing the construction of the sea wall, rebuilding wharves, dredging the basin, and repairs and improvements to present buildings and grounds and the erection of a new oil house and lamp shop at the general light-house depot at Tompkinsville, Staten Island, New York, twenty-five thousand dollars.

Staten Island depot, N. Y.

Delaware Bay light and fog signal: For establishing a light and fog signal on the new breakwater, harbor of refuge, Delaware Bay, thirty thousand dollars.

Delaware Bay signal.

Tender for the Fifth light-house district: For a new steam tender, complete and ready for service, in the Fifth light-house district, twenty thousand dollars.

Tender, Fifth district.

- Cape San Blas, Fla. Cape San Blas light station, Gulf of Mexico, Florida: For completing the removal of Cape San Blas light station to a new and safe site, fifteen thousand dollars.
- Sand Island, Ala. Sand Island light station, Alabama: The Secretary of the Treasury is hereby authorized to enter into a contract for rebuilding the Sand Island light and fog-signal station, Alabama, at a total cost not to exceed sixty-five thousand dollars, at any time he may consider such rebuilding to be necessary because of threatened destruction of the present station by the encroachment of the sea.
- Sabine Bank, Texas. Sabine Bank light and fog-signal station, Texas: For establishing a light and fog-signal station on Sabine Bank, in the Gulf of Mexico, off Sabine Pass, forty thousand dollars; and the Secretary of the Treasury is hereby authorized to enter into a contract for the construction of said light and fog-signal station at a total cost not exceeding eighty thousand dollars.
- Michigan City, Ind. Michigan City, Indiana, fog signal: For establishing a fog signal at this station, five thousand five hundred dollars.
- Tender, Ninth district. Tender for the engineer Ninth light-house district: Toward the construction of a steam tender for construction and repair service in the Ninth light-house district, fifty thousand dollars; and the total cost of said tender, under a contract which is hereby authorized therefor, shall not exceed one hundred thousand dollars.
- Buffalo, N. Y. Buffalo Breakwater light and fog-signal stations, New York: For establishing suitable light and fog-signal stations to mark the main southern entrance of the new breakwater at Buffalo, New York, forty-five thousand dollars.
- Toledo, Ohio. Toledo Harbor light and fog-signal station, Ohio: The Secretary of the Treasury is hereby authorized to enter into a contract for the construction of a light and fog-signal station to mark the outer end of the main channel entrance to Toledo Harbor, Ohio, at a total cost of one hundred thousand dollars.
- Detroit River, Mich. Detroit River light station, mouth of Detroit River, Lake Erie, Michigan: For the purchase of land and the erection of a boathouse on the mainland for the use of the keepers of Detroit River light station, Michigan, one thousand dollars.
- Grosse Pointe vessel, Mich. Vol. 30, p. 601. Grosse Pointe light vessel, Michigan: That the appropriation of fifteen thousand dollars made by the sundry civil appropriation Act approved July first, eighteen hundred and ninety-eight, for constructing, equipping, and outfitting, complete for service, a steam light vessel, with steam fog signal, at Poe Reef, Straits of Mackinac, Michigan, is hereby reappropriated and made available for constructing, equipping, and outfitting complete a new light vessel for Grosse Pointe, Michigan.
- St. Marys River, Mich. Head of Saint Marys River, Michigan: For additional amount for establishing an additional set of range lights to mark the channel at the entrance of Saint Marys River, two thousand seven hundred dollars.
- Point Pinos station, Cal. Point Pinos light station, California: For purchase of land at Point Pinos light station, entrance to Monterey Harbor, two thousand dollars.
- Cape Mendocino, Cal. For the construction of a fireproof oil house at Cape Mendocino light station, California, one thousand dollars.
- Tender, Thirteenth district. Tender for the Thirteenth light-house district: The Secretary of the Treasury is hereby authorized to enter into a contract for the construction of a large, powerful, seagoing tender heretofore authorized for the Thirteenth light-house district, at a total cost not exceeding one hundred and twenty thousand dollars.
- Browns Point, Wash. Browns Point light and fog-signal station, Washington: For establishing a light and fog signal at Browns Point, on Commencement Bay, in Puget Sound, entrance of the harbor of Tacoma, six thousand dollars.

Desdemona Sands, mouth of Columbia River, Oregon: For establishing a light and fog-signal station near the lower end of the Middle Ground, Desdemona Sands, Columbia River, Oregon, in addition to the unexpended balance of the appropriation of eleven thousand dollars, in the Act of June eleventh, eighteen hundred and ninety-six, for Fort Stevens Light and Fog-Signal Station, mouth of Columbia River, Oregon, which is hereby reappropriated and made available for the light and fog-signal station at or near the Middle Ground, Columbia River, twenty-four thousand dollars.

Desdemona Sands,
Oreg.

Vol. 29, p. 418.

Slip Point light-house and fog signal, Washington: For establishing a light-house and fog signal at Slip Point, Clallam Bay, State of Washington, twelve thousand five hundred dollars.

Slip Point, Wash.

Tongue Point light-house depot, Oregon: For erecting two isolated houses in which to store coal oil for use in the light-houses of the Thirteenth light-house district, with a track extending from them to the depot wharf, five thousand dollars.

Tongue Point, Oreg.

Tender for the Sixteenth light-house district: Toward constructing, equipping, and outfitting complete a new steam tender for service in the Sixteenth light-house district, thirty thousand dollars, and the total cost of said light-house tender, under a contract which is hereby authorized therefor, shall not exceed sixty thousand dollars.

Tender, Sixteenth
district.

Light-house and fog-signal stations in Alaskan waters: To enable the Secretary of the Treasury to establish, under the direction and supervision of the Light-House Board, light-house and fog-signal stations in Alaskan waters, one hundred thousand dollars, or so much thereof as may be necessary.

Alaskan stations.

Oil houses for light-stations: For establishing isolated oil houses for the storage of mineral oil, ten thousand dollars: *Provided*, That no oil house erected hereunder shall exceed five hundred and fifty dollars in cost.

Oil houses.
Proviso.
Cost

LIGHT-HOUSE ESTABLISHMENT.

Light-House Estab-
lishment.

SUPPLIES OF LIGHT-HOUSES: For supplying fog signals, light-houses, and other lights with illuminating, cleaning, preservative, and such other materials as may be required for annual consumption; for books, boats, and furniture for stations, traveling expenses of civilian member of Light-House Board in attending meetings of board at Washington, and not exceeding three hundred dollars for the purchase of technical and professional books and periodicals for the use of the Light-House Board, and for all other necessary incidental expenses, four hundred and seventy-five thousand dollars.

Supplies.

REPAIRS OF LIGHT-HOUSES: For repairing, protecting, and improving light-houses and buildings; for improvements to grounds connected therewith; for establishing and repairing day marks and pier-head and other beacon lights, including purchase of land for same; for illuminating apparatus and machinery to replace that already in use, and for all other necessary incidental expenses relating to these various objects, six hundred and forty thousand dollars of which amount not exceeding fifteen thousand dollars shall be used to change the characteristic of Cape Cod light, Massachusetts.

Repairs.

SALARIES OF KEEPERS OF LIGHT-HOUSES: For salaries, fuel, rations, rent of quarters where necessary, and all other necessary incidental expenses of not exceeding one thousand four hundred and seventy-five light-house and fog-signal keepers and laborers attending other lights, seven hundred and seventy-five thousand dollars.

Keepers' salaries.

EXPENSES OF LIGHT-VESSELS: For seamen's wages, rations, repairs, salaries, supplies, and temporary employment and all other necessary incidental expenses of light-vessels, four hundred and fifty thousand dollars.

Light-vessels.

EXPENSES OF BUOYAGE: For expenses of establishing, replacing,

Buoyage.

and maintaining buoys of any and all kinds, and spindles, and for all other necessary incidental expenses relating thereto, five hundred and fifty thousand dollars.

Fog signals.

EXPENSES OF FOG SIGNALS: For establishing, replacing, duplicating, and improving fog signals and buildings connected therewith, and for repairs, the purchase of land for sites for fog signals, and for all other necessary incidental expenses of the same, one hundred and fifty thousand dollars.

Lighting of rivers.

LIGHTING OF RIVERS: For establishing, supplying, and maintaining post lights on the Hudson and East rivers, New York; the Raritan River, New Jersey; Connecticut River, Thames River, between Norwich and New London, Connecticut; the Delaware River between Philadelphia and Bordentown, New Jersey; the Elk River, Maryland; York River, Virginia; James River, Virginia; Cape Fear River, North Carolina; Savannah River, Georgia; Saint Johns and Indian rivers, Florida; at Chicott Pass, and to mark navigable channel along Grand Lake, Louisiana; at the mouth of Red River, Louisiana; on the Mississippi, Missouri, Ohio, Tennessee, Illinois, and Great Kanawha rivers; Sacramento and San Joaquin rivers, California; on the Columbia and Willamette rivers, Oregon; on Puget Sound, Washington Sound, and adjacent waters, Washington; and the channels in Saint Louis and Superior bays, at the head of Lake Superior; the Light-House Board being hereby authorized to lease the necessary ground for all such lights and beacons as are for temporary use or are used to point out changeable channels, and which in consequence can not be made permanent, three hundred thousand dollars. The Light-House Board is hereby authorized and directed to establish suitable lights at the mouths of Warroad and Rainy rivers, Lake of the Woods, in Minnesota.

Survey of sites.

SURVEY OF LIGHT-HOUSE SITES: For preliminary examinations, surveys, and plans for determining the proper sites and cost of light-houses and structures for which estimates are to be made to Congress, one thousand dollars.

Porto Rico.

PORTO RICAN LIGHT-HOUSE ESTABLISHMENT: To maintain existing aids to navigation, and complete the construction of Mona light on Porto Rico and adjacent islands, sixty thousand dollars, to be immediately available.

Life-Saving Service.

LIFE-SAVING SERVICE.

Superintendents.

For salaries of superintendents for the life-saving stations as follows:

For one superintendent for the coast of Maine and New Hampshire, one thousand six hundred dollars;

For one superintendent for the coast of Massachusetts, one thousand six hundred dollars;

For one superintendent for the coasts of Rhode Island and Fishers Island, to be known as the Third Life-Saving district, one thousand six hundred dollars;

For one superintendent for the coast of Long Island, one thousand eight hundred dollars;

For one superintendent for the coast of New Jersey, one thousand eight hundred dollars;

For one superintendent for the coasts of Delaware, Maryland, and Virginia, one thousand six hundred dollars;

For one superintendent for the coasts of Virginia and North Carolina, one thousand eight hundred dollars;

For one superintendent for the life-saving stations and for the houses of refuge on the coasts of South Carolina, Georgia, and Florida, one thousand five hundred dollars;

For one superintendent for the life-saving and lifeboat stations on the coast of the Gulf of Mexico, one thousand six hundred dollars;

For one superintendent for the life-saving and lifeboat stations on the coasts of Lakes Ontario and Erie, one thousand eight hundred dollars;

For one superintendent for the life-saving and lifeboat stations on the coasts of Lakes Huron and Superior, one thousand eight hundred dollars;

For one superintendent for the life-saving and lifeboat stations on the coast of Lake Michigan, one thousand eight hundred dollars;

For one superintendent for the life-saving and lifeboat stations on the coasts of Washington, Oregon, and California, one thousand eight hundred dollars; in all, twenty-two thousand one hundred dollars.

The Secretary of the Treasury may change the serial numbers of the several districts as may be necessary to conform to the provisions of this Act.

Change of serial number of districts.

For salaries of two hundred and seventy-seven keepers of life-saving and lifeboat stations and of houses of refuge, two hundred and forty-two thousand four hundred dollars.

Keepers.

For pay of crews of surfmen employed at the life-saving and lifeboat stations, including the old Chicago station, at the uniform rate of sixty-five dollars per month each, during the period of actual employment and three dollars per day for each occasion of service at other times; compensation of volunteers at life-saving and lifeboat stations for actual and deserving service rendered upon any occasion of disaster or in any effort to save persons from drowning, at such rate, not to exceed ten dollars for each volunteer, as the Secretary of the Treasury may determine; pay of volunteer crews for drill and exercise; fuel for stations and houses of refuge; repairs and outfits for same; rebuilding and improvement of same; including use of additional land where necessary; supplies and provisions for houses of refuge and for shipwrecked persons succored at stations; traveling expenses of officers under orders from the Treasury Department; commutation of quarters for officers of the Revenue-Cutter Service detailed for duty in the Life-Saving Service; for carrying out the provisions of sections seven and eight of the Act approved May fourth, eighteen hundred and eighty-two; for draft animals and their maintenance; for telephone lines and care of same; and contingent expenses, including freight, storage, rent, repairs to apparatus, labor, medals, stationery, newspapers for statistical purposes, advertising, and all other necessary expenses not included under any other head of life-saving stations on the coasts of the United States, one million three hundred and ninety-six thousand three hundred and ten dollars.

Crews.

Commutation of quarters.

Vol. 22, p. 57.

For establishing new life-saving stations and lifeboat stations on the sea and lake coasts of the United States, authorized by law, to be available until expended, forty thousand dollars.

New stations.

REVENUE-CUTTER SERVICE.

Revenue-Cutter Service.

For expenses of the Revenue-Cutter Service: For pay of captains, lieutenants, captain of engineers, chief engineers and assistant engineers, for pay of a constructor, Revenue-Cutter Service, cadets, and pilots employed, and for rations for the same; for pay of petty officers, buglers, seamen, oilers, firemen, coal heavers, stewards, cooks, and boys, and for rations for the same; for fuel for vessels, and repairs and outfits for the same; ship chandlery and engineers' stores for the same; traveling expenses of officers traveling on duty under orders from the Treasury Department; commutation of quarters; for protection of the seal fisheries in Bering Sea and the other waters of Alaska, and the interest of the Government on the seal islands and the sea-otter hunting grounds, and the enforcement of the provisions of law in Alaska; for enforcing the provisions of the Acts relating to the

Salaries and expenses.

Anchorage.

Vol. 25, p. 151.
Vol. 30, p. 1081,
Vol. 27, p. 431.

anchorage of vessels in the ports of New York and Chicago, approved May sixteenth, eighteen hundred and eighty-eight, and February sixth, eighteen hundred and ninety-three, and March third, eighteen hundred and ninety-nine; and an Act relating to the anchorage and movement of vessels in Saint Marys River, approved March sixth, eighteen hundred and ninety-six; for temporary leases and improvement of property for revenue-cutter purposes; contingent expenses, including wharfage, towage, dockage, freight, advertising, surveys, labor, and all other necessary miscellaneous expenses which are not included under special heads, one million two hundred thousand dollars.

Astoria, Oreg.
Launch.

For the purchase or construction of a suitable launch for the customs service at and in the vicinity of Astoria, Oregon, two thousand five hundred dollars; and the sum of two thousand five hundred dollars appropriated by the sundry civil Act approved March third, eighteen hundred and ninety-nine, for constructing such launch is hereby made available for the purchase or construction of the same.

Vol. 30, p. 1082.

Engraving and
printing.

ENGRAVING AND PRINTING.

Salaries.

For labor and expenses of engraving and printing: For salaries of all necessary clerks and employees, other than plate printers and plate printers' assistants, seven hundred and eighty-seven thousand nine hundred dollars, to be expended under the direction of the Secretary of the Treasury: *Provided*, That no portion of this sum shall be expended for printing United States notes or Treasury notes of larger denomination than those that may be canceled or retired, except in so far as such printing may be necessary in executing the requirements of the Act "To define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes," approved March fourteenth, nineteen hundred.

Proviso.
Notes of larger de-
nomination.

Ante, p. 45.

Wages.

For wages of plate printers, at piece rates to be fixed by the Secretary of the Treasury, not to exceed the rates usually paid for such work, including the wages of printers' assistants, when employed, eight hundred and seven thousand nine hundred dollars, to be expended under the direction of the Secretary of the Treasury: *Provided*, That no portion of this sum shall be expended for printing United States notes or Treasury notes of larger denomination than those that may be canceled or retired, except in so far as such printing may be necessary in executing the requirements of the Act "To define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes," approved March fourteenth, nineteen hundred.

Proviso.
Notes of larger de-
nomination.

Ante, p. 45.

Materials.

For engravers' and printers' materials and other materials, except distinctive paper, and for miscellaneous expenses, two hundred and fifty-eight thousand four hundred and fifty dollars.

Rent.

For rent of building now occupied by the Bureau of Engraving and Printing for storage and other purposes, at a rental of sixty dollars a month, seven hundred and twenty dollars.

For rent of office now occupied by agent of the Post-Office Department to supervise the distribution of stamps of the Bureau of Engraving and Printing, at the rate of fifty dollars per month, six hundred dollars.

Coast and Geodetic
Survey.

COAST AND GEODETIC SURVEY.

Expenses survey of
seacoasts, etc.

For every expenditure requisite for and incident to the survey of the coasts of the United States and of coasts under the jurisdiction of the United States, including the survey of rivers to the head of tide water of ship navigation; deep-sea soundings, temperature and current observations along the coast and throughout the Gulf Stream and

Japan Stream flowing off the said coasts; tidal observations; the necessary resurveys; the preparation of the Coast Pilot; continuing researches and other work relating to physical hydrography, and terrestrial magnetism and the magnetic maps of the United States and adjacent waters, and the tables of magnetic declination, dip, and intensity usually accompanying them, astronomical and gravity observations; and including compensation not otherwise appropriated for of persons employed in the field work, in conformity with the regulations for the government of the Coast and Geodetic Survey adopted by the Secretary of the Treasury; for special examinations that may be required by the Light-House Board or other proper authority, and including traveling expenses of officers and men of the Navy on duty; for commutation to officers of the field force while on field duty, at a rate to be fixed by the Secretary of the Treasury, not exceeding two dollars and fifty cents per day each; outfit, equipment, and care of vessels used in the Survey, and also the repairs and maintenance of the complement of vessels; to be expended in accordance with the regulations relating to the Coast and Geodetic Survey from time to time prescribed by the Secretary of the Treasury, and under the following heads: *Provided*, That no advance of money to chiefs of field parties under this appropriation shall be made unless to a commissioned officer or to a civilian officer who shall give bond in such sum as the Secretary of the Treasury may direct;

Proviso.
Advance of money.

FOR FIELD EXPENSES: For surveys and necessary resurveys of the Atlantic and Gulf coasts of the United States, including the coasts of outlying islands under the jurisdiction of the United States, to be immediately available, and to continue available until expended: *Provided*, That not more than twenty-five thousand dollars of this amount shall be expended on the coasts of the before-mentioned outlying islands, seventy thousand dollars;

Field expenses.

Proviso.
Outlying islands.

For surveys and necessary resurveys of the Pacific coast, including the Hawaiian Islands and Alaska and other coasts on the Pacific Ocean under the jurisdiction of the United States, to be immediately available, and to continue available until expended, one hundred and seven thousand five hundred dollars;

Hawaiian Islands,
Alaska, etc.

For continuing researches in physical hydrography relating to harbors and bars, and for tidal and current observations on the coasts of the United States, or other coasts under the jurisdiction of the United States, five thousand dollars;

For offshore soundings and examination of reported dangers on the coasts of the United States, and of coasts under the jurisdiction of the United States, and to continue the compilation of the Coast Pilot, and to make special hydrographic examinations, and including the employment of such pilots and nautical experts in the field and office as may be necessary for the same, ten thousand one hundred dollars;

For continuing magnetic observations and to establish meridian lines in connection therewith in all parts of the United States, and for making magnetic observations in other regions under the jurisdiction of the United States, including the purchase of additional magnetic instruments, and the lease of sites where necessary and the erection of temporary magnetic buildings, for continuing the line of exact levels between the Atlantic, Pacific, and Gulf coasts; for furnishing points to State surveys, to be applied as far as practicable in States where points have not been furnished; for determinations of geographical positions and for continuing gravity observations, fifty thousand dollars;

For traveling expenses of officers and men of the Navy on duty, and for any special surveys that may be required by the Light-House Board or other proper authority, and contingent expenses incident thereto, three thousand four hundred dollars;

Traveling expenses
naval officers, etc.

International Geodetic Association.

Proviso.
Interchangeable expenditures.

Repairs of vessels, etc.

Pay of seamen.

Salaries.
Superintendent.

Assistants.

Office force.

For objects not hereinbefore named that may be deemed urgent, including the actual necessary expenses of officers of the field force temporarily ordered to the office at Washington for consultation with the Superintendent, to be paid as directed by the Superintendent, in accordance with the Treasury regulations, and for the expenses of the attendance of the American delegate at the meetings of the International Geodetic Association, not to exceed five hundred and fifty dollars, four thousand dollars;

Provided, That ten per centum of the foregoing amounts shall be available interchangeably for expenditure on the objects named; but no more than ten per centum shall be added to any one item of appropriation;

In all, for field expenses, two hundred and fifty thousand dollars.

FOR REPAIRS AND MAINTENANCE OF VESSELS: For repairs and maintenance of the complement of vessels used in the Coast and Geodetic Survey, including the traveling expenses of the person inspecting the repairs, twenty-nine thousand six hundred dollars.

For purchase or construction of one small steamer, to be immediately available, twenty thousand dollars.

For rebuilding and refitting the steamer Bache, to be immediately available, sixty thousand dollars.

For all necessary employees to man and equip the vessels of the Coast and Geodetic Survey to execute the work of the Survey herein provided for and authorized by law, one hundred and eighty-two thousand seven hundred and forty-five dollars.

PAY AND SUBSISTENCE OF PROFESSIONAL SEAMEN: For pay and subsistence of professional seamen serving as executive officers and mates on the vessels of the Survey, to be immediately available, twenty-seven thousand five hundred dollars.

SALARIES COAST AND GEODETIC SURVEY: For Superintendent, five thousand dollars;

For pay of assistants, to be employed in the field or office, as the Superintendent may direct:

For two assistants, at four thousand dollars each;

For one assistant, three thousand two hundred dollars;

For five assistants, at three thousand dollars each;

For one assistant, two thousand four hundred dollars;

For five assistants, at two thousand five hundred dollars each;

For eight assistants, at two thousand two hundred dollars each;

For eight assistants, at two thousand dollars each;

For three assistants, at one thousand eight hundred dollars each;

For four assistants, at one thousand six hundred dollars each;

For three assistants, at one thousand four hundred dollars each;

For eight assistants, at one thousand two hundred dollars each;

For six aids, at nine hundred dollars each;

For eight aids, at seven hundred and twenty dollars each; in all, one hundred and sixteen thousand four hundred and sixty dollars.

PAY OF OFFICE FORCE: For one disbursing agent, two thousand two hundred dollars;

For one chief of division of library and archives, one thousand eight hundred dollars;

For clerical force, namely:

For two, at one thousand six hundred and fifty dollars each;

For four, at one thousand four hundred dollars each;

For six, at one thousand two hundred dollars each;

For three, at one thousand dollars each;

For chart correctors, buoy colorists, stenographers, writers, typewriters, and copyists, namely:

For two, at one thousand two hundred dollars each;

For three, at nine hundred dollars each;

For one, at eight hundred dollars;
 For seven, at seven hundred and twenty dollars each;
 For one, at six hundred dollars;
 For topographic and hydrographic draftsmen, namely:
 For one, at two thousand four hundred dollars;
 For one, at two thousand two hundred dollars;
 For two, at two thousand dollars each;
 For three, at one thousand eight hundred dollars each;
 For two, at one thousand six hundred dollars each;
 For two, at one thousand four hundred dollars each;
 For one, at one thousand two hundred dollars;
 For three, at one thousand dollars each;
 For two, at nine hundred dollars each;
 For one, at seven hundred dollars;
 For astronomical, geodetic, tidal, and miscellaneous computers,

namely:

For two, at two thousand dollars each;
 For one, at one thousand eight hundred dollars;
 For four, at one thousand six hundred dollars each;
 For one, at one thousand four hundred dollars;
 For one, at one thousand two hundred dollars;
 For three, at one thousand dollars each;
 For copperplate engravers, namely:
 For three, at two thousand dollars each;
 For two, at one thousand eight hundred dollars each;
 For two, at one thousand six hundred dollars each;
 For one, at one thousand four hundred dollars;
 For two, at one thousand two hundred dollars each;
 For two, at one thousand dollars each;
 For four, at nine hundred dollars each;
 For one, at seven hundred dollars;
 For electrotypers and photographers, plate printers and their helpers, instrument makers, carpenters, engineer, and other skilled laborers, namely:

For two, at one thousand eight hundred dollars each;
 For one, at one thousand six hundred dollars;
 For two, at one thousand two hundred dollars each;
 For seven, at one thousand two hundred dollars each;
 For five, at one thousand dollars each;
 For one, at nine hundred dollars;
 For six, at seven hundred dollars each;
 For watchmen, firemen, messengers, and laborers, packers and folders, and miscellaneous work, namely:

For three, at eight hundred and eighty dollars each;
 For four, at eight hundred and twenty dollars each;
 For two, at seven hundred dollars each;
 For two, at six hundred and forty dollars each;
 For four, at six hundred and thirty dollars each;
 For two, at five hundred and fifty dollars each;
 For one laborer, at five hundred and fifty dollars;
 For two, at three hundred and sixty-five dollars each; in all, one hundred and forty-one thousand six hundred and forty dollars.

OFFICE EXPENSES: For the purchase of new instruments, for materials and supplies required in the instrument shop, carpenter shop, and drawing division, and for books, maps, charts, and subscriptions; for copper plates, chart paper, printer's ink, copper, zinc, and chemicals for electrotyping and photographing; engraving, printing, photographing, and electrotyping supplies; and for photolithographing charts and printing from stone and copper for immediate use; for stationery for the office and field parties, transportation of instru-

Office expenses

ments and supplies when not charged to party expenses, office wagon and horses, heating, lighting, and power, telephone, telegrams, ice, and washing, office furniture, repairs, traveling expenses of assistants and others employed in the office sent on special duty in the service of the office, contingencies of all kinds, and for extra labor not to exceed two thousand dollars; in all, thirty-two thousand dollars.

For purchase of automatic engraving machines as follows: One machine for engraving soundings, one machine for engraving and lettering compasses, and one border ruling and tinting machine; in all, six thousand dollars.

For the discussion and publication of observations, one thousand dollars.

Allowances.

That no part of the money herein appropriated for the Coast and Geodetic Survey shall be available for allowance to civilian or other officers for subsistence while on duty at Washington (except as hereinbefore provided for officers of the field force ordered to Washington for short periods for consultation with the Superintendent), or to officers of the Navy attached to the Survey, except as now provided by law.

UNDER SMITHSONIAN INSTITUTION.

Smithsonian Institution.

International exchanges.

INTERNATIONAL EXCHANGES: For expenses of the system of international exchanges between the United States and foreign countries, under the direction of the Smithsonian Institution, including salaries or compensation of all necessary employees, and the purchase of necessary books and periodicals, twenty-four thousand dollars.

American ethnology.

AMERICAN ETHNOLOGY: For continuing ethnological researches among the American Indians, under the direction of the Smithsonian Institution, including salaries or compensation of all necessary employees and the purchase of necessary books and periodicals, fifty thousand dollars, of which sum not exceeding one thousand five hundred dollars may be used for rent of building.

Astrophysical observatory.

ASTROPHYSICAL OBSERVATORY: For maintenance of Astrophysical Observatory, under the direction of the Smithsonian Institution, including salaries of assistants, the purchase of necessary books and periodicals, apparatus, printing and publishing results of researches, not exceeding one thousand five hundred copies, repairs and alterations of buildings and miscellaneous expenses, twelve thousand dollars.

National Museum.

NATIONAL MUSEUM: For cases, furniture, fixtures, and appliances required for the exhibition and safe-keeping of the collections of the National Museum, including two thousand five hundred dollars for furnishing new lecture room and including salaries or compensation of all necessary employees, seventeen thousand five hundred dollars.

For expense of heating, lighting, electrical, telegraphic, and telephonic service for the National Museum, including three thousand five hundred dollars for electric installation, seventeen thousand five hundred dollars.

For continuing the preservation, exhibition, and increase of the collections from the surveying and exploring expeditions of the Government, and from other sources, including salaries or compensation of all necessary employees, one hundred and eighty thousand dollars, of which sum five thousand five hundred dollars may be used for necessary drawings and illustrations for publications of the National Museum; and all other necessary incidental expenses.

For purchase of specimens to supply deficiencies in the collections of the National Museum, ten thousand dollars.

For purchase of books, pamphlets, and periodicals for reference in the National Museum, two thousand dollars.

For repairs to buildings, shops, and sheds, National Museum,

including repairs of roof, and for all necessary labor and material, fifteen thousand dollars.

For rent of workshops and temporary storage quarters for the National Museum, four thousand and forty dollars.

For postage stamps and foreign postal cards for the National Museum, five hundred dollars.

NATIONAL ZOOLOGICAL PARK: For continuing the construction of roads, walks, bridges, water supply, sewerage and drainage; and for grading, planting, and otherwise improving the grounds; erecting and repairing buildings and inclosures; care, subsistence, purchase, and transportation of animals, including salaries or compensation of all necessary employees; the purchase of necessary books and periodicals, and general incidental expenses not otherwise provided for, seventy-five thousand dollars; one-half of which sum shall be paid from the revenues of the District of Columbia and the other half from the Treasury of the United States; and of the sum hereby appropriated five thousand dollars shall be used for continuing the entrance into the Zoological Park from Cathedral avenue and opening driveway into Zoological Park, including necessary grading and removal of earth: *Provided*, That the unexpended balance of the amounts, aggregating eight thousand dollars, heretofore appropriated for widening, grading, and regulating Adams Mill road from Columbia road to the Zoological Park entrance is hereby reappropriated, to be expended under the direction of the Commissioners of the District of Columbia; and that the control of Adams Mill road is hereby vested in the said Commissioners, and all proceedings necessary to purchase or condemn the land necessary to widen said road as authorized by Act approved March third, eighteen hundred and ninety-nine, providing for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred, and for other purposes, shall be taken by said Commissioners.

National Zoological Park.

Provido.
Adams Mill road.
Unexpended balance for widening, etc., reappropriated.

—control of, etc.

For construction of a bridge across Rock Creek on the line of the roadway from Quarry road entrance, under the direction of the Engineer Commissioner of the District of Columbia, twenty-two thousand dollars, one-half of which sum shall be paid out of the revenues of the District of Columbia.

Bridge over Rock Creek.

FISH COMMISSION.

Fish Commission.

OFFICE OF COMMISSIONER: For Commissioner, five thousand dollars; chief clerk, two thousand four hundred dollars; stenographer to Commissioner, one thousand six hundred dollars; librarian, one thousand two hundred dollars; one clerk of class four; two clerks of class three; private secretary, one thousand two hundred dollars; one clerk, one thousand dollars; two clerks, at nine hundred dollars each; one engineer, one thousand and eighty dollars; three firemen, at six hundred dollars each; two watchmen, at seven hundred and twenty dollars each; three janitors and messengers, at six hundred dollars each; one janitress, four hundred and eighty dollars; one messenger, two hundred and forty dollars; in all, twenty-six thousand and forty dollars.

Pay of Commissioner, clerks, etc.

Office of accounts: Disbursing agent, two thousand, two hundred dollars; examiner of accounts, one thousand six hundred dollars; property clerk, one thousand six hundred dollars; one clerk of class one; bookkeeper, one thousand and eighty dollars; in all, seven thousand six hundred and eighty dollars.

Office of accounts.

Office of architect and engineer: Architect and engineer, two thousand two hundred dollars; draftsman, one thousand two hundred dollars; drafter, nine hundred dollars; clerk, seven hundred and twenty dollars; in all, five thousand and twenty dollars.

Office of architect and engineer.

Division of fish culture.

Division of fish culture—Office: Assistant in charge, two thousand seven hundred dollars; superintendent of car and messenger service, one thousand six hundred dollars; one clerk of class three; one clerk of class two; two clerks of class one; one copyist, seven hundred and twenty dollars; in all, ten thousand four hundred and twenty dollars.

Central station.

Division of fish culture—Station employees: Central Station, Washington, District of Columbia: Clerk, nine hundred dollars; skilled laborer, seven hundred and twenty dollars; laborer, four hundred and eighty dollars; in all, two thousand one hundred dollars.

Aquaria.

Aquaria, Central Station: Superintendent, nine hundred and sixty dollars; skilled laborer, seven hundred and twenty dollars; in all, one thousand six hundred and eighty dollars.

Fish ponds.

Fish ponds, Washington, District of Columbia: Superintendent, one thousand five hundred dollars; foreman, eight hundred and forty dollars; two laborers, at six hundred and sixty dollars each; in all, three thousand six hundred and sixty dollars.

Green Lake, Me.

Green Lake (Maine) Station: Superintendent, one thousand five hundred dollars; foreman, seven hundred and eighty dollars; fish-culturist, six hundred and sixty dollars; two laborers, at five hundred and forty dollars each; in all, four thousand and twenty dollars.

Craigs Brook, Me.

Craigs Brook (Maine) Station: Superintendent, one thousand five hundred dollars; foreman, seven hundred and twenty dollars; one skilled laborer, six hundred dollars; two laborers, at five hundred and forty dollars each; in all, three thousand nine hundred dollars.

St. Johnsbury, Vt.

Saint Johnsbury (Vermont) Stations: Superintendent, one thousand five hundred dollars; fish-culturist, nine hundred dollars; skilled laborer, seven hundred and twenty dollars; two laborers, at six hundred dollars each; in all, four thousand three hundred and twenty dollars.

Gloucester, Mass.

Gloucester (Massachusetts) Station: Superintendent, one thousand five hundred dollars; fish-culturist, nine hundred dollars; three laborers, at six hundred dollars each; in all, four thousand two hundred dollars.

Woods Hole, Mass.

Woods Hole (Massachusetts) Station: Superintendent, one thousand five hundred dollars; machinist, nine hundred and sixty dollars; fish-culturist, nine hundred dollars; pilot and collector, seven hundred and twenty dollars; three firemen, at six hundred dollars each; one skilled laborer, six hundred dollars; three laborers, at five hundred and forty dollars each; in all, eight thousand one hundred dollars.

Cape Vincent, N. Y.

Cape Vincent (New York) Station: Superintendent, one thousand five hundred dollars; skilled laborer, seven hundred and twenty dollars; machinist, nine hundred and sixty dollars; two firemen, at seven hundred and twenty dollars each; two laborers, at five hundred and forty dollars each; in all, five thousand seven hundred dollars.

Battery Island, Md.

Battery Island (Maryland) Station: Custodian, three hundred and sixty dollars.

Bryans Point, Md.

Bryans Point (Maryland) Station: Custodian, three hundred and sixty dollars.

Wytheville, Va.

Wytheville (Virginia) Station: Superintendent, one thousand five hundred dollars; foreman, nine hundred dollars; fish-culturist, six hundred and sixty dollars; laborer, five hundred and forty dollars; laborer, three hundred and sixty dollars; in all, three thousand nine hundred and sixty dollars.

Put in Bay, Ohio.

Put in Bay (Ohio) Station: Superintendent, one thousand five hundred dollars; foreman, one thousand dollars; skilled laborer, six hundred dollars; machinist, nine hundred and sixty dollars; laborer, five hundred and forty dollars; in all, four thousand six hundred dollars.

Northville, Mich.

Northville (Michigan) Station: Superintendent, one thousand five hundred dollars; foreman, nine hundred and sixty dollars; fish-culturist, seven hundred and twenty dollars; skilled laborer, six hundred

dollars; three laborers, at five hundred and forty dollars each; in all, five thousand four hundred dollars.

Alpena (Michigan) Station: Foreman, one thousand two hundred dollars; fish-culturist, seven hundred and twenty dollars; in all, one thousand nine hundred and twenty dollars.

Alpena, Mich.

Duluth (Minnesota) Station: Superintendent, one thousand five hundred dollars; foreman, nine hundred dollars; fish-culturist, eight hundred and forty dollars; two laborers, at six hundred dollars each; in all, four thousand four hundred and forty dollars.

Duluth, Minn.

Neosho (Missouri) Station: Superintendent, one thousand five hundred dollars; foreman, seven hundred and twenty dollars; skilled laborer, seven hundred and twenty dollars; one laborer, six hundred dollars; in all, three thousand five hundred and forty dollars.

Neosho, Mo.

Leadville (Colorado) Station: Superintendent, one thousand five hundred dollars; foreman, one thousand two hundred dollars; two fish-culturists, at nine hundred dollars each; skilled laborer, seven hundred and twenty dollars; two laborers, at six hundred dollars each; cook, four hundred and eighty dollars; in all, six thousand nine hundred dollars.

Leadville, Colo.

San Marcos (Texas) Station: Superintendent, one thousand five hundred dollars; fish-culturist, nine hundred dollars; three laborers, at five hundred and forty dollars each; in all, four thousand and twenty dollars.

San Marcos, Tex.

Baird (California) and Fort Gaston (California) stations: Superintendent, one thousand five hundred dollars; foreman, one thousand and eighty dollars; foreman, nine hundred dollars; laborer, six hundred dollars; laborer, five hundred and forty dollars; in all, four thousand six hundred and twenty dollars.

Baird and Fort Gaston, Cal.

Clackamas (Oregon) Station: Superintendent, one thousand five hundred dollars; fish-culturist, nine hundred dollars; laborer, seven hundred and twenty dollars; two laborers, at six hundred dollars each; in all, four thousand three hundred and twenty dollars.

Clackamas, Oreg.

Manchester (Iowa) Station: Superintendent, one thousand five hundred dollars; fish-culturist, nine hundred dollars; three laborers, at five hundred and forty dollars each; in all, four thousand and twenty dollars.

Manchester, Iowa.

Bozeman (Montana) Station: Superintendent, one thousand five hundred dollars; fish-culturist, nine hundred dollars; two laborers, at five hundred and forty dollars each; in all, three thousand four hundred and eighty dollars.

Bozeman, Mont.

Erwin (Tennessee) Station: Superintendent, one thousand five hundred dollars; fish-culturist, nine hundred dollars; three laborers, at five hundred and forty dollars each; in all, four thousand and twenty dollars.

Erwin, Tenn.

Nashua (New Hampshire) Station: Superintendent, one thousand five hundred dollars; fish-culturist, nine hundred dollars; two laborers, at five hundred and forty dollars each; in all, three thousand four hundred and eighty dollars.

Nashua, N. H.

Edenton (North Carolina) Station: Superintendent, one thousand five hundred dollars; fish-culturist, nine hundred dollars; two laborers, at five hundred and forty dollars each; in all, three thousand four hundred and eighty dollars.

Edenton, N. C.

Baker Lake (Washington) Station: Superintendent, one thousand five hundred dollars; fish-culturist, nine hundred dollars; two laborers, at five hundred and forty dollars each; in all, three thousand four hundred and eighty dollars.

Baker Lake, Wash.

Cold Springs (Georgia) Station: Superintendent, one thousand five hundred dollars; fish-culturist, nine hundred dollars; two laborers, at five hundred and forty dollars each; in all, three thousand four hundred and eighty dollars.

Cold Springs, Ga.

Spearfish, S. Dak.	Spearfish (South Dakota) Station: Superintendent, one thousand five hundred dollars; fish-culturist, nine hundred dollars; two laborers, at five hundred and forty dollars each; in all, three thousand four hundred and eighty dollars.
Employees at large.	Employees at large: Two field-station superintendents, at one thousand eight hundred dollars each; two fish-culturists, at nine hundred and sixty dollars each; two fish-culturists, at nine hundred dollars each; five machinists, at nine hundred and sixty dollars each; two coxswains, at seven hundred and twenty dollars each; in all, thirteen thousand five hundred and sixty dollars.
Distribution employees.	Distribution employees: Four car captains, at one thousand two hundred dollars each; five car messengers, at one thousand dollars each; four assistant car messengers, at nine hundred dollars each; four car laborers, at seven hundred and twenty dollars each; four car cooks, at six hundred dollars each; in all, eighteen thousand six hundred and eighty dollars.
Division of inquiry respecting food fishes.	Division of inquiry respecting food-fishes: Assistant in charge, two thousand seven hundred dollars; assistant, two thousand five hundred dollars; assistant, one thousand six hundred dollars; two assistants, at one thousand two hundred dollars each; assistant, nine hundred dollars; assistant, seven hundred and twenty dollars; one clerk class one; one clerk, at nine hundred dollars; one copyist, seven hundred and twenty dollars; in all, thirteen thousand six hundred and forty dollars.
Division of statistics, etc.	Division of statistics and methods of the fisheries: Assistant in charge, two thousand five hundred dollars; one clerk of class four; one clerk of class two; two clerks, at one thousand dollars each; one clerk, nine hundred dollars; two clerks, at seven hundred and twenty dollars each; statistical agent, one thousand four hundred dollars; three statistical agents, at one thousand dollars each; one local agent at Boston, Massachusetts, three hundred dollars; one local agent at Gloucester, Massachusetts, six hundred dollars; in all, fifteen thousand three hundred and forty dollars.
Vessels. "Albatross."	Vessel service: Steamer Albatross: One naturalist, one thousand eight hundred dollars; one general assistant, one thousand two hundred dollars; one fishery expert, one thousand two hundred dollars; clerk, one thousand dollars; in all, five thousand two hundred dollars.
"Fish Hawk." "Grampus."	Steamer Fish Hawk: One cabin boy, three hundred dollars. Schooner Grampus: Master, one thousand five hundred dollars; first mate, one thousand and eighty dollars; second mate, eight hundred and forty dollars; cook, six hundred dollars; three seamen, at five hundred and forty dollars each; one cabin boy, four hundred and twenty dollars; in all, six thousand and sixty dollars.
Expenses of administration.	Expenses of administration: For contingent expenses of the office of the Commissioner, including stationery, purchase of special reports, books for library, telegraph and telephone service, furniture, repairs to and heating, lighting, and equipment of buildings, and compensation of temporary employees, twelve thousand five hundred dollars.
Propagation of food-fishes.	Propagation of food-fishes: For maintenance, equipment, and operations of the fish-culture stations of the Commission, the general propagation of food-fishes and their distribution, including movement, maintenance, and repairs of cars, purchase of equipment and apparatus, contingent expenses, and temporary labor, one hundred and seventy thousand dollars.
Maintenance of vessels.	Maintenance of vessels: For maintenance of the vessels and launches, including the purchase and repair of boats, apparatus, machinery, and other facilities required for use with the same, hire of vessels, and all other necessary expenses in connection therewith, thirty-five thousand dollars.
Inquiry respecting food-fishes.	Inquiry respecting food-fishes: For field and contingent expenses of the inquiry into causes of the decrease of food-fishes in the lakes,

rivers, and coast waters of the United States, and for the study of the waters of the interior in the interest of fish culture; for the investigation of the fishing grounds of the Atlantic, Gulf, and Pacific coasts, with the view of determining their food resources, in the development of the commercial fisheries, expenses of necessary travel and preparation of reports, and for all other necessary expenses in connection therewith, twenty-two thousand five hundred dollars.

Statistical inquiry: For necessary traveling and contingent expenses in the collection and compilation of the statistics of the fisheries and the study of their methods and relations, seven thousand five hundred dollars.

Statistical inquiry.

And ten per centum of the foregoing amounts for the miscellaneous expenses of the work of the commission shall be available interchangeably for expenditure on the objects named, but no more than ten per centum shall be added to any one item of appropriation.

Interchangeable expenditures.

For completion of the Saint Johnsbury Station, Vermont, and for acquiring an additional supply of water at said station, including the purchase of the necessary land and water rights, twenty thousand dollars.

St. Johnsbury, Vt.

INTERSTATE COMMERCE COMMISSION.

Interstate Commerce Commission.

For salaries of Commissioners, as provided by the "Act to regulate commerce," thirty-seven thousand five hundred dollars;

Salaries.

For salary of secretary, as provided by the "Act to regulate commerce," three thousand five hundred dollars;

For all other necessary expenditures, to enable the Commission to give effect to the provisions of the "Act to regulate commerce," and all Acts and amendments supplementary thereto, two hundred and nine thousand dollars; of which sum not exceeding twenty-five thousand dollars may be expended in the employment of counsel, and not exceeding one thousand five hundred dollars may be expended for the purchase of necessary books, reports, and periodicals, and not exceeding one thousand five hundred dollars may be expended for printing other than that done at the Government Printing Office;

Expenses.
Vol. 24, p. 379.
Vol. 25, p. 855.
Vol. 26, p. 743.

In all, two hundred and fifty thousand dollars.

The unexpended balance of the sum of ten thousand dollars appropriated for the fiscal year eighteen hundred and ninety-nine by the "Act concerning carriers engaged in interstate commerce and their employees," approved June first, eighteen hundred and ninety-eight, which was reappropriated by the Act of March third, eighteen hundred and ninety-nine, and made available for the fiscal year nineteen hundred, is hereby reappropriated and made available for expenses that may be incurred under said Act during the fiscal year nineteen hundred and one.

Unexpended balance for expenses under "Act concerning carriers engaged in interstate commerce and their employees," reappropriated.
Vol. 30, pp. 428, 1090.

To enable the Interstate Commerce Commission to keep informed regarding compliance with the "Act to promote the safety of employees and travelers upon railroads," approved March second, eighteen hundred and ninety-three, and to render effective the requirements of the said Act, fifteen thousand dollars.

Enforcement of "Act to promote the safety of employees, etc., upon railroads."
Vol. 27, p. 531.

MISCELLANEOUS OBJECTS UNDER THE TREASURY DEPARTMENT.

Miscellaneous.

For salary of the resident commissioner from Porto Rico to the United States, authorized by the Act temporarily to provide revenues and a civil government for Porto Rico, approved April twelfth, nineteen hundred, five thousand dollars.

Porto Rico.
Salary of commissioner.
Ante, p. 86.

OFFICE OF THE SECRETARY: For additional amount for two assistant engineers, office of chief clerk and superintendent, to make their salaries one thousand dollars each per annum, five hundred and sixty dollars.

Engineers, office chief clerk, etc.

Bureau of statistics.	BUREAU OF STATISTICS: For two clerks of class two, two clerks of class one, and two clerks at one thousand dollars each; in all, seven thousand two hundred dollars.
Paper and stamps.	PAPER AND STAMPS: For paper for internal-revenue stamps, including freight, sixty thousand dollars.
Punishing violations of internal-revenue laws.	PUNISHMENT FOR VIOLATIONS OF INTERNAL-REVENUE LAWS: For detecting and bringing to trial and punishment persons guilty of violating the internal-revenue laws or conniving at the same, including payments for information and detection of such violations, one hundred thousand dollars; and the Commissioner of Internal Revenue shall make a detailed statement to Congress once in each year as to how he has expended this sum, and also a detailed statement of all miscellaneous expenditures in the Bureau of Internal Revenue for which appropriation is made in this Act: <i>Provided</i> , That necessary books of reference and periodicals for the chemical laboratory and law library, at a cost not to exceed five hundred dollars, may be purchased out of the appropriation made for the fiscal year nineteen hundred and one, for salaries and expenses of agents and surveyors, fees and expenses of gaugers, salaries of storekeepers, and for miscellaneous expenses.
<i>Proviso.</i> Purchase of books for chemical laboratory.	
Contingent expenses, independent Treasury. R. S., sec. 3653, p. 719.	CONTINGENT EXPENSES, INDEPENDENT TREASURY: For contingent expenses under the requirements of section thirty-six hundred and fifty-three of the Revised Statutes of the United States, for the collection, safe-keeping, transfer, and disbursement of the public money, and for transportation of notes, bonds, and other securities of the United States, one hundred and seventy-five thousand dollars.
Transporting silver coin. —free of charge on request.	TRANSPORTATION OF SILVER COIN: For transportation of silver coin, including fractional silver coin, by registered mail or otherwise, one hundred thousand dollars; and in expending this sum the Secretary of the Treasury is authorized and directed to transport from the Treasury or subtreasuries, free of charge, silver coin when requested to do so: <i>Provided</i> , That an equal amount in coin or currency shall have been deposited in the Treasury or such subtreasuries by the applicant or applicants. And the Secretary of the Treasury shall report to Congress the cost arising under this appropriation.
<i>Proviso.</i> —deposit of equal amount.	
Recoinage of gold coins. R. S., sec. 3512, p. 696.	RECOINAGE OF GOLD COINS: For recoinage of light-weight gold coins in the Treasury, to be expended under the direction of the Secretary of the Treasury, as required by section thirty-five hundred and twelve of the Revised Statutes of the United States, three thousand dollars.
Philadelphia mint.	For new machinery and appliances for the new United States mint building at Philadelphia, Pennsylvania, to be immediately available, four hundred and forty thousand one hundred and eighty-five dollars.
Denver mint.	For new machinery and appliances for the new United States mint building at Denver, Colorado, twenty-five thousand dollars, and a contract is hereby authorized to be entered into for such machinery and appliances at a total cost of not exceeding one hundred and fifty thousand dollars.
Transporting minor coin. —free of charge on request.	TRANSPORTATION OF MINOR COIN: For transportation of minor coin, fifteen thousand dollars; and in expending this sum the Secretary of the Treasury is authorized and directed to transport from the Treasury or subtreasuries, free of charge, minor coin when requested to do so: <i>Provided</i> , That an equal amount in coin or currency shall have been deposited in the Treasury or such subtreasuries by the applicant or applicants. And the Secretary of the Treasury shall report to Congress the cost arising under this appropriation.
<i>Proviso.</i> —deposit of equal amount.	
United States securities. Distinctive paper.	DISTINCTIVE PAPER FOR UNITED STATES SECURITIES: For paper, including transportation, salaries of register, three counters, five watchmen, one laborer, and expenses of officer detailed from the Treasury as superintendent, one hundred and thirty-five thousand dollars.

SPECIAL WITNESS OF DESTRUCTION OF UNITED STATES SECURITIES: For pay of the representative of the public on the committee to witness the destruction by maceration of Government securities, at five dollars per day while actually employed, one thousand five hundred and sixty-five dollars. —witness of destruction.

SEALING AND SEPARATING UNITED STATES SECURITIES: For materials required to seal and separate United States notes and certificates, such as ink, printer's varnish, sperm oil, white printing paper, manila paper, thin muslin, benzine, gutta-percha belting, and other necessary articles and expenses, one thousand dollars. —sealing and separating.

EXPENSES OF NATIONAL CURRENCY: For distinctive paper, express charges, and other expenses, forty-two thousand dollars. Expenses national currency.

CANCELING UNITED STATES SECURITIES AND CUTTING DISTINCTIVE PAPER: For extra knives for cutting machines and sharpening same; and leather belting, new dies and punches, repairs to machinery, oil, cotton waste, and other necessary expenses connected with the cancellation of redeemed United States securities, five hundred dollars. Canceling, etc.

CUSTODY OF DIES, ROLLS, AND PLATES: For pay of custodian of dies, rolls, and plates used at the Bureau of Engraving and Printing for the printing of Government securities, namely: One custodian, three thousand dollars; two subcustodians, one at two thousand and one at one thousand eight hundred dollars; three distributors of stock, at one thousand four hundred dollars each; in all, eleven thousand dollars. Custody of dies, rolls, and plates.

PAY OF ASSISTANT CUSTODIANS AND JANITORS: For pay of assistant custodians and janitors, including all personal services in connection with the care of all public buildings under control of the Treasury Department outside of the District of Columbia, one million dollars; and the Secretary of the Treasury shall so apportion the sum as to prevent a deficiency therein. Public buildings. Assistant custodians and janitors.

GENERAL INSPECTOR OF SUPPLIES FOR PUBLIC BUILDINGS: For one general inspector, under the direction of the Secretary of the Treasury, to be appointed by the President, by and with the advice and consent of the Senate, three thousand dollars; and for actual necessary expenses, not exceeding two thousand dollars; in all, five thousand dollars. Inspector of supplies.

INSPECTOR OF FURNITURE AND OTHER FURNISHINGS FOR PUBLIC BUILDINGS: To enable the Secretary of the Treasury to employ a suitable person to inspect all public buildings and examine into their requirements for furniture and other furnishings, including fuel, lights, personal services, and other current expenses, two thousand five hundred dollars; and for actual necessary expenses, not exceeding two thousand dollars; in all, four thousand five hundred dollars. Inspector of furniture.

FURNITURE AND REPAIRS OF FURNITURE: For furniture and repairs of same, carpets, and gas and electric-light fixtures, for all public buildings, exclusive of marine hospitals, mints, branch mints, and assay offices, under the control of the Treasury Department, and for furniture, carpets, gas and electric-light fixtures for new buildings, exclusive of personal services, except for work done by contract, two hundred and seventy thousand dollars. And all furniture now owned by the United States in other public buildings shall be used, so far as practicable, whether it corresponds with the present regulation plan for furniture or not. Furniture and repairs.

FUEL, LIGHTS, AND WATER FOR PUBLIC BUILDINGS: For the purchase of fuel, steam, light, water, water meters, ice, lighting supplies, electric current for light and power purposes, and miscellaneous items, for the use of the assistant custodians' forces in the care of the buildings, furniture, and heating, hoisting, and ventilating apparatus, and electric-light plants, exclusive of personal service, and for expenses of Fuel, lights, and water.

Gas.	installing electric-light plants, electric-light wiring, and repairs thereto, in such buildings completed and occupied as may be designated by the Secretary of the Treasury, for all buildings, exclusive of marine hospitals, mints, branch mints, and assay offices under the control of the Treasury Department, inclusive of new buildings, eight hundred and fifty thousand dollars. And the appropriation herein made for gas shall include the rental and use of gas governors, when ordered by the Secretary of the Treasury in writing: <i>Provided</i> , That no sum shall be paid as rental for such gas governors greater than thirty-five per centum of the actual value of the gas saved thereby, which saving shall be determined by such tests as the Secretary of the Treasury shall direct. No portion of the amount herein appropriated shall be used for operating a system of pneumatic tubes for the transmission of postal matter.
<i>Proviso.</i> Gas governors.	
Pneumatic tubes.	
Suppressing coun- terfeiting.	SUPPRESSING COUNTERFEITING AND OTHER CRIMES: For expenses incurred under the authority or with the approval of the Secretary of the Treasury in detecting, arresting, and delivering into the custody of the United States marshal having jurisdiction, dealers and pretended dealers in counterfeit money, and persons engaged in counterfeiting Treasury notes, bonds, national-bank notes, and other securities of the United States and of foreign government, as well as the coins of the United States and of foreign governments, and other felonies committed against the laws of the United States relating to the pay and bounty laws, including two thousand dollars to make the necessary investigation of claims for reimbursement of expenses incident to the last sickness and burial of deceased pensioners under section forty-seven hundred and eighteen of the Revised Statutes, and for no other purpose whatever, one hundred thousand dollars: <i>Provided</i> , That no part of this amount be used in defraying the expenses of any person subpoenaed by the United States courts to attend any trial before a United States court or preliminary examination before any United States commissioner, which expenses shall be paid from the appropriation for "Fees of witnesses, United States courts."
R. S., sec. 4718, p. 919.	
<i>Proviso.</i> Witnesses.	
Compensation in lieu of moieties.	COMPENSATION IN LIEU OF MOIETIES: For compensation in lieu of moieties in certain cases under the customs revenue laws, ten thousand dollars.
Local appraisers' meetings.	EXPENSES OF LOCAL APPRAISERS' MEETINGS: For defraying the necessary expenses of local appraisers at annual meetings for the purpose of securing uniformity in the appraisement of dutiable goods at different ports of entry, one thousand two hundred dollars.
Alaskan seal fish- eries.	ALASKAN SEAL FISHERIES: For salaries and traveling expenses of agents at seal fisheries in Alaska, as follows: For one agent, three thousand six hundred and fifty dollars; one assistant agent, two thousand nine hundred and twenty dollars; two assistant agents, at two thousand one hundred and ninety dollars each; necessary traveling expenses of agents actually incurred in going to and returning from Alaska, not to exceed five hundred dollars each per annum; in all, twelve thousand nine hundred and fifty dollars.
Food to natives.	To enable the Secretary of the Treasury to furnish food, fuel, and clothing to the native inhabitants on the islands of Saint Paul and Saint George, Alaska, nineteen thousand five hundred dollars.
Salmon fisheries.	For the protection of the salmon fisheries of Alaska, under the direction of the Secretary of the Treasury, seven thousand dollars, to be immediately available.
Enforcing award of Paris tribunal of arbi- tration. Vol. 28, p. 52.	To enable the Secretary of the Treasury to pay necessary expenses of enforcing the conditions of section four of the Act approved April sixth, eighteen hundred and ninety-four, giving effect to the award rendered by the Tribunal of Arbitration, at Paris, eighteen hundred and ninety-three, one hundred dollars.
Chinese exclusion.	ENFORCEMENT OF THE CHINESE EXCLUSION ACT: To prevent unlawful entry of Chinese into the United States, by the appointment of

suitable officers to enforce the laws in relation thereto, and for expenses of returning to China all Chinese persons found to be unlawfully in the United States, including the cost of imprisonment and actual expense of conveyance of Chinese persons to the frontier or seaboard for deportation, and for enforcing the provisions of the Act approved May fifth, eighteen hundred and ninety-two, entitled "An Act to prohibit the coming of Chinese persons into the United States," one hundred and ten thousand dollars, and of which sum one thousand dollars per annum shall be paid to the collector of customs at Port Townsend as additional compensation; and nothing in section four of the Act of August fifth, eighteen hundred and eighty-two (Twenty-second Statutes at Large, page two hundred and twenty-five) shall be construed to prevent the Secretary of the Treasury from hereafter detailing one officer employed in the enforcement of the Chinese exclusion Acts for duty at the Treasury Department at Washington.

Vol. 27, p. 25.

Vol. 22, p. 225.

ENFORCEMENT OF ALIEN CONTRACT-LABOR LAWS: For the enforcement of the alien contract-labor laws and to prevent the immigration of convicts, lunatics, idiots, and persons liable to become a public charge, from foreign contiguous territory, one hundred and fifty thousand dollars: *Provided*, That one special inspector, whose compensation shall be paid from this appropriation, may be detailed for duty in the bureau at Washington, and hereafter the Commissioner-General of Immigration, in addition to his other duties, shall have charge of the administration of the Chinese exclusion law and of the various Acts regulating immigration into the United States, its Territories, and the District of Columbia, under the supervision and direction of the Secretary of the Treasury.

Alien contract-labor laws.

Proviso.
Detail of special inspector, etc.

Commissioner-General of Immigration to administer Chinese exclusion and immigration laws.

COMPILING THE CUSTOMS LAWS OF THE UNITED STATES: To enable the Secretary of the Treasury to pay for the compilation and codification of the customs laws of the United States, for the use of the Department and other officials dealing with customs administration, the same being necessary for the dispatch of business, one thousand dollars.

Compilation of customs laws.

LANDS AND OTHER PROPERTY OF THE UNITED STATES: For custody, care, protection, and expenses of sales of lands and other property of the United States, the examination of titles, recording of deeds, advertising, and auctioneers' fees, four hundred dollars.

Lands, etc.

OFFICE OF RECORDER OF DEEDS, DISTRICT OF COLUMBIA: The salary of the Deputy Recorder of Deeds of the District of Columbia shall hereafter be two thousand five hundred dollars per annum, to be paid out of the fees and emoluments of the office of the Recorder of Deeds.

Salary of Deputy Recorder of Deeds, District of Columbia, fixed.

QUARANTINE SERVICE.

Quarantine service

For the maintenance and ordinary expenses, including pay of officers and employees of quarantine stations at Delaware Breakwater, Reedy Island, Cape Charles and supplemental station, Cape Fear, Savannah, South Atlantic, Brunswick, Gulf, Tortugas, San Diego, San Francisco, Columbia River, Port Townsend, and in Porto Rico, two hundred and thirty-five thousand dollars.

Maintenance.

For establishment and maintenance of quarantine service in the Territory of Hawaii under the provisions of section ninety-seven of an Act to provide a government for the Territory of Hawaii, approved April thirtieth, nineteen hundred, seventy-five thousand dollars, to be immediately available.

Hawaii.

Ante, p. 160.

PREVENTION OF EPIDEMICS.

The President of the United States in hereby authorized, in case of threatened or actual epidemic of cholera, yellow fever, smallpox, bubonic plague, or Chinese plague, or black death, to use the unex-

Prevention of demics.

Vol. 30, p. 31.

pending balance of the sums appropriated and reappropriated by the sundry civil appropriation Act approved June fourth, eighteen hundred and ninety-seven, and five hundred thousand dollars in addition thereto, or so much thereof as may be necessary, in aid of State and local boards, or otherwise, in his discretion, in preventing and suppressing the spread of the same; and in such emergency in the execution of any quarantine laws which may be then in force, the same to be immediately available.

Territory of Hawaii.

TERRITORY OF HAWAII.

Salaries.

For salaries, namely: Governor, five thousand dollars; secretary, three thousand dollars; chief justice, five thousand five hundred dollars, and two associate justices, at five thousand dollars each; in all, twenty-three thousand five hundred dollars:

For judges of circuit courts, at three thousand dollars each, so much as may be necessary, and also for the remainder of the fiscal year nineteen hundred.

Contingent expenses.

For contingent expenses of the Territory to be expended by the governor for stationery, postage, and incidentals, five hundred dollars, and for private secretary to the governor, two thousand dollars; for traveling expenses of the governor, while absent from the capital on official business, five hundred dollars, to be immediately available.

Settlement of State claims for Spanish war expenses.
Suits against States, etc.
Chap. 445, vol. 30, p. 1356; repeal.

That so much of section four of the Act approved March third, eighteen hundred and ninety-nine, entitled "An Act to amend an Act entitled 'An Act to reimburse the governors of States and Territories for expenses incurred by them in aiding the United States to raise and organize and supply and equip the Volunteer Army of the United States in the existing war with Spain,'" as authorizes or directs the Secretary of the Treasury to institute any act or proceedings which he may consider advisable against any State or its representatives to secure the payment of the principal and interest of any bonds or stocks issued or guaranteed by said State the ownership of which is vested in the United States is hereby repealed, and the Secretary of the Treasury is hereby directed to discontinue and dismiss any suits, actions, or proceedings which have been begun under the authority of said section four.

Interior Department.

UNDER THE DEPARTMENT OF THE INTERIOR.

Public buildings.

PUBLIC BUILDINGS.

Repairs.

REPAIRS OF BUILDINGS, INTERIOR DEPARTMENT: For repairs of Interior Department and Pension buildings, and of the General Post-Office building occupied by the Interior Department, thirteen thousand five hundred dollars.

For the construction and equipment of an elevator for the west wing of the Interior Department building, seven thousand three hundred and fifty dollars.

For coal bin for storage of coal, to be built in connection with area way of the Pension Office building, seven thousand dollars.

Capitol.
Repairs, etc.

FOR THE CAPITOL: For work at Capitol, and for general repairs thereof, including wages of mechanics and laborers, and including not exceeding two thousand five hundred dollars for a new car and inclosures for the eastern elevator in the House wing, thirty-two thousand five hundred dollars.

Delivery of fuel.

Hereafter fuel shall be delivered to the two wings of the Capitol only during such hours and under such regulations as the Architect of the Capitol shall prescribe.

Flags.

To provide flags for the east and west fronts of the center of the Capitol, to be hoisted daily under the direction of the Capitol police board, one hundred dollars, or so much thereof as may be necessary.

For continuing the work of cleaning and repairing works of art in the Capitol, including the repairing of frames, under the direction of the Joint Committee on the Library, one thousand five hundred dollars.

STEAM HEATING AND MACHINERY, SENATE WING: For necessary repairs and improvements of the steam heating and ventilating apparatus in the Senate wing of the Capitol, including the Supreme Court, legislative bell service and elevators, under the supervision of the Architect of the United States Capitol, three thousand two hundred and eighty-five dollars.

VENTILATION, SENATE WING: For special repairs to and care of ventilating machinery in the Senate wing of the Capitol, including recording and testing apparatus for air, five hundred dollars.

MALTBY BUILDING: For construction of new elevator shaft of steel framework with terra-cotta fireproofing, new elevator car, and inclosing doors to the several landings, including shoring up of floors and stairways during construction, and other expenses incident thereto, six thousand dollars.

For changes and improvements in the water supply and fire protection at the Maltby Building, one thousand four hundred and thirty-one dollars and fifty cents.

IMPROVING THE CAPITOL GROUNDS: For continuing the work of the improvement of the Capitol grounds and for care of the grounds, one clerk, and the pay of mechanics, gardeners, and laborers; for repairs to artificial pavement, walls, and roadways, sixteen thousand dollars.

LIGHTING THE CAPITOL AND GROUNDS: For lighting the Capitol and grounds about the same, including the Botanic Garden, Senate and House stables, Maltby Building, and folding and storage rooms of the House of Representatives; for gas and electric lighting; pay of superintendent of meters, lamplighters, gas fitters, and for materials and labor for gas and electric lighting, and for general repairs, thirty thousand dollars: *Provided*, That nothing in the Act to regulate the use of the Capitol grounds, approved July first, eighteen hundred and eighty-two, shall be construed to prohibit concerts on the Capitol grounds at times when neither House of Congress is sitting by any band in the service of the United States under the direction of the Architect of the Capitol.

For repairs and improvements to steam fire engine house and Senate and House stables, and for repairs and paving of floors and courtyards of same, one thousand five hundred dollars.

EXPENSES OF THE COLLECTION OF REVENUE FROM SALES OF PUBLIC LANDS.

SALARIES AND COMMISSIONS OF REGISTERS AND RECEIVERS: For salaries and commissions of registers of land offices and receivers of public moneys at district land offices, at not exceeding three thousand dollars each, four hundred and seventy-seven thousand dollars.

CONTINGENT EXPENSES OF LAND OFFICES: For clerk hire, rent, and other incidental expenses of the district land offices, one hundred and thirty-five thousand dollars: *Provided*, That no expenses chargeable to the Government shall be incurred by registers and receivers in the conduct of local land offices, except upon previous specific authorization by the Commissioner of the General Land Office.

EXPENSES OF DEPOSITING PUBLIC MONEYS: For expenses of depositing money received from the disposal of public lands, two thousand five hundred dollars.

DEPREDACTIONS ON PUBLIC TIMBER, PROTECTING PUBLIC LANDS, AND SETTLEMENT OF CLAIMS FOR SWAMP LANDS AND SWAMP-LAND INDEMNITY: To meet the expenses of protecting timber on the public lands, and for the more efficient execution of the law and rules relating to the cutting thereof; of protecting public lands from illegal and fraudulent

Cleaning works of art.

Heating, etc., Senate.

—ventilation.

Maltby Building.

Capitol grounds.

Lighting.

Provido.
Concerts in grounds not prohibited.
Vol. 22, p. 126.

Engine house and stables.

Public lands.

Salaries registers and receivers.

Contingent expenses of land offices.

Provido.
Authorization of expenditures.

Depositing public moneys.

Timber depredations; protecting public lands and swamp-land claims.

Proviso.
Agents per diem,
etc.

entry or appropriation, and of adjusting claims for swamp lands, and indemnity for swamp lands, one hundred and twenty-five thousand dollars: *Provided*, That agents and others employed under this appropriation shall be selected by the Secretary of the Interior, and allowed per diem, subject to such rules and regulations as he may prescribe, in lieu of subsistence, at a rate not exceeding three dollars per day each and actual necessary expenses for transportation, including necessary sleeping-car fares.

Forest reserves.
Protection and ad-
ministration of.
Vol. 30, p. 34.

PROTECTION AND ADMINISTRATION OF FOREST RESERVES: To meet the expenses of executing the provisions of the sundry civil act approved June fourth, eighteen hundred and ninety-seven, for the care and administration of the forest reserves, to meet the expenses of forest inspectors and assistants, superintendents, supervisors, surveyors, rangers, and for the employment of foresters and other emergency help in the prevention and extinguishment of forest fires, and for advertising dead and matured trees for sale within such reservations.

Selections of land
in lieu of tract covered
by an unperfected
bona fide claim, etc.

That all selections of land made in lieu of a tract covered by an unperfected bona fide claim, or by a patent, included within a public forest reservation, as provided in the Act of June fourth, eighteen hundred and ninety-seven, entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight, and for other purposes," shall be confined to vacant surveyed nonmineral public lands which are subject to homestead entry not exceeding in area the tract covered by such claim or patent: *Provided*, That nothing herein contained shall be construed to affect the rights of those who, previous to October first, nineteen hundred, shall have delivered to the United States deeds for lands within forest reservations and make application for specific tracts of lands in lieu thereof: *Provided*, That forestry agents, superintendents, and supervisors, and other persons employed under this appropriation shall be selected by the Secretary of the Interior wholly with reference to their fitness and without regard for their political affiliations and allowed per diem, subject to such rules and regulations as he may prescribe, in lieu of subsistence, at a rate not exceeding three dollars per day each, and actual necessary expenses for transportation, including necessary sleeping-car fares, three hundred thousand dollars, to be immediately available: *Provided further*,

Provisos.
—limit of time to
make selection.

Employees selected
because of fitness: per
diem to, etc.

That forest agents, superintendents, supervisors, and all other persons employed in connection with the administration and protection of forest reservations shall, in all ways that are practicable, aid in the enforcement of the laws of the State or Territory in which said forest reservation is situated in relation to the protection of fish and game.

Protection of fish
and game.

Hearings in land
entries.

EXPENSES OF HEARINGS IN LAND ENTRIES: For expenses of hearings held by order of the Commissioner of the General Land Office to determine whether alleged fraudulent entries are of that character or have been made in compliance with law, four thousand five hundred dollars.

Reproducing plats
of surveys.

REPRODUCING PLATS OF SURVEYS: To enable the Commissioner of the General Land Office to continue to reproduce worn and defaced official plats of surveys on file and other plats constituting a part of the records of said office, and to furnish local land offices with the same, two thousand five hundred dollars.

Examinations of
desert lands.
Vol. 28, p. 42.

EXAMINATIONS OF DESERT LANDS: To enable the Secretary of the Interior to examine, under such regulations and at such compensation as he may prescribe, the desert lands selected by the States under the provisions of section four of the Act of Congress approved August eighteenth, eighteen hundred and ninety-four, three thousand dollars.

General Land Office.
Indexing, etc., re-
corder's office.

PRESERVATION OF RECORDS, GENERAL LAND OFFICE: For continuing the work of rearranging, indexing, and preserving the records of the recorder's office of the General Land Office, one thousand dollars:

Provided, That any balance remaining to the credit of the appropriation for this purpose for the current fiscal year nineteen hundred, and uncontracted for on June thirtieth, nineteen hundred, may be used during the fiscal year nineteen hundred and one for the purposes indicated.

Proviso.
Balance of appropriation available.

TRANSCRIPTS OF RECORDS AND PLATS, GENERAL LAND OFFICE: For furnishing transcripts of records and plats, to be expended under the direction of the Secretary of the Interior, ten thousand dollars: *Provided*, That copyists employed under this appropriation shall be selected by the Secretary of the Interior at a compensation of two dollars per day while actually employed, at such times and for such periods as the exigencies of the work may demand: *Provided further*, That this appropriation shall be immediately available for the employment of copyists under the direction of the Secretary of the Interior, at the rate of compensation named herein, for the purpose of reproducing from the records of the General Land Office the official records of the district land offices at Lake View, Oregon, and Miles City, Montana, which were destroyed by fire on May twenty-third and twenty-fourth, nineteen hundred, respectively.

Transcripts of records and plats.

Proviso.
—copyists.

Records at Lake View, Oregon, and Miles City, Mont.

PAYMENT OF FEES, AND SO FORTH, GENERAL LAND OFFICE: For the payment of revenue stamps, notarial and recording fees on reconveyances of land to the United States, five hundred dollars.

Payment of fees, etc.

OFFICE OF SURVEYOR-GENERAL, COLORADO: Additional amount for rent of office, payment of messenger, stationery, binding and repairing records, repairs of furniture, and other incidental expenses, one thousand one hundred dollars.

Surveyor-general's office, Colorado.

MINERAL LANDS IN MONTANA AND IDAHO: To complete the examination and classification of certain lands within the land grant and indemnity land grant limits of the Northern Pacific Railroad Company in the Helena and Missoula land districts in the State of Montana and in the Cœur d'Alene land district in the State of Idaho, with special reference to the mineral or nonmineral character of such lands, as authorized by the Act of February twenty-sixth, eighteen hundred and ninety-five (Twenty-eighth Statutes, six hundred and eighty-three), namely: For the compensation of the commissioners, not exceeding fifteen in number, of whom not more than ten shall be of one political party, to be appointed by the President, by and with the advice and consent of the Senate, such compensation not to exceed six dollars per day for each commissioner while actually engaged in the performance of their duties, which amount shall include their transportation and subsistence expenses; also for the publication of monthly reports and for the payment of such clerical help as in the opinion of the Commissioner of the General Land Office may be necessary for the expeditious and economical prosecution of the work, twenty-five thousand dollars: *Provided*, That each commissioner shall act separately, and only one commissioner shall examine and report on any tract of land, and his examination and report shall have the same force and effect as if made by three commissioners, and under this appropriation the entire work of examination and classification, including the publication of notices and all other expenses therewith connected, shall be completed; and the law of February twenty-sixth, eighteen hundred and ninety-five, entitled "An Act to provide for the examination and classification of certain mineral lands in the States of Montana and Idaho," shall be deemed and held to be applicable to the commissioners herein provided for.

Mineral lands, Montana and Idaho.
Compensation of commissioners to classify Northern Pacific Railroad land grant.

Vol. 28, p. 683.

Expenses.

Proviso.
Commissioners to act separately etc.

SURVEYING THE PUBLIC LANDS.

Surveying public lands.

For surveys and resurveys of public lands, three hundred and twenty-five thousand dollars, at rates not exceeding nine dollars per

Surveys, rates, etc.

<i>Provisos.</i> Preferences. Vol. 25, p. 676.	linear mile for standard and meander lines, seven dollars for township, and five dollars for section lines: <i>Provided</i> , That in expending this appropriation preference shall be given, first, in favor of surveying townships occupied, in whole or in part, by actual settlers and of lands granted to the States by the Act approved February twenty-second, eighteen hundred and eighty-nine, and the Acts approved July third and July tenth, eighteen hundred and ninety, and, second, to surveying under such other Acts as provide for land grants to the several States, except railroad land grants and such indemnity lands as the several States may be entitled to in lieu of lands granted them for educational and other purposes which may have been sold or included in some reservation or otherwise disposed of, and other surveys shall be confined to lands adapted to agriculture, and lands within boundaries of forest reservations, except that the Commissioner of the General Land Office may allow, for the survey and resurvey of lands heavily timbered, mountainous, or covered with dense undergrowth, rates not exceeding thirteen dollars per linear mile for standard and meander lines, eleven dollars for township, and seven dollars for section lines, and in cases of exceptional difficulties in the surveys, where the work can not be contracted for at these rates, compensation for surveys and resurveys may be allowed by the said Commissioner, with the approval of the Secretary of the Interior, at rates not exceeding eighteen dollars per linear mile for standard and meander lines, fifteen dollars for township, and twelve dollars for section lines: <i>Provided further</i> , That in the States of California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming, the Territory of Arizona, and the district of Alaska, there may be allowed, in the discretion of the Secretary of the Interior, for the survey and resurvey of lands heavily timbered, mountainous, or covered with dense undergrowth, rates not exceeding twenty-five dollars per linear mile for standard and meander lines, twenty-three dollars for township, and twenty dollars for section lines: And of the sum hereby appropriated there may be expended such an amount as the Commissioner of the General Land Office may deem necessary for examination of public surveys in the several surveying districts, by such competent surveyors as the Secretary of the Interior may select, or by such competent surveyors as he may authorize the surveyor-general to select, in order to test the accuracy of the work in the field, and to prevent payment for fraudulent or imperfect surveys returned by deputy surveyors, and for examinations of surveys heretofore made and reported to be defective or fraudulent, and inspecting mineral deposits, coal fields, and timber districts, and for making fragmentary surveys, and such other surveys or examinations as may be required for identification of lands for purposes of evidence in any suit or proceeding in behalf of the United States.
Vol. 26, pp. 215, 222.	
Extrarates for heavily timbered lands.	
Exceptional difficulties.	
Lands in California, etc.	
Resurveys.	
Confirmed private land claims.	For survey of private land claims in the States of Colorado, Nevada, Wyoming, and Utah, and in the Territories of Arizona and New Mexico, confirmed under the provisions of the Act of Congress entitled "An Act to establish a Court of Private Land Claims, and to provide for the settlement of private land claims in certain States and Territories," approved March third, eighteen hundred and ninety-one, and for the resurvey of such private land claims heretofore confirmed as may be deemed necessary, ten thousand dollars, said sum to be also available for office work on such surveys and for the examination of the surveys in the field: <i>Provided</i> , That hereafter the notices of survey required by section ten of said Act shall be published in one newspaper only, except where specifically directed by the Commissioner of the General Land Office.
Vol. 26, p. 854.	
<i>Proviso.</i> Publication of notice of survey.	
Abandoned military reservations. Vol. 23, p. 103.	For necessary expenses of survey, appraisal, and sale of abandoned military reservations transferred to the control of the Secretary of the Interior under the provisions of an Act of Congress approved July

fifth, eighteen hundred and eighty-four, and any law prior thereto, including a custodian of the ruin of Casa Grande, six thousand dollars.

Casa Grande.

For the ascertainment, survey, marking, and permanent establishment of the boundary line between the State of Utah and the Territory of Arizona, being that portion of the parallel of thirty-seven degrees of north latitude lying between the thirty-second and thirty-seventh degrees of longitude west from Washington, an estimated distance of two hundred and seventy-seven miles, including the expense of an examination of the survey in the field, the rate of compensation per mile to the surveyor to be fixed by the Secretary of the Interior, the same to include the cost of the preparation of the plats and field notes of the survey in triplicate, twenty-two thousand eight hundred dollars.

Boundary line between Utah and Arizona.

For the survey of lands in the Fort Buford abandoned military reservation, in the States of North Dakota and Montana, to be made in the manner as other surveys of public lands are made, eleven thousand dollars.

Survey Fort Buford reservation, North Dakota and Montana.

UNITED STATES GEOLOGICAL SURVEY.

Geological survey.

FOR SALARIES OF THE SCIENTIFIC ASSISTANTS OF THE GEOLOGICAL SURVEY: For two geologists, at four thousand dollars each;

Scientific assistants. Salaries.

For one geologist, three thousand dollars;

For one geologist, two thousand seven hundred dollars;

For two paleontologists, at two thousand dollars each;

For one chemist, three thousand dollars;

For one geographer, two thousand seven hundred dollars;

For one geographer, two thousand five hundred dollars;

For two topographers, at two thousand dollars each; in all, twenty-nine thousand nine hundred dollars.

Expenses.

FOR GENERAL EXPENSES OF THE GEOLOGICAL SURVEY: For the Geological Survey and the classification of the public lands and examination of the geological structure, mineral resources, and the products of the national domain, and to continue the preparation of a geological map of the United States, including the pay of temporary employees in the field and office, and all other necessary expenses, including telegrams, to be expended under the direction of the Secretary of the Interior, namely:

For pay of skilled laborers and various temporary employees, thirteen thousand dollars;

Laborers.

For topographic surveys in various portions of the United States, two hundred and forty thousand dollars, to be immediately available;

Topographic surveys.

For geological surveys in the various portions of the United States, one hundred and fifty thousand dollars, to be immediately available;

Geological surveys.

For continuation of the investigation of the mineral resources of Alaska, twenty-five thousand dollars, to be immediately available;

Alaska resources.

For paleontologic researches relating to the geology of the United States, ten thousand dollars;

Paleontological researches.

For chemical and physical researches relating to the geology of the United States, ten thousand dollars;

Chemical researches.

For the preparation of the illustrations of the Geological Survey, fourteen thousand dollars;

Illustrations.

For the preparation of the report of the mineral resources of the United States, including phosphates, fifty thousand dollars;

Mineral resources.

For the purchase of necessary books for the library, and the payment for the transmission of public documents through the Smithsonian exchange, two thousand dollars;

Books, etc.

For engraving and printing the geological maps of the United States, seventy thousand dollars;

Maps.

For gauging the streams and determining the water supply of the United States, and for the investigation of underground currents and

Gauging water supply.

artesian wells in arid and semiarid sections, and the preparation of reports upon the best methods of utilizing the water resources of said sections, one hundred thousand dollars;

Surveying forest reserves.

For continuation of the survey of the public lands that have been or may hereafter be designated as forest reserves, one hundred and thirty thousand dollars, to be immediately available;

Rent.

For rent of office rooms in Washington, District of Columbia, eleven thousand two hundred dollars;

In all, for the United States Geological Survey, eight hundred and fifty-five thousand one hundred dollars.

EXPENSES TWELFTH CENSUS.

Twelfth Census.
Vol. 30, p. 1014.

For salaries and necessary expenses for taking and compiling the results of the Twelfth Census, in accordance with the act of March third, eighteen hundred and ninety-nine, providing for the Twelfth and subsequent censuses, and amendments thereto, nine million dollars, to continue available until expended, including two thousand five hundred dollars per annum to the appointment clerk, which sum is hereby fixed as the annual salary of the office.

Miscellaneous.

MISCELLANEOUS OBJECTS.

Yosemite National Park.
Expenses.

IMPROVEMENT OF THE YOSEMITE NATIONAL PARK: For protection of the Yosemite National Park, and the construction of bridges, fencing, and trails, and improvement of roads, other than toll roads, to be expended under the supervision of the Secretary of the Interior, four thousand dollars.

Protection of Sequoia, Yosemite, and General Grant national parks, California.

The Secretary of War, upon the request of the Secretary of the Interior, is hereafter authorized and directed to make the necessary detail of troops to prevent trespassers or intruders from entering the Sequoia National Park, the Yosemite National Park, and the General Grant National Park, respectively, in California, for the purpose of destroying the game or objects of curiosity therein, or for any other purpose prohibited by law or regulation for the government of said reservations, and to remove such persons from said parks if found therein.

Sequoia National Park.
Expenses.

IMPROVEMENT OF THE SEQUOIA NATIONAL PARK: For protection of the park, and the construction and repair of bridges, fences, and trails, and improvement and extension of roads; and for providing a water supply for the cavalry camp, to be expended under the supervision of the Secretary of the Interior, ten thousand dollars.

General Grant National Park.
Fencing, etc.

IMPROVEMENT OF THE GENERAL GRANT NATIONAL PARK: For construction of a trail around the perimeter of the park, and for material and labor and the construction of a barbed-wire fence around the park, to be expended under the supervision of the Secretary of the Interior, two thousand five hundred dollars.

Supreme Court Reports.

SUPREME COURT REPORTS: To pay the reporter of decisions of the Supreme Court of the United States for seventy-six copies, each, of volumes one hundred and seventy-seven to one hundred and eighty-one, inclusive, of the United States Reports, at a rate not exceeding two dollars per volume, under the provisions of section two of the Act of February twelfth, eighteen hundred and eighty-nine, seven hundred and sixty dollars.

Vol. 25, p. 661.

Government Hospital for the Insane.

GOVERNMENT HOSPITAL FOR THE INSANE: For current expenses of the Government Hospital for the Insane: For support, clothing, and treatment in the Government Hospital for the Insane of the insane from the Army and Navy, Marine Corps, Revenue-Cutter Service, and inmates of the National Home for Disabled Volunteer Soldiers, persons charged with or convicted of crimes against the United States

who are insane, all persons who have become insane since their entry into the military or naval service of the United States, who have been admitted to the hospital and who are indigent, three hundred and thirteen thousand two hundred dollars; and not exceeding one thousand five hundred dollars of this sum may be expended in defraying the expense of the removal of patients to their friends; not exceeding one thousand dollars may be expended in the purchase of such books, periodicals, and papers as may be required for the purposes of the hospital.

For the buildings and grounds of the Government Hospital for the Insane, as follows: Buildings and grounds.

For general repairs and improvements, twenty-five thousand dollars.

For partially reroofing, reguttering complete, and replacing down spouts on the relief building, two thousand two hundred dollars.

For renewing plumbing, tiling bath and toilet rooms throughout the entire group of the old buildings, in accordance with the recommendation of the special committee, ten thousand dollars, or as much thereof as may be necessary to accomplish the desired changes as quickly as possible, by contract or otherwise.

For special improvements as follows:

For the construction of a central storehouse and a refrigerating and cold-storage plant, fourteen thousand five hundred dollars, together with the unexpended balance of the sum of eighteen thousand dollars heretofore appropriated for three cottage buildings for working inmates.

For one two-hundred-horsepower engine with one direct connected electric generator, ten thousand dollars, or as much thereof as may be necessary to procure the designated machinery.

For fireproof stairways for relief building, four thousand dollars.

For a kitchen for the detached buildings large enough to provide for one thousand persons, eight thousand dollars.

For the construction of a railroad switch from the present line of the Baltimore and Ohio Railroad to the present boiler house of the hospital and to the site of the proposed boiler house of the extension, as authorized, in case the proposed purchase of land is consummated, the balance remaining unexpended of the appropriation for construction of a sewerage and drainage system, available during the fiscal year ending June thirtieth, nineteen hundred, after the full completion of said sewerage and drainage system, and in addition thereto the sum of fifteen thousand dollars.

For water tower, pump house, fire pump, pipe, hydrants, hose and hose carts and other fire apparatus, wells and air compressor, thirty-seven thousand five hundred dollars.

For clearing, fencing, building roadways, and grading for the extension as hereinafter described, twenty-five thousand dollars, or so much thereof as may be necessary.

The board of visitors and the Superintendent shall prepare plans, specifications, and estimates for an extension of the hospital sufficient to provide for one thousand patients. Said extension shall be of fireproof construction, and suitable for all special classes of acute insanity. Said plans shall include all necessary domestic buildings and all buildings required for the proper care of one thousand patients and the requisite nurses and employees, and shall be approved by the Secretary of the Interior. The total cost of all the buildings, machinery, and equipment, including heating, lighting, sewerage, and water supply, under said plans shall not exceed nine hundred and seventy-five thousand dollars, within which sum and under such plans the Secretary of the Interior is authorized to enter into contract, or contracts, for the extension of the hospital as herein specified, upon lands already owned by the Government, or upon such suitable lands as may be Extension of hospital.
—total cost.

donated to the Government within the District of Columbia for ~~that~~ purpose, toward which, including the expense of the preparation of plans and specifications, there is hereby appropriated the sum of fifty thousand dollars.

Columbia Institution for the Deaf and Dumb.
Current expenses.

CURRENT EXPENSES OF THE COLUMBIA INSTITUTION FOR THE DEAF AND DUMB: For support of the institution, including salaries and incidental expenses, for books and illustrative apparatus, and for general repairs and improvements, fifty-four thousand five hundred dollars: *Provided*, That the number of beneficiaries in said institution, authorized by the Act of August thirtieth, eighteen hundred and ninety, to be received from the several States and Territories, is hereby increased from sixty to one hundred.

Proviso.
Number of State beneficiaries increased.
Vol. 26, p. 392.

Repairs.

For repairs to the buildings of the institution, including plumbing and steam-heating apparatus, and for repairs to pavements within the grounds, three thousand dollars.

Howard University.
Maintenance.

HOWARD UNIVERSITY: For maintenance of the Howard University, to be used in payment of part of the salaries of the officers, professors, teachers, and other regular employees of the university, the balance of which will be paid from donations and other sources, of which sum not less than one thousand five hundred dollars shall be used for normal instruction, twenty-nine thousand dollars;

For tools, materials, fuel, wages of instructors, and other necessary expenses of the industrial department, three thousand dollars;

For books, shelving, furniture, and fixtures for the law and general libraries, nine hundred dollars;

For improvement of grounds and repairs of buildings, two thousand dollars;

For material and apparatus for chemical, physical, and natural-history studies, and use in laboratories, including cases and shelving, two hundred dollars;

In all, thirty-five thousand one hundred dollars.

Alaska.
Education.

EDUCATION IN ALASKA: For the industrial and elementary education of children in Alaska, without reference to race, thirty thousand dollars.

Reindeer.

REINDEER FOR ALASKA: For support of reindeer stations in Alaska, for the instruction of Alaskan natives in the care and management of the reindeer, and for the purchase and introduction of reindeer from Siberia for domestic purposes, twenty-five thousand dollars, of which a part may be used in the capture and domestication of the native caribou in the discretion of the Secretary of the Interior.

War Department.

UNDER THE WAR DEPARTMENT.

Armories and arsenals.

ARMORIES AND ARSENALS.

Rock Island, Ill.

For the Rock Island Arsenal, Rock Island, Illinois, as follows:

For machinery and shop fixtures, ten thousand dollars.

For general care, preservation, and improvements; for painting and care and preservation of permanent buildings; for building fences and sewers and grading grounds, ten thousand dollars.

For repairs of wing dam of Rock Island Arsenal water power, deepening tailraces of the Moline and Government dams of said power above and below their junction through the slough south of the island, ninety-seven thousand dollars.

For the Rock Island Bridge, as follows:

For operating and care and preservation of Rock Island bridge and viaduct, twelve thousand five hundred dollars.

For completing the installation of the plant and the purchase of tools, fixtures, and other appliances for the manufacture of small arms in the armory shops at Rock Island Arsenal, to be available until expended, five hundred and nine thousand dollars.

SANDY HOOK PROVING GROUND, NEW JERSEY: For building and repairing roads and walks, and for general repairs of shops, storehouses, and quarters, two thousand five hundred dollars. Sandy Hook Prov-
ing Ground, N. J.

For necessary plant for heating by steam the barracks occupied by ordnance detachment at this post, two thousand seven hundred dollars.

SPRINGFIELD ARSENAL, SPRINGFIELD, MASSACHUSETTS: For general care, repair of quarters, of buildings, and machinery not used for manufacturing purposes, ten thousand dollars. Springfield, Mass.

For curbing and macadamizing Magazine street from State to Lincoln streets, the property of the United States, forming a highway of the city of Springfield, six thousand dollars.

For addition to water shops, ninety-five thousand five hundred and ninety-eight dollars and seventy-one cents; additional machinery for water shops, ninety thousand six hundred and eighty dollars and seventy cents; additional machinery for hill shops, one hundred and thirteen thousand four hundred and thirty-eight dollars and sixty cents; in all, two hundred and ninety-nine thousand seven hundred and eighteen dollars and one cent, to be available until expended.

WATERTOWN ARSENAL, WATERTOWN, MASSACHUSETTS: For the erection of a new fence around the Watertown Arsenal, twelve thousand five hundred dollars, or so much thereof as may be necessary. Watertown, Mass.

TESTING MACHINES, WATERTOWN ARSENAL: For labor and material in caring for, preserving, and operating the United States testing machines at Watertown Arsenal, including such new tools and appliances as may be required, fifteen thousand dollars.

SCHUYLKILL ARSENAL, PHILADELPHIA, PENNSYLVANIA: For roofing over and putting floors in the courtyard of the present Number Three fireproof building to provide storage and boxing and shipping space, sixteen thousand dollars. Schuylkill, Pa.

For rearrangement of the inspecting and issuing department, six thousand dollars.

REPAIRS OF ARSENALS: For repairs and improvements at arsenals and powder depots, and to meet such unforeseen expenditures as accidents or other contingencies during the year may render necessary, eighty thousand dollars. Repairs.

BUILDINGS AND GROUNDS IN AND AROUND WASHINGTON.

Washington, D. C.

For the improvement and care of public grounds, as follows:

For improvement and maintenance of grounds south of Executive Mansion, four thousand dollars. Buildings and
Grounds.
Improvement and
care.

For ordinary care of greenhouses and nursery, two thousand dollars.

For ordinary care of Lafayette Park, one thousand dollars.

For ordinary care of Franklin Park, one thousand dollars.

For improvement and ordinary care of Lincoln Park, two thousand dollars.

For care and improvement of Monument Grounds, five thousand dollars.

For continuing improvement of reservation numbered seventeen, and site of old canal northwest of same, three thousand dollars: *Provided*, That no part thereof shall be expended upon other than property belonging to the United States. Reservation No. 17.
Proviso.
Expenditure.

For construction and repair of post-and-chain fences, repair of high iron fences, constructing stone coping about reservations, painting watchmen's lodges, iron fences, vases, lamps, and lamp-posts; manure, and hauling the same, and removing snow and ice; purchase and repair of seats and tools; trees, tree and plant stakes, labels, lime, whitewashing, and stock for nursery, flower pots, twine, baskets, wire, splints, moss, and lycopodium, to be purchased by contract or otherwise, as the Secretary of War may determine; care, construction,

and repair of fountains; abating nuisances, cleaning statues, and repairing pedestals, fifteen thousand eight hundred and fifty dollars.

For improvement, care, and maintenance of various reservations, twenty thousand dollars.

For improvement, maintenance, and care of Smithsonian grounds, two thousand five hundred dollars.

For improvement, care, and maintenance of Judiciary Park, two thousand five hundred dollars.

For laying asphalt walks in various reservations, two thousand dollars.

Half appropriations from District revenues.

One-half of the foregoing sums under "Buildings and grounds in and around Washington" shall be paid from the revenues of the District of Columbia and the other half from the Treasury of the United States.

Grounds, Executive Departments.

For improvement, care, and maintenance of grounds of Executive Departments, one thousand dollars.

Limit for concrete, etc., pavements.

That under appropriations herein contained no contract shall be made for making or repairing concrete or asphalt pavements in Washington City at a higher price than one dollar and eighty cents per square yard for a quality equal to the best laid in the District of Columbia prior to July first, eighteen hundred and eighty-six, and with a base of not less than six inches in thickness.

Executive Mansion.

For improvement and maintenance of Executive Mansion grounds (within iron fence), one thousand dollars.

For construction of an iron and brick storehouse at the nursery, and for each and every purpose connected therewith, six thousand five hundred dollars, to be immediately available.

EXECUTIVE MANSION: For care, repair, and refurnishing of Executive Mansion, twenty thousand dollars, to be expended by contract or otherwise, as the President may determine.

—plans for extending.

For continuing plans for extending the Executive Mansion, prepared in the office of the engineer officer in charge of public buildings and grounds, for completion of drawings, model and specifications, and for each and every purpose connected therewith, six thousand dollars, or so much thereof as may be necessary; the Chief of Engineers of the United States Army shall have the employment of all persons connected with this work.

Plans for park improvements.

The Chief of Engineers of the United States Army is authorized to make an examination and to report to Congress on the first Monday in December, nineteen hundred, plans for the treatment of that section of the District of Columbia situated south of Pennsylvania avenue and north of B street southwest, and for a suitable connection between the Potomac and the Zoological parks, and in making such examinations and plans he is authorized to employ a landscape architect of conspicuous ability in his profession; for services and expenses incident to said examination and report the sum of four thousand dollars is hereby appropriated.

Fuel, etc.

For fuel for the Executive Mansion, greenhouses, and stable, three thousand dollars.

For care and necessary repair of greenhouses, five thousand dollars.

For repairs to conservatory, Executive Mansion, two thousand dollars.

Lighting.

LIGHTING THE EXECUTIVE MANSION AND PUBLIC GROUNDS: For gas, pay of lamplighters, gas fitters, and laborers; purchase, erection, and repair of lamps and lamp-posts; purchase of matches, and repairs of all kinds; stoves, fuel, and lights, for office and office stable, watchmen's lodges, and for the greenhouses at the nursery, twelve thousand five hundred dollars: *Provided*, That for each five-foot burner not connected with a meter in the lamps on the public grounds not more than twenty dollars shall be paid per lamp for gas, including lighting, cleaning, and keeping the lamps in repair, under any expenditure provided

Provisos.

—Maximum per lamp.

for in this Act; and said lamps shall burn every night, on the average, from fifteen minutes after sunset to forty-five minutes before sunrise; and authority is hereby given to substitute other illuminating material for the same or less price, and to use so much of the sum hereby appropriated as may be necessary for that purpose: *Provided further*, That three thousand four hundred dollars of the foregoing sum shall be paid from the revenues of the District of Columbia and the remainder from the Treasury of the United States.

—to burn every night,
etc.

—a amount payable
from District rev-
enues.

For lighting six arc electric lights in Executive Mansion grounds within the iron fence three hundred and sixty-five nights, at not exceeding seventy-two dollars per light per annum, which shall cover the entire cost to the United States of lighting and maintaining in good order each electric light in said grounds, four hundred and thirty-two dollars.

Electric lights.

For lighting arc electric lights in public grounds as follows: For seven in grounds south of the Executive Mansion, thirty-two in Lafayette, Franklin, Judiciary, and Lincoln parks, and fourteen in grounds south of Executive Mansion and in Monument Park, at not exceeding seventy-two dollars per light per annum, which sums shall cover the entire cost of lighting and maintaining in good order each of said arc electric lights; in all, three thousand eight hundred and sixteen dollars, one-half of which sum shall be paid from the revenues of the District of Columbia and the other half from the Treasury of the United States.

—in parks.

REPAIR OF WATER PIPES: For repairing and extending water pipes, purchase of apparatus for cleaning them, purchase of hose, and for cleaning the springs and repairing and renewing the pipes of the same that supply the Capitol, the Executive Mansion, and the building for the State, War, and Navy Departments, two thousand five hundred dollars.

Repair of water
pipes.

TELEGRAPH TO CONNECT THE CAPITOL WITH THE DEPARTMENTS AND GOVERNMENT PRINTING OFFICE: For care and repair of existing lines, one thousand five hundred dollars.

Telegraph, Capitol,
Departments, etc.

WASHINGTON MONUMENT: For the care and maintenance of the Washington Monument, namely: For one custodian, at one hundred dollars per month; one steam engineer, at eighty dollars per month; one assistant steam engineer, at sixty dollars per month; one fireman, at fifty dollars per month; one assistant fireman, at forty-five dollars per month; one conductor of elevator car, at seventy-five dollars per month; one attendant on floor, at sixty dollars per month; one attendant on top floor, at sixty dollars per month; three night and day watchmen, at sixty dollars per month each; in all, eight thousand five hundred and twenty dollars.

Washington Monu-
ment.
Maintenance.

For fuel, lights, oil, waste, packing, tools, matches, paints, brushes, brooms, lanterns, rope, nails, screws, lead, electric lights, heating apparatus, oil stoves for elevator car and upper and lower floors, repairs to engines, boilers, dynamos, elevator, and repairs of all kinds connected with the Monument and machinery, and purchase of all necessary articles for keeping the Monument, machinery, elevator, and electric-light plant in good order, three thousand dollars.

Fuel, etc.

Installation of electric power for the service of the Monument: For addition to boiler house, six thousand five hundred dollars, to be immediately available.

For one dynamo and connections, including installation of new system, twenty thousand dollars, to be immediately available.

MILITARY POSTS.

Military posts.

For the construction of buildings at, and the enlargement of, such military posts as in the judgment of the Secretary of War may be necessary, and for the erection of barracks and quarters for the artil-

Construction.

Proviso.
Limit expenditures.

Fort Leavenworth,
Kans.

Bismarck, N. Dak.

Fort Riley, Kans.

Fort Meade, S. Dak.

Fort D. A. Russell,
Wyo.

Fort Constitution,
Newcastle, N. H.

Fort Monroe, Va.

lery in connection with the adopted project for seacoast defense, and for the purchase of suitable building sites for said barracks and quarters, one million dollars: *Provided*, That for the erection of barracks and quarters for artillery in connection with the project adopted for seacoast defense there shall not hereafter be expended at any one point more than one thousand two hundred dollars per man for each man required for one relief to man the guns at the post up to eighty-three men, the present permanent strength of a battery, enlisted and commissioned, and for each man required beyond this number six hundred dollars per man, from any appropriation made by Congress, unless special authority of Congress be granted for a greater expenditure; and out of the foregoing sum of one million dollars there shall be expended thirty thousand dollars for repairs of barracks and quarters for troops at Fort Leavenworth, Kansas; forty thousand dollars toward construction of water and sewer system and for road, walks, and grading at military post at Bismarck, North Dakota; thirty thousand dollars toward construction of additional stables at Fort Riley, Kansas; fifty thousand dollars for buildings and other necessary improvements at the military post at Fort Meade, South Dakota; fifty thousand dollars for continuing work of rebuilding quarters, and for rebuilding regimental guardhouse at Fort D. A. Russell, Wyoming; and thirty thousand dollars, or so much thereof as may be necessary, for acquiring by purchase or condemnation the land in the square surrounding Fort Constitution, at Newcastle, New Hampshire, to be used for barracks and quarters for troops.

FORT MONROE, VIRGINIA: For repair and maintenance of wharf, including all necessary material therefor, and repairs of and necessary supplies, fixtures, and furniture for freight house and waiting rooms, and water for flushing closets, three thousand and seventy-nine dollars; wharfinger, nine hundred dollars; laborer, four hundred and twenty dollars; in all, four thousand three hundred and ninety dollars; for one-half of said sum to be supplied by the United States, two thousand one hundred and ninety-five dollars.

Repairs and operation of roads, pavements, streets, lights, and general police: For rakes, shovels, and brooms; stone and labor for macadamizing streets, brick, cement, terra-cotta drain pipe, and catch basins; electric lights for streets; purchase of sprinkling wagon; repairs to roads, pavements, walks, and street crossings, four thousand one hundred and fifteen dollars; driver for police cart, four hundred and eighty dollars; in all, four thousand five hundred and ninety-five dollars; for one-half of said sum to be supplied by the United States, two thousand two hundred and ninety-seven dollars and fifty cents.

Maintenance of sewer system: For coal and wood, waste, oil, and pump repairs, sewer pipe, cement, brick, and supplies, one thousand four hundred and fifty dollars; two engineers, at nine hundred dollars each; two firemen, at six hundred dollars each; two laborers, at five hundred dollars each; in all, five thousand four hundred and fifty dollars; for one-half of said sum to be supplied by the United States, two thousand seven hundred and twenty-five dollars.

Yellowstone Na-
tional Park.

IMPROVEMENT OF THE YELLOWSTONE NATIONAL PARK: For the repair and maintenance of existing roads and bridges and improvement and protection of the Yellowstone National Park, to be expended by and under the direction of the Secretary of War, sixty thousand dollars, of which amount five thousand dollars shall be immediately available for the repair of roads: *Provided*, That of this amount twenty thousand dollars, or so much thereof as may be necessary, shall be used in the construction of a wagon road and the necessary bridges through the Yellowstone Park Timber Reserve along the North Fork of the Stinking-water or Shoshone River and through the Yellowstone

Provisos.
Wagon road authorized.

Park by way of the Jones Creek trail or other most practicable route to a point on the Yellowstone River near where said river flows from Yellowstone Lake: *Provided further*, That road extensions and improvements shall hereafter be made in said park under and in harmony with a general plan of roads and improvements to be approved by the Chief of Engineers of the Army.

Road extensions.

CHICKAMAUGA AND CHATTANOOGA NATIONAL PARK: For compensation and expenses of two civilian commissioners and the assistant in historical work; maps, surveys, clerical and other assistance, messenger, office expenses, and all other necessary expenses; foundations for State monuments, mowing; historical tablets, iron and bronze; iron gun carriages; for roads and their maintenance, restoring the park after its use for mobilizing troops; and for the purchase of land already authorized by law; in all, sixty thousand dollars.

National Parks.
Chickamauga and
Chattanooga.

To complete the work of improving the Lafayette State road in Georgia, from Lee and Gordans Mills, in that State, to Lafayette, ten thousand dollars.

SHILOH NATIONAL MILITARY PARK: For continuing the work of establishing a national military park on the battlefield of Shiloh, Tennessee; for the compensation of three civilian commissioners and the secretary, clerical and other services, labor, land, iron gun carriages and historical tablets, maps and surveys, roads, purchase and transportation of supplies and materials, office and other necessary expenses, fifty-five thousand dollars.

Shiloh.

GETTYSBURG NATIONAL PARK: For continuing the work of establishing the national park at Gettysburg, Pennsylvania; for the acquisition of lands, surveys, and maps; constructing, improving, and maintaining avenues, roads, and bridges thereon; making fences and gates; marking the lines of battle with tablets and guns, each tablet bearing a brief legend giving historic facts, and compiled without censure and without praise; preserving the features of the battlefield and the monuments thereon; providing for a suitable office for the commissioners in Gettysburg; compensation of three civilian commissioners, clerical and other services; expenses, and labor; the purchase and preparation of tablets and gun carriages and placing them in position, and all other expenses incidental to the foregoing, seventy-five thousand dollars.

Gettysburg.

VICKSBURG NATIONAL MILITARY PARK: For continuing the work of establishing the Vicksburg National Military Park; for the compensation of three civilian commissioners, the secretary, assistant secretary, and assistant to the commissioners; for clerical and other services, labor, iron gun carriages, monuments, markers, and historical tablets; maps and surveys; roads, bridges, restoration of earthworks, purchase and transportation of supplies and materials; these and other necessary expenses, sixty-five thousand dollars, of which amount the sum of six thousand dollars, or so much thereof as may be necessary, in the discretion of the Secretary of War, in addition to the amounts heretofore appropriated for that purpose, may be used in the purchase of lands as a part of the site of said park.

Vicksburg

ENGINEER DEPARTMENT.

Engineer Department.

FOR CONSTRUCTING JETTIES AND OTHER WORKS AT SOUTH PASS, MISSISSIPPI RIVER: To enable the Secretary of War to pay to the legal representatives of James B. Eads, deceased, the second moiety of the sum of one million dollars retained by the United States under the Act of March third, eighteen hundred and seventy-five (first section on page four hundred and sixty-five of Eighteenth Statutes), to be paid, all or in part, on the expiration of twenty years' maintenance of the channel, five hundred thousand dollars.

South Pass, Mississippi River.
—payment to heirs of
James B. Eads authorized.

Vol. 18, p. 465.

—use of dredges in unusual obstructions.

The Secretary of War is hereby authorized and empowered, in his discretion, in case any unusual obstruction to navigation in the channel of South Pass, Mississippi River, should occur during the fiscal year nineteen hundred and one, to use any dredges or tugboats of the Mississippi River Commission for the purpose of removing the same. And the sum of twenty-five thousand dollars; or so much thereof as may be necessary, is hereby appropriated, to be expended in the discretion of the Secretary of War in improving or altering such dredge or dredges so as to make the same available for use in said South Pass.

Rivers and harbors, improvements.

Charleston, S. C.

Vol. 27, p. 91.

Vol. 29, p. 222, etc.

Toward the construction of works on harbors and rivers, under contract or otherwise, and within the limits authorized by law, namely:

Improving harbor at Charleston, South Carolina, under river and harbor Act of eighteen hundred and ninety-two: For dredging, forty-five thousand dollars.

For works authorized by the river and harbor Act of eighteen hundred and ninety-six, as follows:

Bayou Plaquemine, La.

Improving Bayou Plaquemine, Louisiana: For continuing improvement, two hundred thousand dollars.

Cleveland, Ohio.

Improving harbor at Cleveland, Ohio: For continuing improvement, one hundred and seventy-five thousand dollars.

Chicago River, Ill.

Improving Chicago River, Illinois: For continuing improvement from its mouth to the stock yards on the South Branch, and to Belmont avenue on the North Branch, sixty-two thousand dollars.

Delaware Bay, Del.

Harbor of refuge, Delaware Bay, Delaware: For continuing construction, four hundred and fifty thousand dollars.

Duluth, Minn.
Superior, Wis.

Improving harbor at Duluth, Minnesota, and Superior, Wisconsin: For continuing improvement, seven hundred and ninety-three thousand one hundred and eighty-seven dollars and fifty cents.

Grays Harbor, Wash.

Improving Grays Harbor, Washington: For continuing improvement of harbor and bar entrance, fifty thousand dollars.

Illinois and Mississippi Canal.

Illinois and Mississippi Canal: For continuing construction, one million dollars.

Kentucky River, Ky.

Improving Kentucky River, Kentucky: For continuing improvement, seventy-five thousand dollars.

Waterway from Keweenaw Bay to Lake Superior, Mich.

Improving waterway from Keweenaw Bay to Lake Superior, Michigan: For continuing improvement of water communication across Keweenaw Point, one hundred and ten thousand dollars.

Oakland, Cal.

Improving harbor at Oakland, California: For continuing improvement, one hundred and eighty thousand dollars.

Ohio River.
Dams 2, 3, 4, 5 and 6.

Improving Ohio River below Pittsburg, Pennsylvania: For continuing construction of Dams Numbered Two, Three, Four, and Five, between Davis Island Dam and Dam Numbered Six, five hundred and ninety-five thousand dollars.

Providence River and Narragansett Bay, R. I.

Improving Providence River and Narragansett Bay, Rhode Island: For continuing improvement, fifty-four thousand four hundred and eighty-nine dollars.

Sabine Pass, Tex.

Improving Sabine Pass, Texas: For completing improvement of harbor at Sabine Pass, thirty-six thousand dollars.

Winyaw Bay, S. C.

Improving Winyaw Bay, South Carolina: For continuing improvement of harbor at Winyaw Bay, two hundred and eighty-five thousand dollars.

Vol. 30, p. 1128, etc.

For works authorized by the river and harbor Act of eighteen hundred and ninety-nine, as follows:

Ashtabula, Ohio.

Improving harbor at Ashtabula, Ohio: For continuing improvement, one hundred and ten thousand dollars.

Boston, Mass.

Improving harbor at Boston, Massachusetts: For completing improvement under project for thirty-foot depth through Broad Sound Channel, three hundred and seventeen thousand dollars.

Buffalo entrance to Erie Basin, etc.

Improving Buffalo Entrance to Erie Basin and Black Rock Harbor, New York: For completing improvement, one hundred and ninety-one thousand seven hundred and one dollars and twenty-five cents.

Improving harbor at Bridgeport, Connecticut: For continuing improvement, fifty thousand dollars.	Bridgeport, Conn.
Improving channel in Gowanus Bay, New York: For continuing improvement of Bay Ridge and Red Hook channels, two hundred and sixty-two thousand dollars: <i>Provided</i> , That the so-called East Channel across Sandy Hook Bar, New York Harbor, for the improvement of which provision was made by the river and harbor Act approved March third, eighteen hundred and ninety-nine, shall hereafter be known as Ambrose Channel.	Gowanus Bay, N. Y. <i>Proviso.</i> East Channel, etc., renamed Ambrose Channel. Vol. 30, p. 1123. <i>Ante</i> , p. 588.
Improving harbor at Black River, Ohio: For continuing improvement, one hundred and twenty-five thousand dollars.	Black River, Ohio.
Improving Black Warrior River, Alabama: For completing construction of Lock and Dam Numbered Four, above Tuscaloosa, eighty-six thousand eight hundred and twenty-four dollars.	Black Warrior River, Ala.
Improving Big Sandy River, West Virginia and Kentucky: For continuing improvement by the construction of two locks and dams between Louisa and mouth of the river, two hundred and eighty thousand dollars.	Big Sandy River W. Va. and Ky.
Improving harbor at Charleston, South Carolina: For completing improvement, one hundred and seventy-five thousand dollars.	Charleston, S. C.
Improving harbor at Cape Porpoise, Maine: For completing improvement, ten thousand dollars.	Cape Porpoise, Me.
Improving harbor at Calumet, Illinois: For continuing improvement, one hundred and eighty-five thousand three hundred and fifty dollars.	Calumet, Ill.
Improving Congaree River, South Carolina: For continuing improvement from Gervais street bridge, Columbia, to Granby, one hundred thousand dollars.	Congaree River, S. C.
Improving Delaware River, Pennsylvania and New Jersey: For continuing improvement, two hundred and seventy thousand five hundred dollars.	Delaware River, Pa. and N. J.
Improving Detroit River, Michigan: For continuing improvement, two hundred thousand dollars.	Detroit River, Mich.
Improving harbor at Everett, Washington: For continuing improvement, one hundred and thirty-five thousand dollars.	Everett, Wash.
Improving Hudson River, New York: For continuing improvement, four hundred thousand dollars.	Hudson River, N. Y.
Improving Hay Lake Channel, Saint Marys River, Michigan: For continuing improvement, two hundred and fifty thousand dollars.	Hay Lake Channel St. Marys River, Mich.
Improving harbor at Kenosha, Wisconsin: For completing improvement, one hundred and thirty-five thousand dollars.	Kenosha, Wis.
Improving harbor at Mobile, Alabama: For continuing improvement, five hundred thousand dollars.	Mobile, Ala.
Improving Mississippi River from the mouth of the Ohio to Minneapolis, Minnesota: For continuing improvement between Saint Paul and Minneapolis, one hundred and eighty-five thousand dollars: <i>Provided</i> , That of said amount the sum of one hundred dollars may be used to reimburse Loren Fletcher for a like sum advanced by him to expedite the transfer to the United States of title to land needed in connection with the construction of Lock and Dam Numbered Two.	Mississippi River, mouth of Ohio to Minneapolis. <i>Proviso.</i> Loren Fletcher, payment to.
Improving Passes of the Mississippi River: For completing improvement by constructing sill across Pass a Loutre and by constructing and operating one or more dredges, three hundred thousand dollars.	Improving Passes.
Harbor of refuge at Milwaukee Bay, Wisconsin: For completing improvement, one hundred and five thousand six hundred and fifty dollars.	Milwaukee, Wis.
Improving Monongahela River: For completing improvement at Locks Numbered Three and Six and by construction of floating plant as authorized by the river and harbor Act approved March third, eighteen hundred and ninety-nine, one hundred and thirty-five thousand five hundred and fifty-six dollars.	Monongahela River. Vol. 30, p. 1133.

Michigan City, Ind	Improving harbor at Michigan City, Indiana: For completing improvement of outer harbor, one hundred and ninety-five thousand dollars.
New Haven, Conn.	Improving harbor at New Haven, Connecticut: For continuing improvement, fifty thousand dollars.
Norfolk, Va., waterway.	Improving waterway from Norfolk, Virginia, to sounds of North Carolina: For continuing improvement of Deep Creek, Virginia, Turners Cut, Croatan Sound, and Pasquotank River, North Carolina, two hundred thousand dollars.
Ohio River. Dams 13 and 18.	Improving Ohio River below Pittsburg, Pennsylvania: For continuing construction of Dams Numbered Thirteen and Eighteen, four hundred and seventy thousand dollars.
Osage River, Mo.	Improving Osage River, Missouri: For completing construction of lock and dam, one hundred and forty-six thousand dollars.
Ocmulgee River, Ga.	Improving Ocmulgee River, Georgia: For continuing improvement, forty thousand dollars.
Portage Lake, Mich.	Harbor of refuge at Portage Lake, Michigan: For completing improvement, eighty-five thousand dollars.
Patapsco River, Md.	Improving Patapsco River, Maryland: For continuing improvement of channel to Baltimore, three hundred and twenty-four thousand six hundred and forty-eight dollars.
Potomac River.	Improving Potomac River: For completing improvement below the city of Washington, fifty-two thousand dollars.
Pascagoula River and Horn Island Harbor, Miss.	Improving Pascagoula River and Horn Island Harbor, Mississippi: For completing improvement, two hundred and sixty-seven thousand six hundred dollars.
Racine, Wis.	Improving harbor at Racine, Wisconsin: For completing improvement, sixty-seven thousand six hundred and fifty dollars.
St. Joseph, Mich.	Improving harbor at Saint Joseph, Michigan: For continuing improvement, two hundred and fifty-three thousand nine hundred and fifty dollars.
Savannah River, Ga.	Improving Savannah River, Georgia: For continuing improvement between Augusta and Savannah, sixty-four thousand dollars.
Sand Beach, Mich.	Harbor of refuge at Sand Beach, Michigan: For continuing improvement and repairs, one hundred and fifty thousand dollars.
Sheboygan, Wis.	Improving harbor at Sheboygan, Wisconsin: For completing improvement, fifty-two thousand dollars.
San Francisco, Cal.	Improving harbor at San Francisco, California: For continuing improvement by the removal of Arch and Shag rocks, one hundred and seventy thousand dollars.
Sacramento, Cal.	Improving Sacramento River, California: For continuing improvement from the city of Sacramento to the mouth of the river, sixty thousand dollars.
Tampa Bay, Fla.	Improving Tampa Bay, Florida: For continuing improvement of channel from the Gulf of Mexico to Port Tampa, one hundred and thirty-five thousand dollars.
Toledo, Ohio.	Improving harbor at Toledo, Ohio: For continuing improvement, one hundred and thirty-two thousand five hundred dollars.
Union River, Me.	Improving Union River, Maine: For completing improvement, one hundred and fifteen thousand dollars.
Upper White River, Ark.	Improving Upper White River, Arkansas: For continuing improvement by the construction of Lock and Dam Numbered Two, one hundred and fifty thousand dollars, to be done by contract or otherwise, as in the judgment of the Secretary of War may be most economical and advantageous to the Government.
Wilmington, Del.	Improving harbor at Wilmington, Delaware: For completing improvement of Wilmington Harbor and Christiana River, two hundred thousand dollars.
Warrior and Tombigbee rivers, Ala. and Miss.	Improving Warrior and Tombigbee rivers, Alabama and Mississippi: For continuing improvement of Warrior River by the construc-

tion of the three locks and dams next below Tuscaloosa, two hundred thousand dollars.

MISSISSIPPI RIVER.

Mississippi River Commission.

Improving the Mississippi River: For continuing improvement of Mississippi River from Head of the Passes to the mouth of the Ohio River, including salaries and clerical, office, traveling, and miscellaneous expenses of the Mississippi River Commission, two million two hundred and fifty thousand dollars.

Head of Passes to Ohio River.

Improving the Mississippi River from the mouth of the Ohio River to Saint Paul, Minnesota: For continuing improvement from the mouth of the Ohio River to Saint Paul, Minnesota, two hundred and fifty thousand dollars.

Mouth of Ohio to St. Paul.

MISSOURI RIVER.

Missouri River Commission.

For improving the Missouri River from its mouth to Sioux City, Iowa: For continuing the improvement, including salaries and expenses of the Missouri River Commission, two hundred and fifty thousand dollars, to be expended under the direction of the Secretary of War in the improvement of the river at such localities as may be absolutely necessary in order to preserve existing improvements and to prevent threatened damage near Rulo, Nebraska, and other points; said work to be done according to plans and specifications to be made by the Missouri River Commission and approved by the Chief of Engineers: *Provided*, That the Secretary of War is authorized in his discretion to expend for improvement of the Missouri River at Sioux City, Iowa, so much as he may deem advisable, not to exceed twenty thousand dollars, of the appropriation of one hundred and seventy thousand dollars made by the Act approved March third, eighteen hundred and ninety-nine, for improving the Missouri River above Sioux City to and including Bismarck, and the sum of ten thousand dollars additional to the amount already apportioned from the said appropriation of one hundred and seventy thousand dollars for improving the said river at Elk Point, South Dakota, shall be expended at that place.

Expenses, etc.

Rulo, Nebr.

Proviso.
Sioux City, Iowa.

Vol. 38, p. 1147.

Elk Point, S. Dak.

That the provisions of an Act entitled "An Act to authorize the construction of a bridge across the Yellowstone River, in the county of Dawson, State of Montana," approved February twenty-sixth, eighteen hundred and ninety-five, so far as they relate to and require a drawspan to be erected and maintained, are hereby so far modified as to permit the erection of an iron or steel bridge under said Act, without erecting and maintaining a drawspan in such bridge: *Provided, however*, That the spans of said bridge, when repaired and constructed, shall give not less than one hundred feet clear space between the piers, and that the two easterly spans shall give a clear headroom of twenty-five feet above low water, as defined in the Government surveys at the locality.

Bridge over Yellowstone River, Dawson County, Mont.

Draw, etc.

Vol. 28, p. 688.

Proviso.

Spans, etc.

COLUMBIA RIVER.

For the repair of the jetty at the mouth of Columbia River, Oregon and Washington, including repairs to wharves, approaches, tramway, plant, quarters, and buildings, and contingent expenses, two hundred and fifty thousand dollars.

Columbia River, Oreg. and Wash.

NATIONAL CEMETERIES.

National cemeteries.

FOR NATIONAL CEMETERIES: For maintaining and improving national cemeteries, including fuel for superintendents of national cemeteries, pay of laborers and other employees, purchase of tools and materials, one hundred thousand dollars.

Maintenance

Oak Hill Cemetery,
Evansville, Ind.

For completing the improvement of the soldiers' lot in Oak Hill Cemetery, at Evansville, Indiana, on condition that the city of Evansville will hereafter properly care for and preserve the lot in good order, six hundred and fifteen dollars.

Superintendents.

FOR SUPERINTENDENTS OF NATIONAL CEMETERIES: For pay of seventy-five superintendents of national cemeteries, sixty-one thousand eight hundred and eighty dollars.

Headstones for soldiers' graves.

HEADSTONES FOR GRAVES OF SOLDIERS: For continuing the work of furnishing headstones for unmarked graves of Union soldiers, sailors, and marines in national, post, city, town, and village cemeteries, naval cemeteries at navy-yards and stations of the United States, and other burial places, under the Acts of March third, eighteen hundred and seventy-three, and February third, eighteen hundred and seventy-nine, twenty-five thousand dollars.

Vol. 17, p. 545.

Vol. 20, p. 281.

Arlington, Va. Re-
burial at of certain
Confederate soldiers.

To enable the Secretary of War to have reburied in some suitable spot in the national cemetery at Arlington, Virginia, and to place proper headstones at their graves, the bodies of about one hundred and twenty-eight Confederate soldiers now buried in the National Soldiers' Home, near Washington, District of Columbia, and the bodies of about one hundred and thirty-six Confederate soldiers now buried in the national cemetery at Arlington, Virginia, two thousand five hundred dollars, or so much thereof as may be necessary.

Roadways.

REPAIRING ROADWAYS TO NATIONAL CEMETERIES: For repairs to roadways to national cemeteries which have been constructed by special authority of Congress: *Provided*, That no railroad shall be permitted upon the right of way which may have been acquired by the United States to a national cemetery, or to encroach upon any roads or walks constructed thereon and maintained by the United States, fifteen thousand dollars.

Proviso.
Encroachment by
railroads forbidden.

Mound City, Ill.

For permanently repairing the Government roadway from Cache River bridge, in Pulaski County, Illinois, to the graveled roadway extending from Mound City, Illinois, to the national cemetery near that city, twelve thousand dollars.

Burial of indigent
soldiers.

BURIAL OF INDIGENT SOLDIERS: For expenses of burying in the Arlington National Cemetery, or in the cemeteries of the District of Columbia, indigent ex-Union soldiers, sailors, and marines of the late civil war who die in the District of Columbia, to be disbursed by the Secretary of War, at a cost not exceeding forty dollars for such burial expenses in each case, exclusive of cost of grave, three thousand dollars.

Presidio of San
Francisco.

ROAD TO NATIONAL CEMETERY, PRESIDIO OF SAN FRANCISCO, CALIFORNIA: For continuation of stone wall on the boundary line of the reservation of the Presidio of San Francisco, California, five thousand dollars.

Antietam battlefield.

ANTIETAM BATTLEFIELD: For repair and preservation of monuments, tablets, observation tower, roads, and fences, and so forth, made and constructed by the United States upon public land within the limits of the Antietam battlefield, near Sharpsburg, Maryland, one thousand five hundred dollars.

For pay of superintendent of Antietam battlefield, said superintendent to perform his duties under the direction of the Quartermaster's Department and to be selected and appointed by the Secretary of War, at his discretion, the person selected and appointed to this position to be an honorably discharged Union soldier, one thousand two hundred dollars.

Miscellaneous.

MISCELLANEOUS OBJECTS, WAR DEPARTMENT.

Maps.

For publication of maps for use of the War Department, inclusive of war maps, ten thousand dollars.

SURVEY OF NORTHERN AND NORTHWESTERN LAKES: For printing and issuing charts for use of navigators and electrotyping plates for chart printing, three thousand dollars.

Survey of northern etc., lakes.

For surveys, including observations and investigations of lake levels, and all expenses connected with additions to, and correcting engraved plates, to be available until expended, seventy-five thousand dollars.

TRANSPORTATION OF REPORTS AND MAPS TO FOREIGN COUNTRIES: For the transportation of reports and maps to foreign countries through the Smithsonian Institution, one hundred dollars.

Transporting maps.

ARTIFICIAL LIMBS: For furnishing artificial limbs and apparatus, or commutation therefor, and necessary transportation, to be disbursed under the direction of the Secretary of War, one hundred and seventy-three thousand dollars.

Artificial limbs.

APPLIANCES FOR DISABLED SOLDIERS: For furnishing surgical appliances to persons disabled in the military or naval service of the United States, and not entitled to artificial limbs or trusses for the same disabilities, to be disbursed under the direction of the Secretary of War, two thousand dollars.

Appliances for disabled soldiers.

SUPPORT AND MEDICAL TREATMENT OF DESTITUTE PATIENTS: For the support and medical treatment of ninety-five medical and surgical patients who are destitute, in the city of Washington, under a contract to be made with the Providence Hospital by the Surgeon-General of the Army, nineteen thousand dollars, one-half of which sum shall be paid from the revenues of the District of Columbia and the other half from the Treasury of the United States.

Providence Hospital.
Destitute patients.

GARFIELD MEMORIAL HOSPITAL: For maintenance, to enable it to provide medical and surgical treatment to persons unable to pay therefor, nineteen thousand dollars; for completion of isolating wards, including driveways, grading and improving grounds, and introducing Potomac River water, five thousand dollars, to be expended under the direction of the Commissioners of the District of Columbia, in all, twenty-four thousand dollars, one-half of which sum shall be paid from the revenues of the District of Columbia and the other half from the Treasury of the United States.

Garfield Hospital.
Maintenance.

CALIFORNIA DÉBRIS COMMISSION: For defraying the expenses of the commission in carrying on the work authorized by the Act of Congress approved March first, eighteen hundred and ninety-three, fifteen thousand dollars: *Provided*, That so much of the Act of March third, eighteen hundred and ninety-nine, as provides that the members of the California Débris Commission shall receive only actual expenses in lieu of mileage while traveling on duty is hereby repealed, and hereafter the officers of the commission shall receive the mileage allowed by law.

California Débris Commission.
Vol. 27, p. 507.

Proviso.
Mileage of officers.
Vol. 30, p. 1109.

HARBOR OF NEW YORK: For prevention of obstructive and injurious deposits within the harbor and adjacent waters of New York City;

New York Harbor.

For pay of inspectors and deputy inspectors, office force, and expenses of office, ten thousand two hundred and sixty dollars;

Inspectors, etc.

For pay of crews and maintenance of five steam tugs and three launches, fifty-eight thousand three hundred and forty dollars;

Vessels.

For new boiler and installing same, and generally overhauling steam tug *Argus*, seven thousand five hundred dollars;

"Argus."

In all, seventy-six thousand one hundred dollars.

BRINGING HOME THE REMAINS OF OFFICERS AND SOLDIERS WHO DIE ABROAD: To enable the Secretary of War, in his discretion, to cause to be transported to their homes the remains of officers and soldiers who die at military camps or who are killed in action or who die in the field or hospital at places outside of the limits of the United States, or who die while on voyage at sea, one hundred thousand dollars.

Bringing home deceased soldiers.

MILITARY ROAD, WYOMING: For the repair, construction, and completion of the military road from Fort Washakie to near Jacksons Lake,

Military road, Wyo.

Vol. 30, p. 50.

Official Records of
the Rebellion.
Distribution to Sen-
ators, etc.

in Uinta County, Wyoming, authorized by provision in the sundry civil appropriation Act approved June fourth, eighteen hundred and ninety-seven, ten thousand dollars.

Proviso.
Additional print-
ing, etc., to complete
sets, authorized.

OFFICIAL RECORDS OF THE REBELLION: That the Secretary of War be, and he is hereby, authorized and directed to furnish one complete set of the Official Records of the Union and Confederate Armies to each Senator, Representative, and Delegate of the Fifty-sixth Congress not now entitled by law to receive the same; and in addition thereto he is also authorized and directed to furnish two complete sets of said work to each Senator, Representative, and Delegate of the same Congress, irrespective of his having been already supplied, using for this purpose, as far as possible, those now stored in the War Department and remaining unsold or unclaimed by beneficiaries designated to receive them under the several Acts of Congress providing for the distribution and sale of this publication: *Provided*, That the Secretary of War may call upon the Public Printer to print and bind such number or copies of certain volumes or parts as may be found necessary to complete the sets referred to.

Report on claims
for property taken in
the military service,
war with Spain.

REPORT UPON CLAIMS FOR PRIVATE PROPERTY TAKEN IN THE MILITARY SERVICE: For investigation of just claims against the United States for private property taken and used in the military service within the limits of the United States during the war with Spain, ten thousand dollars, or so much thereof as may be necessary, and the Secretary of War is hereby authorized and directed to cause to be investigated all such claims and to ascertain the loss and injury, if any, that may have been sustained by such claimants, and he shall report to Congress for its consideration what amount or amounts he finds to be equitably due from the United States to such claimants: *Provided*, That all claims not presented to the Secretary of War under this provision prior to the first day of January, nineteen hundred and one, shall not be considered by him and shall be forever barred.

Proviso.
When claims
barred.

National Home for
Disabled Volunteer
Soldiers.

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

For the support of the National Home for Disabled Volunteer Soldiers, as follows:

Dayton, Ohio.

AT THE CENTRAL BRANCH, AT DAYTON, OHIO: For current expenses, namely: Pay of officers and noncommissioned officers of the Home, with such exceptions as are hereinafter noted and their clerks and orderlies; also payments for chaplains and religious instruction, printers, bookbinders, librarians, musicians, telegraph and telephone operators, guards, policemen, watchmen, and fire company; for all property and materials purchased for their use, including repairs not done by the Home; for necessary expenditures for articles of amusement, boats, library books, magazines, papers, pictures, and musical instruments, and for repairs not done by the Home; and for stationery, advertising, legal advice, for payments due heirs of deceased members, and for such other expenditures as can not properly be included under other heads of expenditure, fifty-two thousand five hundred dollars.

Subsistence.

For subsistence, namely: Pay of commissary sergeants, commissary clerks, porters, laborers, bakers, cooks, dishwashers, waiters, and others employed in the subsistence department; the cost of all articles purchased for the regular ration, their freight, preparation, and serving; aprons, caps, and jackets for kitchen and dining-room employees; of tobacco; of all dining-room and kitchen furniture and utensils, bakers' and butchers' tools and appliances, and their repair not done by the Home, two hundred and sixty-five thousand dollars.

Household.

For household, namely: Expenditures for furniture for officers' quarters; for bedsteads, bedding, bedding material, and all other articles required in the quarters of the members, and for their repair if they

are not repaired by the Home; for fuel, including fuel for cooking, heat, and light; for engineers and firemen, bath-house keepers, hall cleaners, laundrymen, gas and soap makers, and privy watchmen, and for all labor, materials, and appliances required for household use, and for their repairs unless the repairs are made by the Home, ninety-five thousand dollars.

For hospital, namely: Pay of assistant surgeons, matrons, druggists, hospital clerks and stewards, ward masters, nurses, cooks, waiters, readers, hospital carriage drivers, hearse drivers, gravediggers, funeral escort, and for such other services as may be necessary for the care of the sick; for surgical instruments and appliances, medical books, medicine, liquors, fruits, and other necessities for the sick not on the regular ration; for bedsteads, bedding, and bedding materials, and all other articles necessary for the wards; for hospital kitchen and dining room furniture and appliances, including aprons, caps, and jackets for hospital kitchen and dining room employees; carriage, hearse, stretchers, coffins; for tools of gravediggers, and for all repairs to hospital furniture and appliances not done by the Home, fifty-seven thousand five hundred dollars;

Hospital.

For transportation, namely: For transportation of members of the Home, two thousand dollars;

Transportation.

For repairs, namely: Pay of chief engineer, builders, blacksmiths, carpenters, cabinetmakers, coopers, painters, gas fitters, plumbers, tinsmiths, wire-workers, steam fitters, stone and brick masons, quarrymen, whitewashers, and laborers, and for all appliances and materials used under this head; also for repairs of roads and of other improvements of a permanent character, fifty-five thousand dollars;

Repairs, etc.

For addition to laundry boiler house, plant, and stack, ten thousand five hundred dollars;

For one compound noncompressing pump for waterworks, seven thousand five hundred dollars;

For farm, namely: Pay of farmer, chief gardener, harness makers, farm hands, gardeners, horseshoers, stablemen, teamsters, dairymen, herders, and laborers, and for all tools, appliances, and materials required for farm, garden, and dairy work; for grain, hay, straw, dressing, seed, carriages, wagons, carts, and other conveyances; for all animals purchased for stock or for work (including animals in the park); for all materials, tools, and labor for flower garden, lawn, and park; for rent of leased lands, and for repairs not done by the Home, fifteen thousand dollars;

Farm.

In all, five hundred and sixty thousand dollars.

AT THE NORTHWESTERN BRANCH, AT MILWAUKEE, WISCONSIN: For current expenses, including the same objects specified under this head for the Central Branch, twenty-eight thousand eight hundred dollars;

Milwaukee, Wis.

For subsistence, including the same objects specified under this head for the Central Branch, one hundred and thirty-two thousand five hundred dollars;

For household, including the same objects specified under this head for the Central Branch, fifty-two thousand dollars;

For hospital, including the same objects specified under this head for the Central Branch, thirty-two thousand five hundred dollars;

For transportation of members of the Home, one thousand two hundred and fifty dollars;

For repairs, including the same objects specified under this head for the Central Branch, twenty-five thousand dollars;

For farm, including the same objects specified under this head for the Central Branch, nine thousand five hundred dollars;

In all, two hundred and eighty-one thousand five hundred and fifty dollars.

AT THE EASTERN BRANCH AT TOGUS, MAINE: For current expenses,

Togus, Me.

including the same objects specified under this head for the Central Branch, twenty-seven thousand five hundred dollars;

For subsistence, including the same objects specified under this head for the Central Branch, one hundred and twenty-five thousand dollars;

For household, including the same objects specified under this head for the Central Branch, forty-seven thousand five hundred dollars;

For hospital, including the same objects specified under this head for the Central Branch, thirty thousand dollars;

For transportation of members of the Home, one thousand five hundred dollars;

For repairs, including the same object specified under this head for the Central Branch, twenty-two thousand dollars;

For ice house, three thousand dollars;

For summer barrack, three thousand five hundred dollars;

For alteration of barracks and extension of steam-heating plant, four thousand five hundred dollars;

For alteration of nurses' quarters, two thousand dollars;

For farm, including the same objects specified under this head for the Central Branch, and for the purchase of additional land adjoining the Branch, one hundred and thirty-nine acres, more or less, at a cost not exceeding three thousand five hundred dollars, fourteen thousand five hundred dollars;

In all, two hundred and eighty-one thousand dollars.

Hampton, Va.

AT THE SOUTHERN BRANCH, AT HAMPTON, VIRGINIA: For current expenses, including the same objects specified under this head for the Central Branch, thirty thousand dollars;

For subsistence, including the same objects specified under this head for the Central Branch, one hundred and eighty thousand dollars;

For household, including the same objects specified under this head for the Central Branch, fifty-two thousand five hundred dollars;

For hospital, including the same objects specified under this head for the Central Branch, thirty-two thousand five hundred dollars;

For transportation of members of the Home, two thousand five hundred dollars;

For repairs, including the same objects specified under this head for the Central Branch, twenty-five thousand dollars;

For officers' quarters and furniture, five thousand dollars;

For property storehouse, twelve thousand dollars;

For repairs to breakwater, six thousand seven hundred and fifty dollars;

For farm, including the same objects specified under this head for the Central Branch, twelve thousand dollars; .

In all, three hundred and fifty-eight thousand two hundred and fifty dollars.

Leavenworth, Kans.

AT THE WESTERN BRANCH, AT LEAVENWORTH, KANSAS: For current expenses, including the same objects specified under this head for the Central Branch, thirty-three thousand eight hundred dollars;

For subsistence, including the same objects specified under this head for the Central Branch, one hundred and thirty-two thousand five hundred dollars;

For household, including the same objects specified under this head for the Central Branch, fifty-seven thousand five hundred dollars;

For hospital, including the same objects specified under this head for the Central Branch, thirty-two thousand five hundred dollars;

For transportation of members of the Home, two thousand five hundred dollars;

For repairs, including the same objects specified under this head for the Central Branch, twenty-five thousand dollars;

For addition to cold-storage plant, ten thousand seven hundred and fifty dollars;

For blacksmith shop, one thousand two hundred and fifty dollars;
For cow barn and wagon shed, two thousand two hundred and fifty dollars;

For officers' quarters and furniture, five thousand seven hundred and fifty dollars;

For farm, including the same objects specified under this head for the Central Branch, and for purchase of land at a cost not exceeding six hundred and fifty dollars, twelve thousand dollars;

In all, three hundred and fifteen thousand eight hundred dollars.

AT THE PACIFIC BRANCH, AT SANTA MONICA, CALIFORNIA: For current expenses, including the same objects specified under this head for the Central Branch, twenty-seven thousand five hundred dollars;

Santa Monica, Cal.

For subsistence, including the same objects specified under this head for the Central Branch, one hundred and five thousand dollars;

For household, including the same objects specified under this head for the Central Branch, forty-five thousand dollars;

For hospital, including the same objects specified under this head for the Central Branch, twenty-seven thousand five hundred dollars;

For transportation of members of the Home, three thousand five hundred dollars;

For repairs, including the same objects specified under this head for the Central Branch, twenty-eight thousand dollars;

For air and ammonia compressors, four thousand dollars;

For septic tank, two thousand eight hundred dollars;

For steam condenser and purifier, three thousand three hundred dollars;

For one additional barrack, twenty-six thousand dollars;

For wing to hospital, sixteen thousand five hundred dollars;

For farm, including the same objects specified under this head for the Central Branch, ten thousand dollars;

In all, two hundred and ninety-nine thousand one hundred dollars.

AT THE MARION BRANCH, AT MARION, INDIANA: For current expenses, including the same objects specified under this head for the Central Branch, twenty-nine thousand dollars;

Marion, Ind.

For subsistence, including the same objects specified under this head for the Central Branch, one hundred and five thousand dollars;

For household, including the same objects specified under this head for the Central Branch, and for necessary expenses for the procurement, piping, and preservation of natural gas, twenty-five thousand dollars;

For hospital, including the same objects specified under this head for the Central Branch, twenty-seven thousand five hundred dollars;

For transportation, including the same objects specified under this head for the Central Branch, one thousand seven hundred and fifty dollars;

For repairs, including the same objects specified under this head for the Central Branch, and for necessary expenses for the procurement, piping, and preservation of natural gas, twenty-five thousand dollars:

Provided, That no part of the appropriation for repairs for any of the Branch Homes shall be used for the construction of any new building;

Proviso.
Appropriation for repairs not available for new buildings.

For completing and furnishing chapel and approaches thereto, three thousand dollars;

For constructing pavilion, two thousand dollars;

For farm, including the same objects specified under this head for the Central Branch, eight thousand seven hundred and fifty dollars;

In all, two hundred and twenty-seven thousand dollars.

AT THE DANVILLE BRANCH, DANVILLE, ILLINOIS: For current expenses, including the same objects specified under this head for the Central Branch, twenty-seven thousand five hundred dollars;

Danville, Ill.

For subsistence, including the same objects specified under this head for the Central Branch, one hundred and fifteen thousand dollars;

For household, including the same objects specified under this head for the Central Branch, fifty-five thousand dollars;

For hospital, including the same objects specified under this head for the Central Branch, twenty-seven thousand five hundred dollars;

For transportation of members of the Home, one thousand five hundred dollars;

For repairs, including the same objects specified under this head for the Central Branch, twenty thousand dollars;

For completion of work of construction, namely: For one barrack, thirty-five thousand dollars; retention hospital, thirty-five thousand dollars; shop, two thousand five hundred dollars; lodge house and gateway, five thousand dollars; memorial hall, thirty-five thousand dollars; nurses' home, ten thousand dollars; quartermaster's residence, five thousand dollars; chief engineer's residence, two thousand five hundred dollars; pavilion, three thousand dollars; greenhouse, three thousand five hundred dollars; additional concrete walks, fourteen thousand dollars; additional fencing, grading, and roads, twenty thousand dollars; steam and water mains in grounds to additional buildings, six thousand dollars; public latrine, one thousand five hundred dollars; additional land, ten thousand dollars; in all, one hundred and eighty-eight thousand dollars;

For farm, including the same objects specified under this head for the Central Branch, ten thousand dollars;

In all, four hundred and forty-four thousand five hundred dollars.

Clothing, all
branches.

For clothing for all of the Branches, namely: Expenditures for clothing, underclothing, hats, caps, boots, shoes, socks, and overalls; also all sums expended for labor, materials, machines, tools, and appliances employed, and for use in the tailor shops, knitting shops, and shoe shops, or other Home shops in which any kind of clothing is made or repaired; two hundred and seventy-five thousand dollars.

Board of Managers,
salaries, etc.

For salaries for officers and employees of the Board of Managers, and for outdoor relief and incidental expenses, namely:

For president of the Board of Managers, four thousand dollars; secretary of the Board of Managers, two thousand dollars; general treasurer, who shall not be a member of the Board of Managers, three thousand five hundred dollars; inspector-general, two thousand five hundred dollars; assistant general treasurer and assistant inspector-general, who shall hereafter, in the necessary absence or inability of the general treasurer, from any cause whatever, perform his duties and give bond to the general treasurer for the faithful performance of such duties, but the general treasurer shall in every respect be responsible, on his bond, to the United States for any default on the part of such assistant general treasurer and assistant inspector-general, two thousand dollars; two assistant inspectors-general, at two thousand dollars each; clerical services for the offices of the president and general treasurer, eight thousand five hundred and fifty-six dollars; messenger service for president's office, one hundred and forty-four dollars; clerical services for managers, two thousand four hundred dollars; agents, two thousand four hundred dollars; for traveling expenses of the Board of Managers, their officers and employees, ten thousand five hundred dollars; for outdoor relief, one thousand five hundred dollars; for rent, medical examinations, stationery, telegrams, and other incidental expenses, four thousand five hundred dollars; in all, forty-eight thousand dollars.

In all, three million and ninety thousand two hundred dollars.

State or Territorial
homes.
Vol. 25, p. 450.

STATE OR TERRITORIAL HOMES: For continuing aid to State or Territorial homes for the support of disabled volunteer soldiers, in conformity with the Act approved August twenty-seventh, eighteen hundred and eighty-eight, including all classes of soldiers admissible to the National Home for Disabled Volunteer Soldiers, nine hundred and

fifty thousand dollars: *Provided*, That one-half of any sum or sums retained by State homes on account of pensions received from inmates shall be deducted from the aid herein provided for.

Proviso.
Deductions.

BACK PAY AND BOUNTY: For payment of amounts for arrears of pay of two and three year volunteers, for bounty to volunteers and their widows and legal heirs, for bounty under the Act of July twenty-eighth, eighteen hundred and sixty-six, and for amounts for commutation of rations to prisoners of war in rebel States, and to soldiers on furlough, that may be certified to be due by the accounting officers of the Treasury during the fiscal year nineteen hundred and one, two hundred thousand dollars, together with the unexpended balance appropriated for this object for the fiscal year nineteen hundred: *Provided*, That in the settlement of claims of officers, soldiers, sailors, and marines, or their representatives, and all other claims for pay and allowances within the jurisdiction of the Auditor for the War Department or the Auditor for the Navy Department, presented and filed hereafter in which it is the present practice to make deductions of attorneys' fees from the amount found due, no deductions of fees for attorneys or agents shall hereafter be made, but the draft, check, or warrant for the full amount found due shall be delivered to the payee in person or sent to his bona fide post-office address (residence or place of business).

Arrears of pay and bounty.
Vol. 14, p. 322.

Proviso.
Drafts in settlement of military claims, etc., to be delivered to payee without deducting attorney's fee.

NAVY DEPARTMENT.

Navy Department.

OFFICE OF NAVAL RECORDS OF THE REBELLION: For one agent, to be selected by the Secretary of the Navy from the officers of the late Confederate Navy, one thousand eight hundred dollars.

Office Naval Records of the Rebellion.
Agent.

DEPARTMENT OF STATE.

Department of State.

INTERNATIONAL UNION OF AMERICAN REPUBLICS: For actual and necessary expenses of delegates to the proposed international conference of American States and for necessary clerical assistance, twenty-five thousand dollars.

International Union of American Republics.

INDEX TO DIPLOMATIC CORRESPONDENCE: For preparation of general index to the published volumes of the Diplomatic Correspondence and Foreign Relations of the United States, to be made under the direction of the Secretary of State and by such persons as he may employ for that purpose, two thousand dollars: *Provided*, That said index shall be completed within one year.

Index to Diplomatic Correspondence.

Proviso.
—completion.

DEPARTMENT OF LABOR.

Department of Labor.

MISCELLANEOUS EXPENSES: For per diem, in lieu of subsistence of special agents, and employees while traveling on duty away from home and outside of the District of Columbia, at a rate not to exceed three dollars per day, and for their transportation, and for employment of experts and temporary assistance and for traveling expenses of officers and employees, and for the purchase of reports and materials for the bulletin of the Department of Labor authorized by legislative Act approved March second, eighteen hundred and ninety-five, two thousand five hundred dollars.

Miscellaneous.

Vol. 28, p. 805.

UNDER THE DEPARTMENT OF JUSTICE.

Department of Justice.

OFFICE OF THE ATTORNEY-GENERAL: For one law clerk, two thousand five hundred dollars.

Law clerk.

COURT-HOUSE, WASHINGTON, DISTRICT OF COLUMBIA: For annual repairs, as per estimate of the Architect of the Capitol, one thousand dollars.

Court-house, District of Columbia.
Repairs.

For special repairs to court-house, District of Columbia, in accordance with estimates of the Architect of the Capitol, four thousand three hundred and forty-eight dollars and fifty cents, to be immediately available.

Fort Leavenworth,
Kans., penitentiary.

Vol. 29, p. 380.

To establish a site and for the erection of a penitentiary on the military reservation at Fort Leavenworth, Kansas, and for other purposes incident thereto, under the Act of June tenth, eighteen hundred and ninety-six, fifty thousand dollars.

Miscellaneous.

MISCELLANEOUS.

Defending suits in
claims.

DEFENDING SUITS IN CLAIMS AGAINST THE UNITED STATES: For defraying the necessary expenses, including salaries of necessary employees in Washington, District of Columbia, incurred in the examination of witnesses and procuring of evidence in the matter of claims against the United States and in defending suits in the Court of Claims, including defense for the United States in the matter of French spoliation claims, to be expended under the direction of the Attorney-General, forty-five thousand dollars.

Punishing viola-
tions of intercourse
acts, Indian service.

PUNISHING VIOLATIONS OF THE INTERCOURSE ACTS AND FRAUDS: For detecting and punishing violations of the intercourse Acts of Congress and frauds committed in the Indian service, the same to be expended by the Attorney-General in allowing such fees and compensation of witnesses, jurors, marshals and deputies, and agents, and in collecting evidence, and in defraying such other expenses as may be necessary for this purpose, four thousand dollars.

Prosecution of
crimes.

PROSECUTION OF CRIMES: For the detection and prosecution of crimes against the United States, preliminary to indictment; the investigation of official acts, records, and accounts of marshals, attorneys, clerks of the United States courts, and United States commissioners, for which purpose all the records and dockets of said officers, without exception, shall be examined by the agents of the Attorney-General at any time; the inspection of United States prisoners and prisons; to be expended under the direction of the Attorney-General, and to include salaries of all necessary agents in Washington, District of Columbia, forty thousand dollars.

Traveling expenses.
R. S., sec. 3648, p. 718.

TRAVELING AND MISCELLANEOUS EXPENSES: For traveling and other miscellaneous and emergency expenses authorized and approved by the Attorney-General, to be expended at his discretion, the provisions of the first paragraph of section thirty-six hundred and forty-eight, Revised Statutes, to the contrary notwithstanding, five thousand dollars.

Prosecution of
claims.

PROSECUTION AND COLLECTION OF CLAIMS: For the prosecution and collection of claims due the United States, to be expended under the direction of the Attorney-General, five hundred dollars.

Alaska.
Traveling expenses.

TRAVELING EXPENSES, TERRITORY OF ALASKA: For the actual and necessary expenses of the judge, clerk, marshal, and attorney, when traveling in the discharge of their official duties, three thousand dollars.

Rent, etc.

RENT AND INCIDENTAL EXPENSES, TERRITORY OF ALASKA: For rent of offices for the marshal, district attorney, and commissioners; furniture, fuel, books, stationery, and other incidental expenses, and for necessary clerk hire in the United States marshal's office, the amount thereof to be fixed by the Attorney-General, eight thousand five hundred dollars.

Defense in Indian
depredation claims.

DEFENSE IN INDIAN DEPREDAATION CLAIMS: For salaries and expenses in defense of the Indian depredation claims, including salaries of Assistant Attorney-General in charge and necessary employees in Washington, District of Columbia, to be expended under the direction of the Attorney-General, fifty-two thousand dollars.

COUNSEL FOR MISSION INDIANS: To enable the Attorney-General to employ a special attorney for the Mission Indians of southern California, upon the recommendation of the Secretary of the Interior, one thousand dollars.

Counsel for Mission Indians.

DIGEST OF THE OPINIONS OF THE ATTORNEY-GENERAL: To enable the Attorney-General to employ a competent person to edit and prepare for publication and superintend the printing of a Digest of the Opinions of the Attorney-General, and the twenty-second volume of the Opinions of the Attorney-General, to be expended by the Attorney-General in such manner as will, in his judgment, best accomplish the work, one thousand five hundred dollars, the printing of said volume to be done in accordance with the provisions of section three hundred and eighty-three of the Revised Statutes.

Digest of opinions of the Attorney-General.

R. S., sec. 383, p. 63.

CARE AND MAINTENANCE OF BUILDINGS RENTED BY DEPARTMENT OF JUSTICE: For incidental expenses and for employment of temporary assistance and workmen necessary for the care and custody of the buildings in the District of Columbia rented by the Department of Justice, to be selected and their compensation fixed by the Attorney-General and to be expended under his direction, eight thousand dollars.

Care rented buildings.

JUDICIAL.

Judicial.

UNITED STATES COURTS.

EXPENSES OF THE UNITED STATES COURTS: For defraying the expenses of the Supreme Court; of the circuit and district courts of the United States; of the supreme court and court of appeals of the District of Columbia; of the district court of Alaska; of the courts in the Indian Territory; of the circuit courts of appeals; of the Court of Private Land Claims; of suits and preparations for or in defense of suits in which the United States is interested; of the prosecution of offenses committed against the United States; and in the enforcement of the laws of the United States, specifically the expenses stated under the following appropriations, namely:

United States Courts.

For payment of salaries, fees, and expenses of United States marshals and their deputies, one million dollars, to include payments for services rendered in behalf of the United States or otherwise. Advances to United States marshals, in accordance with existing law, may be made from the proper appropriations, as herein provided, immediately upon the passage of this Act; but no disbursements shall be made prior to July first, nineteen hundred, by said disbursing officers from the funds thus advanced, and no disbursements shall be made therefrom to liquidate expenses for the fiscal year nineteen hundred, or prior years.

Marshals' salaries.

—advances.

No mileage shall be allowed upon any writ not executed nor when the travel is without cost to the marshal or office deputy.

—mileage.

For salaries of United States district attorneys and expenses of United States district attorneys and their regular assistants, four hundred thousand dollars.

District attorneys.

For fees of United States district attorney for the District of Columbia, twenty-three thousand eight hundred dollars.

District of Columbia, United States attorney.

For payment of regular assistants to United States district attorneys, who are appointed by the Attorney-General, at a fixed annual compensation, one hundred and sixty thousand dollars.

Regular assistants to district attorneys.

For payment of assistants to the Attorney-General and to United States district attorneys employed by the Attorney-General to aid in special cases, sixty thousand dollars.

For fees of clerks, two hundred and forty thousand dollars: *Provided*, That clerks of the United States circuit courts of appeals, annually and within thirty days after the thirtieth day of June in each year, shall make a return to the Attorney-General of the United States

Clerks' fees.
Provided,
Clerks United States circuit courts of appeals; return of fees, etc.

—payment of balance into Treasury.	of all the fees and emoluments of their offices respectively. Such return shall cover all fees and emoluments earned during the preceding year and also the necessary office expenses for such year including clerk hire, the compensation of the clerk not to exceed five hundred dollars per annum as now provided by law. Such expenses including clerk hire shall be certified by the senior circuit judge of the proper circuit, and audited and allowed by the proper accounting officers of the Treasury Department. The respective clerks of the circuit courts of appeals, after deducting such expenses and clerk hire, shall, at the time of making such returns, pay into the Treasury of the United States the balance of such fees and emoluments. In case the amounts claimed for such expenses and clerk hire have not been audited by such accounting officers prior to the time fixed for making such returns and payment, said clerks may retain the sums claimed by them respectively until the audit is made, and in case any sum so claimed and retained is not allowed the amount disallowed shall within ten days after notice of disallowance be paid into the Treasury of the United States. All laws and parts of laws so far as in conflict with this proviso are hereby repealed.
—auditing, etc.	For fees of United States commissioners and justices of the peace acting under section ten hundred and fourteen, Revised Statutes of the United States, one hundred and fifty thousand dollars.
Commissioners' fees. R. S., sec. 1014, p. 189.	For fees of jurors, six hundred thousand dollars.
Jurors' fees. Witnesses' fees. Support of prisoners.	For fees of witnesses, nine hundred and fifty thousand dollars.
United States penitentiary, Fort Leavenworth, Kans. Subsistence.	For support of United States prisoners, including necessary clothing and medical aid, and transportation to place of conviction or place of bona fide residence in the United States, and including support of prisoners becoming insane during imprisonment, as well before as after conviction, and continuing insane after expiration of sentence, who have no friends to whom they can be sent, and not exceeding three thousand dollars for repair of United States jails, six hundred and fifty thousand dollars.
Clothing, etc.	For the support of the United States Penitentiary at Fort Leavenworth, Kansas, as follows: For subsistence, including supplies for prisoners, warden, deputy warden, tobacco for prisoners, kitchen and dining-room furniture and utensils; and for farm and garden seeds and implements, and for purchase of ice if necessary, forty-three thousand two hundred dollars;
Fuel, forage, light, etc.	For clothing, transportation, and traveling expenses, including such clothing as can be made at the penitentiary; for the usual gratuities as provided by law to prisoners at release, including transportation to place of conviction or place of bona fide residence in the United States; for expenses of penitentiary officials while traveling on duty; for expenses incurred in identifying and pursuing escaped prisoners, and for rewards for their recapture, twenty-two thousand five hundred dollars;
	For fuel, forage, hay, light, water, stationery, purchase of fuel for generating steam, heating apparatus, burning bricks and lime; forage for issue to public animals and hay or straw for bedding; blank books, blank forms, typewriting supplies for use in offices and prisoners' school, pencils and memorandum books for guards, books for use in chapel, paper, envelopes, and postage stamps for issue to prisoners; for labor and materials for repairing steam-heating plant, electric plant and water circulation, and drainage; for materials for construction and repair of buildings; for general supplies, machinery, and tools for use in shops, brickyard, quarry, limekiln, laundry, bathrooms, printing office, photograph gallery, stables, policing buildings and grounds; for the purchase of horses, mules, wagons, harness, veterinary supplies, lubricating oils, office furniture, stoves, blankets, bedding, iron bunks, paints and oils, library books, newspapers and periodicals, and elec-

trical supplies; for payment of water supply, telegrams, telephone service, notarial and veterinary services; for advertising in newspapers, proposals for supplies, and other necessary advertisements; for fees to consulting physicians called to determine mental condition of supposed insane prisoners, and for other services in cases of emergency; for pay of extra guards when deemed necessary by the Attorney-General, and for miscellaneous expenditures in the discretion of the Attorney-General, thirty thousand dollars;

For hospital supplies, including purchase of medicines, medical and surgical supplies, and all other articles required for the care and treatment of sick prisoners; and for expenses of interment of deceased prisoners, two thousand dollars;

For salaries, including pay of officials and employees, as follows: Warden, four thousand dollars; deputy warden, two thousand dollars; chaplain, one thousand five hundred dollars; chaplain, three hundred dollars; physician, one thousand six hundred dollars; chief clerk, one thousand eight hundred dollars; bookkeeper and record clerk, one thousand two hundred dollars; stenographer, nine hundred dollars; steward, nine hundred dollars; superintendent of farm and transportation, eight hundred dollars; superintendent of industries and storekeeper, one thousand two hundred dollars; captains of watch, one thousand eight hundred dollars; guards, thirty-nine thousand six hundred dollars; two teamsters, one thousand two hundred dollars; engineer, one thousand two hundred dollars; assistant engineer and electrician, nine hundred dollars; in all, sixty thousand nine hundred dollars;

For foremen, shoemaker, harness maker, carpenter, blacksmith, tailor, and tinner, when necessary, four thousand eight hundred dollars;

In all, one hundred and sixty-three thousand four hundred dollars.

For rent of rooms for the United States courts and judicial officers, one hundred thousand dollars.

For pay of bailiffs and criers, not exceeding three bailiffs and one crier in each court, except in the southern district of New York: *Provided*, That all persons employed under section seven hundred and fifteen of the Revised Statutes shall be deemed to be in actual attendance when they attend upon the order of the courts: *And provided further*, That no such person shall be employed during vacation; of reasonable expenses for travel and attendance of district judges directed to hold court outside of their districts, not to exceed ten dollars per day each, to be paid on written certificates of the judges, and such payments shall be allowed the marshal in the settlement of his accounts with the United States; expenses of judges of the circuit courts of appeals; of meals and lodgings for jurors in United States cases, and of bailiffs in attendance upon the same, when ordered by the court; and of compensation for jury commissioners, five dollars per day, not exceeding three days for any one term of court, one hundred and fifty thousand dollars.

For payment of such miscellaneous expenses as may be authorized by the Attorney-General, for the United States courts and their officers, including the furnishing and collecting of evidence where the United States is or may be a party in interest, and moving of records, two hundred and twenty-five thousand dollars.

For salaries and expenses of clerks, deputy clerks, commissioners, and constables, and expenses of judges, in the Indian Territory, including the salaries of three deputy clerks, one at Muscogee, one at South McAlester, and one at Ardmore, fifty-five thousand dollars.

For supplies for the United States courts and judicial officers, to be expended under the direction of the Attorney-General, thirty thousand dollars.

Hospital.

Salaries.

Rent of court rooms.

Bailiffs and criers.

Provided.
Actual attendance.
R. S., sec. 715, p. 136.

Vacation, etc.

Traveling expenses
of judges, etc.
Meals for jurors, etc.

Jury commissioners.

Miscellaneous.

Indian Territory.
Salaries, etc.

Supplies.

Additional judges,
New York and Ha-
waii.

For the payment of the salaries of an additional district judge in the State of New York and the United States district judge for the Territory of Hawaii, ten thousand dollars.

Clerk and reporter,
Hawaii.

For the payment of the salaries of the clerk and the reporter of the United States district court for the Territory of Hawaii, at three thousand dollars and one thousand two hundred dollars, respectively, four thousand two hundred dollars.

District attorney,
southern district of
New York.
R. S., sec. 825, p. 154.

FEES OF DISTRICT ATTORNEY, SOUTHERN DISTRICT OF NEW YORK: For fees of district attorney for the southern district of New York, under section eight hundred and twenty-five, Revised Statutes, one hundred dollars.

Legislative.

UNDER LEGISLATIVE.

Statement of appro-
priations.

STATEMENT OF APPROPRIATIONS: For preparation, under the direction of the Committees on Appropriations of the Senate and House of Representatives, of the statements showing appropriations made, new offices created, offices the salaries of which have been omitted, increased, or reduced, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriation bills passed during the first session of the Fifty-sixth Congress, as required by the Act approved October nineteenth, eighteen hundred and eighty-eight, two thousand dollars, to be paid to the persons designated by the chairmen of said committees to do said work.

Vol. 25, p. 587.

Botanic Garden.

BOTANIC GARDEN: For reconstructing roofs of extra tropical plant house numbered one and orchid house numbered eight with iron rafters and purlins, and for repairs to roofs of packing and potting sheds, and for reconstructing roofs of two plant houses, numbered one and two, south side of Maryland avenue, and for painting, glazing, and general repairs to buildings, heating apparatus, and foot walks, under the direction of the Joint Committee on the Library, five thousand five hundred dollars.

House of Represen-
tatives.
Preservation, etc.,
of files.

FILES, HOUSE OF REPRESENTATIVES: The Clerk of the House of Representatives is hereby authorized and directed to deliver to the Librarian of Congress all bound volumes of original papers, general petitions, printed matter, books, and manuscripts now in, or that may hereafter come into, the files of the House, which in his judgment are not required to be retained in the immediate custody of the file clerk; and it shall be the duty of the Librarian of Congress to cause all such matter so delivered to him to be properly classified by Congress and arranged for preservation and ready reference. All of such matter to be held as a part of the files of the House of Representatives, subject to its orders and rules.

—appropriation.

For the purpose of executing the requirements of this paragraph the Clerk of the House is authorized to employ, with the approval of the Committee on Accounts, necessary laborers and cartage at a total cost not to exceed one thousand five hundred dollars, to be paid out of the contingent fund of the House.

Industrial Commis-
sion continued.
Vol. 30, pp. 476, 1118.

INDUSTRIAL COMMISSION: That the Industrial Commission authorized by "An Act authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital," approved June eighteenth, eighteen hundred and ninety-eight, and amended by "An Act making appropriations for the sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred, and for other purposes," approved March third, eighteen hundred and ninety-nine, is hereby continued until December fifteenth, nineteen hundred and one, with all the powers and duties imposed upon it by said Acts: *Provided further*, That nine thousand copies of the reports and digests prepared by the Industrial Commis-

Proviso.
Printing of reports,
etc.

sion, together with all evidence taken by said commission, be printed, three thousand for the use of the Senate and six thousand for the use of the House of Representatives.

To pay the expenses of the commission, eighty-seven thousand five hundred dollars; and to pay the salaries of the commissioners not members of Congress, forty-two thousand dollars; in all, one hundred and twenty-nine thousand five hundred dollars.

Expenses.

PUBLIC PRINTING AND BINDING.

For the public printing, for the public binding, and for paper for the public printing, including the cost of printing the debates and proceedings of Congress in the Congressional Record, and for lithographing, mapping, and engraving for both Houses of Congress, the Supreme Court of the United States, the supreme court of the District of Columbia, the Court of Claims, the Library of Congress, the Executive Office, and the Departments, including salaries or compensation of all necessary clerks and employees, for labor (by the day, piece, or contract), and for rents, books of reference, and all the necessary materials which may be needed in the prosecution of the work, three million nine hundred and forty-eight thousand eight hundred dollars: *Provided*, That the Public Printer may hereafter, in his discretion, pay all printers, bookbinders, and leather parers employed in the Government Printing Office at the rate of fifty cents per hour for time actually employed; and from the said sum hereby appropriated printing and binding shall be done by the Public Printer to the amounts following, respectively, namely:

Public printing and binding.

Amount.

Proviso.
Payment of printers, etc., for time actually employed.

For printing and binding for Congress, including the proceedings and debates, and for rents, two million one hundred and seventy-nine thousand eight hundred dollars. And printing and binding for Congress chargeable to this appropriation, when recommended to be done by the Committee on Printing of either House, shall be so recommended in a report containing an approximate estimate of the cost thereof, together with a statement from the Public Printer of estimated approximate cost of work previously ordered by Congress, within the fiscal year for which this appropriation is made.

Allotment of appropriation.

For the State Department, twenty-five thousand dollars.

For the Treasury Department, including not exceeding twenty thousand nine hundred and thirty-five dollars for the Coast and Geodetic Survey, three hundred thousand dollars.

For the War Department, two hundred and thirty-three thousand five hundred dollars, of which sum twelve thousand dollars shall be for the index catalogue of the library of the Surgeon-General's Office, twenty thousand dollars for publication of the Official Records of the War of the Rebellion by the Record and Pension Office.

For the Navy Department, one hundred and twenty thousand dollars, including not exceeding twelve thousand dollars for the Hydrographic Office.

For the Interior Department, including the Civil Service Commission, three hundred thousand dollars, including not exceeding ten thousand dollars for rebinding tract books for the General Land Office.

For the Smithsonian Institution, for printing labels and blanks, and for the "Bulletins" and "Proceedings" of the National Museum, the editions of which shall not be less than three thousand copies, and binding, in half turkey, or material not more expensive, scientific books and pamphlets presented to and acquired by the National Museum Library, seventeen thousand dollars.

For the United States Geological Survey as follows:

For engraving the illustrations necessary for the report of the Director, seven thousand dollars.

For engraving the illustrations necessary for the monographs and bulletins, ten thousand dollars.

For printing and binding the monographs and bulletins, twenty thousand dollars.

For the Department of Justice, thirteen thousand dollars.

For the Post-Office Department, exclusive of the Money-Order Office, two hundred and fifteen thousand dollars.

For the Department of Agriculture, including ten thousand dollars for the Weather Bureau, one hundred thousand dollars.

For the Department of Labor, eight thousand dollars.

The Public Printer is hereby authorized to print such number of extra copies of the bimonthly Bulletin of the Department of Labor, not to exceed twenty thousand of any single issue, when in the opinion of the Commissioner of Labor the demand for the Bulletin makes an extra edition necessary.

For the Supreme Court of the United States, ten thousand dollars; and the printing for the Supreme Court under this appropriation shall be done by the printer it may employ, unless it shall otherwise order.

For the supreme court of the District of Columbia, one thousand five hundred dollars.

For the Court of Claims, twelve thousand dollars.

For the Library of Congress, including the copyright department, and the binding, rebinding, and repairing of library books, seventy-five thousand dollars.

For the Executive Office, two thousand dollars.

Agricultural report.
Vol. 28, p. 612.

For printing and binding the Annual Report of the Secretary of Agriculture, as required by the Act approved January twelfth, eighteen hundred and ninety-five, three hundred thousand dollars, or so much thereof as may be necessary.

Division of appro-
priation.

And no more than an allotment of one-half of the sum hereby appropriated shall be expended in the first two quarters of the fiscal year; and no more than one-fourth thereof may be expended in either of the last two quarters of the fiscal year, except that, in addition thereto, in either of said last quarters, the unexpended balances of allotments for preceding quarters may be expended: *Provided*, That so much as may be necessary for printing and binding the Annual Report of the Secretary of Agriculture, as required by the Act approved January twelfth, eighteen hundred and ninety-five, shall not be included in said allotments.

Proviso.
Agricultural report
excepted.

Government Print-
ing Office.
Leaves of absence.

To enable the Public Printer to comply with the provisions of the law granting thirty days' annual leave to the employees of the Government Printing Office, two hundred and thirty-four thousand dollars, or so much thereof as may be necessary.

Appropriation for
new building.

Toward the construction of a fireproof building for the use of the Government Printing Office and for each and every purpose connected therewith, including the cost of all professional and other personal services that the Chief of Engineers of the Army may deem necessary, and for necessary books and periodicals, and for the rent of office rooms in a locality convenient to the work, to be expended under the direction and supervision of the said Chief of Engineers, seven hundred and seventy-five thousand dollars.

Appropriation for
salaries to be in full,
etc.

SEC. 2. That all sums appropriated by this Act for salaries of officers and employees of the Government shall be in full for such salaries for the fiscal year nineteen hundred and one, and all laws or parts of laws in conflict with the provisions of this Act be, and the same are hereby, repealed.

Louisiana Purchase
Exposition.
Appropriation for.

LOUISIANA PURCHASE EXPOSITION: For defraying the expenses of the Louisiana Purchase Exposition Commission, when appointed, ten thousand dollars; and when the Louisiana Purchase Exposition of nineteen hundred and three, a corporation under the laws of the State

of Missouri, shall have raised, to the satisfaction of the Secretary of the Treasury, ten million dollars for and on account of inaugurating and carrying forward an exposition at Saint Louis, Missouri, to celebrate the one hundredth anniversary of the purchase of Louisiana Territory by the United States, then the United States will authorize the expenditure of the sum of five million dollars for such exposition, to be disbursed under the direction of "The Louisiana Purchase Exposition of nineteen hundred and three," under rules and regulations and under conditions to be hereafter prescribed by the Congress: *Provided, however*, That said sum of five million dollars shall not be expended until the said sum of ten million dollars raised by said Louisiana Purchase Exposition of nineteen hundred and three shall have been expended for and on account of said exposition, and there shall be repaid into the Treasury of the United States the same proportionate amount of the aid given by the United States as shall be repaid to either the corporation or the city of Saint Louis: *And provided further*, That all sums expended by the Government on account of said exposition, except for its own buildings and exhibits and the care of the same, shall be deducted from any general appropriation made for said exposition.

Approved, June 6, 1900.

Provisos.
—condition of appropriation.

Deductions.

CHAP. 792.—An Act Making appropriations for the support of the Military Academy for the fiscal year ending June thirtieth, nineteen hundred and one, and for other purposes.

June 6, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the Military Academy for the fiscal year ending June thirtieth, nineteen hundred and one.

Military Academy appropriations.

PERMANENT ESTABLISHMENT.

Permanent establishment.

For pay of seven professors, twenty-two thousand five hundred dollars;

Pay of professors.

For pay of one chaplain, two thousand dollars;

For pay of one associate professor of mathematics, two thousand dollars;

For pay of three hundred and eighty-one cadets, at five hundred and forty dollars each, one hundred and eighty-five thousand dollars;

Cadets.

In all, for permanent establishment, two hundred and eleven thousand five hundred dollars;

For extra pay of officers of the Army on detached service at the Military Academy:

Extra to officers.

For pay of one Superintendent of the United States Military Academy (colonel), in addition to pay as captain, mounted, one thousand seven hundred dollars;

For one commandant of cadets (lieutenant-colonel), in addition to pay as captain, mounted, one thousand two hundred dollars;

For pay of one instructor of practical military engineering (major), in addition to pay as captain, mounted, five hundred dollars;

For pay of one instructor of ordnance and science of gunnery (major), in addition to pay as captain, mounted, five hundred dollars;

For pay of eight assistant professors (captains), in addition to pay as first lieutenants, not mounted, four thousand dollars;

For pay of five senior instructors of cavalry, artillery, and infantry

tactics, ordnance and gunnery, and practical military engineering (captains), in addition to pay as first lieutenants, not mounted, two thousand five hundred dollars;

For pay of four assistant instructors of cavalry, artillery, and infantry tactics (captains), in addition to pay as second lieutenants, not mounted, two thousand four hundred dollars;

For pay of one adjutant in addition to pay as second lieutenant, not mounted, six hundred dollars;

For pay of one line officer on duty in Quartermaster's Department in addition to pay as first lieutenant, mounted, four hundred dollars;

For pay of one treasurer and quartermaster, and commissary of cadets, in addition to pay as captain, not mounted, seven hundred dollars;

For additional pay of librarian, one hundred and twenty dollars;

Longevity pay.

For additional pay of professors and officers (and officers on increased rank) for length of service, nine thousand five hundred and fifteen dollars and twenty cents;

In all, for extra pay of officers of Army on detached service at the Military Academy, twenty-four thousand one hundred and thirty-five dollars and twenty cents;

Pay of enlisted men.

For pay of the Military Academy Band, field musicians, general army service, cavalry detachment, artillery detachment; and enlisted men on detached service, and extra pay for enlisted men on special duty:

Band.

For pay of military band, twelve enlisted musicians, at thirty-four dollars per month, four thousand eight hundred and ninety-six dollars;

Twelve enlisted musicians, at twenty-five dollars per month, three thousand six hundred dollars;

Sixteen enlisted musicians, at seventeen dollars per month, three thousand two hundred and sixty-four dollars;

Additional pay for length of service, two thousand eight hundred and eighty dollars;

Clothing on discharge, eight hundred dollars;

Field musicians.

For pay of field musicians, one sergeant, two hundred and sixteen dollars;

One corporal, one hundred and eighty dollars;

Thirteen privates, two thousand and twenty-eight dollars;

Additional pay for length of service, one hundred and forty-four dollars;

Clothing on discharge, five hundred dollars;

General Army service.

For pay of General Army Service: One first sergeant, three hundred dollars;

Six sergeants, one thousand two hundred and ninety-six dollars;

Two cooks, four hundred and thirty-two dollars;

Seven corporals, one thousand two hundred and sixty dollars;

One hundred and nine privates, sixteen thousand nine hundred and ninety-four dollars;

Additional pay for length of service, seven thousand eight hundred and eighteen dollars;

Clothing on discharge, two thousand seven hundred and six dollars and forty-seven cents;

Cavalry detachment.

For pay of cavalry detachment: One first sergeant, three hundred dollars;

Five sergeants, one thousand and eighty dollars;

One cook, two hundred and sixteen dollars;

Four corporals, seven hundred and twenty dollars;

Two farriers and blacksmiths, three hundred and sixty dollars;

One saddler, one hundred and eighty dollars;

One wagoner, one hundred and sixty-eight dollars;

Sixty privates (cavalry), nine thousand three hundred and sixty dollars;

Additional pay for length of service, one thousand five hundred dollars;

Clothing on discharge, one thousand six hundred dollars;

Interest on deposits due enlisted men, one hundred dollars;

Traveling allowances to enlisted men on discharge, six hundred dollars;

For pay of artillery detachment: One first sergeant, three hundred dollars; ^{Artillery detach-}
^{ment.}

Three sergeants, six hundred and forty-eight dollars;

One cook, two hundred and sixteen dollars;

Three corporals, five hundred and forty dollars;

Two trumpeters, three hundred and twelve dollars;

Thirty privates, four thousand six hundred and eighty dollars;

Additional pay for length of service, one thousand dollars;

Clothing on discharge, one thousand dollars;

Interest on deposits due enlisted men, one hundred dollars;

Traveling allowances to enlisted men on discharge, six hundred dollars;

MISCELLANEOUS.

Miscellaneous.

For extra pay of one ordnance soldier as draftsman and lithographic printer, at fifty cents per day, one hundred and forty-three dollars and fifty cents; ^{Extra pay, enlisted}
^{men.}

For extra pay of one ordnance soldier as machinist, at fifty cents per day, one hundred and forty-three dollars and fifty cents;

For extra pay of one ordnance soldier as clerk, at fifty cents per day, one hundred and forty-three dollars and fifty cents;

For extra pay of one enlisted man employed as clerk in the offices of the adjutant, United States Military Academy, at fifty cents per day, one hundred and eighty-two dollars and fifty cents;

For extra pay of two enlisted men employed as clerks in the office of the commandant of cadets, at fifty cents each per day, three hundred and sixty-five dollars;

For extra pay of four enlisted men as printers, at headquarters United States Military Academy, at fifty cents each per day, six hundred and twenty-six dollars;

For extra pay of one enlisted man employed as watchman, at thirty-five cents per day, one hundred and twenty-seven dollars and seventy-five cents;

For extra pay of one enlisted man employed as trumpeter at the cadet barracks, at thirty-five cents per day, one hundred and twenty-seven dollars and seventy-five cents;

For extra pay of one enlisted man employed in the philosophical department observatory as a mechanic, at fifty cents per day, one hundred and fifty-six dollars and fifty cents;

For extra pay of one enlisted man employed in the philosophical department in care of apparatus, at fifty cents per day, one hundred and fifty-six dollars and fifty cents;

For extra pay of one enlisted man employed in the chemical department, at fifty cents per day, one hundred and fifty-six dollars and fifty cents;

For extra pay of one enlisted man employed in the department of drawing, at fifty cents per day, one hundred and fifty-six dollars and fifty cents;

For extra pay of two enlisted men (cavalrymen) when performing special skilled mechanical labor, at fifty cents each per day, three hundred and thirteen dollars;

For extra pay of one enlisted man employed as saddler, at fifty cents per day, one hundred and fifty-six dollars and fifty cents;

For extra pay of one enlisted man on duty in charge of engineer property and fatigue, at fifty cents per day, one hundred and fifty-six dollars and fifty cents;

For extra pay of one enlisted man as assistant and attendant at the library, at fifty cents per day, one hundred and forty-three dollars and fifty cents;

For extra pay of one enlisted man as clerk in the department of practical military engineering and to the officer in charge of water-works and works of construction at the Military Academy, at fifty cents per day, one hundred and fifty-six dollars and fifty cents: *Provided*, That the extra pay provided by the seventeen preceding paragraphs shall not be paid to any enlisted man who receives extra-duty pay under existing laws or Army regulations: *Provided further*, That the allowance of extra pay, as provided for in the Acts of February tenth, eighteen hundred and ninety-seven (Twenty-ninth Statutes at Large, page five hundred and eighteen), March fifth, eighteen hundred and ninety-eight (Thirtieth Statutes at Large, page two hundred and fifty-five), and February twenty-seventh, eighteen hundred and ninety-nine (Thirtieth Statutes at Large, page two hundred and ninety-five), and of extra-duty pay to enlisted men of the Army stationed at the Military Academy, who have been placed on extra duty in obedience to the orders of the Superintendent, is hereby authorized and its payment directed, less the twenty per centum war increase already paid, the said payment being excepted from the operation of section thirty-six hundred and ninety-one of the Revised Statutes and section six of the Act approved April twenty-sixth, eighteen hundred and ninety-eight (Thirtieth Statutes at Large, page three hundred and sixty-five).

In all, for pay of Military Academy Band, field musicians, general army service, cavalry detachment, artillery detachment, enlisted men on detached service and extra pay of enlisted men on special duty at the Military Academy, seventy-eight thousand three hundred and five dollars and seventy-nine cents;

Provisos.
No duplication.

Allowance of extra pay, less 20 per cent war increase, etc.
Vol. 29, p. 518.

Vol. 30, p. 255.

R. S., sec. 3691, p. 729.
Vol. 30, p. 365.

Pay of civilians,
clerks, etc

PAY OF CIVILIANS.

For pay of the master of the sword, one thousand six hundred dollars;

For pay of one teacher of music, one thousand four hundred dollars;

For clerk to the disbursing officer and quartermaster, one thousand five hundred dollars;

For clerk to adjutant in charge of cadet records, one thousand five hundred dollars;

For one clerk to the adjutant, one thousand two hundred dollars;

For clerk to treasurer, one thousand five hundred dollars;

For one clerk to the quartermaster, one thousand two hundred dollars;

For pay of librarian's assistant, one thousand five hundred dollars;

For pay of one superintendent of gas works, one thousand five hundred dollars;

For pay of engineer of heating and ventilating apparatus for the academic building, the cadet barracks and office building, cadet hospital, chapel, and philosophical building, including the library, one thousand five hundred dollars;

For pay of assistant engineer of same, one thousand dollars;

For pay of eight firemen, four thousand eight hundred dollars;

For pay of one draftsman in department of civil and military engineering, one thousand dollars;

For pay of mechanic and attendant skilled in the technical prepa-

rations necessary to chemical and electrical lectures and to the instruction in mineralogy and geology, one thousand dollars;

For pay of mechanic assistant in department of natural and experimental philosophy, one thousand dollars;

For pay of custodian of new academy building, one thousand dollars;

For pay of one electrician, one thousand two hundred dollars;

For pay of one civilian plumber, one thousand two hundred dollars;

For pay of assistant plumber, seven hundred and twenty dollars;

For pay of one scavenger, at sixty dollars a month, seven hundred and twenty dollars;

For compensation of chapel organist, two hundred dollars;

For pay of keeper of post cemetery, nine hundred dollars;

For pay of engineer and janitor for Memorial Hall, nine hundred dollars;

For pay of printer at headquarters United States Military Academy, one thousand two hundred dollars;

For pay of one janitress Memorial Hall, six hundred dollars;

In all, to civilians employed at Military Academy, thirty-one thousand eight hundred and forty dollars.

For current and ordinary expenses as follows:

Current expenses.

For expenses of the Board of Visitors, including mileage, three thousand dollars;

Board of Visitors.

Contingencies for Superintendent of the Academy, one thousand dollars;

Superintendent.

Repairs and improvements, namely: Timber, planks, boards, joists, wall strips, laths, shingles, slate, tin, sheet lead, zinc, nails, screws, locks, hinges, glass, paints, turpentine, oils, varnish, brushes, stone, brick, flag, lime, cement, plaster, hair, sewer and drain pipe, blasting powder, fuse, iron, steel, tools, machinery, mantels, and other similar materials, renewing roofs, and for pay of overseer and master builder and citizen mechanics, and labor employed upon repairs and improvements that can not be done by enlisted men, twenty-five thousand dollars;

Repairs.

For fuel and apparatus, namely: Coal, wood, charcoal, stoves, grates, heaters, furnaces, ranges and fixtures, fire bricks, clay, sand, and for repairs of steam-heating apparatus, grates, stoves, heaters, ranges, and furnaces, mica, twenty-five thousand dollars;

Fuel and lights.

For gas pipes, gas and electric fixtures, electric lamps and lighting supplies, lamp-posts, gasometers and retorts, and annual repairs of the same, one thousand five hundred dollars;

For fuel for cadets' mess hall, shops, and laundry, three thousand dollars;

For postage and telegrams, two hundred dollars;

Postage and telegrams.
Stationery.

For stationery, namely: Blank books, paper, envelopes, quills, steel pens, rubbers, erasers, pencils, mucilage, wax, wafers, folders, fasteners, rules, files, ink, inkstands, typewriters, typewriting supplies, penholders, tape, desk knives, blotting pads, and rubber bands, nine hundred dollars;

For transportation of materials, discharged cadets, and ferriages, one thousand dollars;

Transportation.

Printing: For printing and binding, type, materials for office, including repairs to motor and machinery, diplomas for graduates, annual registers, blanks, and monthly reports to parents of cadets, one thousand dollars;

Printing.

For department of cavalry, artillery, and infantry tactics: Tanbark or other proper cover for riding hall, to be purchased in open market upon written order of the Superintendent, five hundred dollars;

Department of cavalry, artillery, and infantry tactics.

For repairing camp stools and camp furniture, one hundred dollars;

For repairs and improvements of dressing rooms, walks, and dock at swimming places, two hundred and twenty dollars;

For stationery, typewriting supplies and repairs, for use of instructor and assistant instructors of tactics, one hundred and fifty dollars;

For books and maps, binding books and mounting maps, one hundred and seventy-five dollars;

For silk and worsted sashes for cadet officers and acting officers, two hundred and twenty dollars;

For foils, masks, belts, fencing gloves, and fencing jackets, gaiters, and repairs, four hundred dollars;

For soap used in scrubbing cadet barracks, fifty dollars;

For door mats for cadet barracks, sinks, and guardhouse, fifty dollars;

For plumes for cadet officers and acting officers, seventy-five dollars;

For furniture for cadet barracks, three thousand four hundred dollars;

For Welsbach lamps with the necessary shades, mica chimneys, and mantels for rooms in cadet barracks, five hundred dollars;

Department of civil
and military engi-
neering.

For department of civil and military engineering: Models, maps, purchase and repair of instruments, apparatus, drawing boards, desks, chairs, shelves, and cases for books and instruments, text-books, books of reference, and stationery for the use of instructors, and contingencies, one thousand dollars;

Department of nat-
ural, etc., philosophy.

For department of natural and experimental philosophy: For additions to apparatus to illustrate the principles of mechanics, acoustics, optics, and astronomy, one thousand dollars;

For books of reference, scientific periodicals, text-books, stationery, materials, and repairs, four hundred dollars;

For repairs to the observatory buildings, repairs to clocks, and fittings to new lecture room, four hundred and fifty dollars;

Department of in-
struction in mathe-
matics.

For department of instruction in mathematics, namely: For text-books, books of reference, binding, and stationery, one hundred and fifty dollars;

For tables of logarithms, fifty dollars;

For rules and triangles, twenty-five dollars;

For purchase of geometrical drawings and models, one hundred dollars;

For contingencies, fifty dollars;

Department of chem-
istry, etc.

For department of chemistry, mineralogy, and geology: Chemicals, chemical apparatus, glass and porcelain ware, paper, wire, sheet metal, ores, photographic apparatus and materials, nine hundred dollars;

For rough specimens, fossils, and for apparatus and materials to be used in the practical determinations of mineralogical and geological specimens, pencils and paper for the practical instructions in the same branches, and for gradual increase and improvement of the cabinet, five hundred dollars;

For new cases for mineralogical and geological cabinets, five hundred dollars;

For repairs and additions to electric, magnetic, pneumatic, thermic, and optical apparatus, five hundred dollars;

For purchase of modern electric machinery and appliances not in the Academy, six hundred dollars;

Models, maps, and diagrams, books of reference, text-books, and stationery for the use of instructors, one hundred and eighty dollars;

Contingencies, one hundred dollars;

Department of
drawing.

For department of drawing: For drawing material for use of instructors, tacks, sponges, brushes, glue, alcohol, tumblers, saucers, towels, soap, ink, stationery, and contingent expenses, two hundred and fifty dollars;

For repairs to models, desks, stretchers, racks, stands, and materials, one hundred dollars;

Photographic material for enlarging room and general photographic work, two hundred and fifty dollars;

For slides and apparatus for lectures, fifty dollars;

For books and periodicals on art, architecture, and technology, one hundred and twenty-five dollars;

Frames for retained drawings of cadets, to be hung in gallery of the Academy, fifty dollars;

For binding books and periodicals and loose sheets, forty dollars;

Twenty reconnaissance sketching boards, at four dollars and fifty cents each, ninety dollars;

For department of modern languages: For stationery, text-books, and books of reference for use of instructors, for repairs of books and apparatus and for office furniture, and for printing examination papers, and for contingencies, three hundred and fifty dollars;

Department of modern languages.

For the purchase of one office desk for the office of the Department, thirty dollars;

For department of law and history: For stationery, text-books, and books of reference for the use of instructors, maps, map fixtures, furniture, and for repairs to the same, four hundred dollars;

Department of law and history.

For department of practical military engineering: For purchase and repair of instruments; transportation; purchase of tools, implements, and materials, and for extra-duty pay of engineer soldiers, as follows, namely: For instruments for use in instructing cadets in making reconnaissances; photographic apparatus and material for field photography; drawing instruments and material for platting reconnaissances; surveying instruments; instruments and material for signaling and field telegraphy; transportation of field parties; tools and material for the preservation, augmentation, and repair of wooden pontoon, and one canvas pontoon train; sapping and mining tools and material; rope; cordage; material for rafts and for spar and trestle bridges; intrenching tools; tools and material for the repair of Fort Clinton and the batteries of the Academy, and extra-duty pay of engineer soldiers, at fifty cents per day each, when performing special skilled mechanical labor in the department of practical military engineering; for models, books of reference, and stationery, and for extra-duty pay of one engineer soldier (first sergeant) as assistant in photographic laboratory, and in charge of photographic laboratory, photographic apparatus, materials, and supplies, at fifty cents per day, one thousand two hundred dollars;

Department of practical military engineering.

For department of ordnance and gunnery: For purchase and repair of instruments, models, and apparatus, and purchase of necessary material; for the purchase of samples of arms and accouterments other than those supplied to the military service; for books of reference, text-books, stationery, and lithographic printing materials, and for contingencies, four hundred and fifty dollars;

Department of ordnance and gunnery.

For purchase of ammunition for rapid-fire guns now on hand, three hundred dollars;

For manufacture or purchase of models of breech mechanisms of cannon, rapid-fire guns, small arms, and the various machines and tools used in their manufacture, for cadet instruction, one thousand five hundred dollars;

In all, for current and ordinary expenses, seventy-nine thousand one hundred and thirty dollars.

MISCELLANEOUS ITEMS AND INCIDENTAL EXPENSES.

Miscellaneous items and incidental expenses.

For stationery for office of the treasurer, United States Military Academy, namely: Blank books, paper, envelopes, pens, mucilage, typewriting supplies and repairs, and other items of stationery, fifty dollars;

For gas coal, oil, candles, lanterns, matches, chimneys and wicking for lighting the Academy building, chapel, library, cadet barracks, mess hall, shops, hospital, offices, stables and riding hall, sidewalks, camp, and wharves, six thousand five hundred dollars;

For water pipe, plumbing, and repairs, three thousand dollars;

For cleaning public buildings (not quarters), one thousand dollars;

For brooms, brushes, pails, tubs, soap, and cloths, two hundred dollars;

For chalk, crayons, sponges, slate, rubbers, rulers, pointers, card, and toilet paper, and so forth, for recitation rooms, three hundred dollars;

Library.

Increase and expense of library, namely:

For periodicals, stationery, binding books, and scientific, historical, biographical, and general literature, to be purchased in open market on the written order of the Superintendent, two thousand dollars;

For repairing books, and for furniture and contingencies, one thousand dollars;

For binding pamphlets and periodicals, two hundred dollars;

For carpets and furniture for cadet hospital, and for repairs of damaged articles, one hundred dollars;

Contingent, academic board.

For contingent funds, to be expended under the direction of the academic board: For instruments, books, repairs to apparatus, and other incidental expenses not otherwise provided for, one thousand dollars;

Provided.

Technical supplies.

That all technical and scientific supplies for the departments of instruction of the Military Academy shall be purchased by contract or otherwise, as the Secretary of War may deem best.

For renewing furniture in section rooms, and repairing the same, three hundred dollars;

Musical supplies.

For purchase of instruments for band, to be purchased in open market by order of the Superintendent, three hundred and fifty dollars;

For purchase of reeds, pads, strings, and other materials necessary for string instruments, one hundred and fifty dollars;

For repairs to instruments, music stands, and other equipments, to be purchased in open market on the order of the Superintendent, two hundred dollars;

For purchase of music for band, to be purchased in open market on the order of the Superintendent, three hundred dollars;

Subsistence department.

For repair of cooking utensils and the replacement of worn-out cooking utensils in the cadet subsistence department, to be expended without advertising, two hundred dollars;

For repairs of chairs, tables, and other furniture in cadet subsistence department, to be expended without advertising, seventy-five dollars;

For repairs, new machines, and fixtures for gymnasium, three hundred dollars;

Tearing out old wooden drying room on second floor in cadet laundry, and putting in new and improved metal drying room complete in all respects, eight hundred dollars;

For replacing, by exchange, one worn-out mangle by one large "Duplex" mangle, delivered, installed, and ready for use, one thousand dollars;

For one hydraulic dampener for white trousers, to be expended without advertising, fifty dollars;

For improved starch cooker, to be expended without advertising, fifty dollars;

For six truck tubs, to be expended without advertising, seventy-two dollars;

Reimbursement injured clothing.

For the reimbursement of cadets of the United States Military Academy for articles of clothing, military uniforms, and equipment (personal property) destroyed and ruined through fumigation, in

eighteen hundred and ninety-nine, to prevent the spread of contagious disease, one thousand two hundred and eighty-five dollars and fifty cents;

In all, for miscellaneous items and incidental expenses, twenty thousand four hundred and eighty-two dollars and fifty cents;

Buildings and grounds, Military Academy: Repairing roads and paths, including roads and bridges on reservation, one thousand dollars;

Buildings and grounds.

Continuing construction of breast-high wall in dangerous places, five hundred dollars;

For a sea wall at river front, eight thousand one hundred and thirty dollars.

Waterworks: Renewal of material in filter beds; improving ventilation of filter house and water house; hose for use in cleaning filter beds and water house, and for use in fire service at same; tools, implements, and materials for use of the two keepers and for repairs of siphon house, filter house, and of four and one-half miles of supply pipe; for shed for tools and storage of fuel for keeper of Round Pond, and for tool house at filter; for gauges at Round Pond and Delafield Pond, and for stairs for access to same, and all other necessary work of maintenance and repairs, one thousand two hundred dollars;

Waterworks.

Broken stone and gravel for roads, one thousand five hundred dollars;

Maintaining and improving the grounds of the post cemetery, three thousand dollars;

Cemetery.

Painting, calcimining, whitewashing, and repairing interior walls of cadet mess building, kitchen, dish pantry, bakery, dormitories, storerooms, cold-storage rooms, and machinery rooms, and for incidental repairs about the same, to be expended without advertising, four hundred dollars;

Repairs.

General repairs to cadet laundry building, painting interior, and for emergency incidental expenses about the building, to be expended without advertising, four hundred dollars;

Tearing out old cement floor of machinery and wash room in cadet laundry building, putting in granolithic floor, moving and resetting machinery on proper foundations, putting in new and repairing old drain pipes, seven hundred and fifty dollars;

Painting, and for general incidental repairs and improvements to the cadet quartermaster's building, including storerooms, office, tailor shops, shoe-repairing shops, to be expended as required without advertising, three hundred dollars;

Putting steel ceiling in cadet mess hall—Grant Hall—six hundred dollars;

Tearing out the old cement floor in "scullery" of cadet subsistence building, tearing out old sinks, grease trap, and connections now in the center of floor, and putting in granolithic floor, new sinks, improved plumbing, and connections with a new and modern style of grease trap on outside of building, one thousand dollars;

Repairs to cadet barracks: For repairing and renewing plastering: painting and calcimining four divisions: repairs to woodwork; reflooring two divisions; and for other incidental repairs to the building, two thousand three hundred dollars;

—barracks.

For repairs and additions to the cadet hospital:

—hospital.

Repainting walls and woodwork of halls, wards, lavatories, and so forth, three hundred dollars;

Paraffin and turpentine for waxing and polishing floors, fifty dollars;

Floor wax, &c.

Materials for rebronzing radiators and piping, thirty dollars;

Lockers for clothing of sick cadets in ward numbered two, one hundred dollars;

Removing present defective floor in ward numbered two and replac-

ing it with tiling; also tiling walls of said ward, and removing present ceiling and substituting metal lathing and plastering with Keen's cement, with cost of labor, four thousand dollars;

Purchase of globes, fixtures, and connections for electrical lighting in new operating room of cadet hospital, two hundred and fifty dollars;

Purchase of flowers and shrubs for hospital grounds, seventy-five dollars;

Purchase of Welsbach burners, droplights, mantles, tubes, and so forth, forty dollars;

Sink for kitchen for cadet hospital mess, with grease trap and fixtures of the latest design, one hundred and twenty-six dollars.

For materials and labor for repairs, alterations, and additions needed at the soldiers' hospital:

Brushes, paints, glass, putty, wax, and turpentine for general repairs and waxing floors, seventy-five dollars;

Painting or calcimining plastered walls, varnishing interior woodwork, and for general repairs, three hundred and twenty dollars;

Painting exterior of hospital, including roof, porches, porch floors, exterior woodwork, gutters, and so forth, three hundred and seventy-five dollars;

Fitting up the operating room, including the removal of present floor and preparing tile floor and walls, plumbing and fixtures for sterilizing hands of operator and assistants, one thousand four hundred dollars;

Four additional lockers for clothing of enlisted men of the hospital corps, one hundred dollars;

Materials and labor for steam heating the north ward of soldiers' hospital, five hundred and thirty-five dollars;

Purchase of flowers and shrubs for hospital grounds, fifty dollars;

Additions to quarters of the hospital steward at the soldiers' hospital:

Building an outhouse for fuel, with walk to same, two hundred and sixty dollars;

Piazza on south side of house, four hundred and fifty dollars;

Repairs to ordnance laboratory and other buildings pertaining to the department of ordnance and gunnery, painting buildings, and materials for roads and walks, and for repairs to machinery and tools, one hundred and fifty dollars;

Continuing the construction and repair of the roads between the old south guardhouse and the southern boundary line of reservation, and for continuing the laying of a stone walk along same, one thousand dollars;

Cases, materials, fittings, fixtures, and other appliances and repairs for ordnance museum in new academy building, three hundred dollars;

Lumber for general repairs of cavalry stables, one hundred and fifty dollars;

Steam-heating plant for the superintendent's quarters, one thousand dollars;

Steam-heating plant for quarters numbered twenty-one, eight hundred and fifty dollars;

Completion of additions to officers' quarters, two thousand seven hundred and twenty-five dollars;

Whitewashing cavalry stables and painting interior woodwork, one hundred and fifty dollars;

Two sets of officers' quarters, at ten thousand dollars each, twenty thousand dollars;

For building for officers' mess and quarters, seventy-eight thousand nine hundred and ninety dollars;

Kitchen annex to quarters numbered five, occupied by the post surgeon, one thousand eight hundred and fifty-five dollars;

Stable for officers' horses, three thousand eight hundred dollars;

New front porch for quarters numbered twenty-five, seven hundred and eighty-seven dollars;

One hundred and sixty-eight running feet of light iron porch, with yellow-pine floor and tin roof, for south side and east end of the cavalry barracks, four thousand two hundred dollars;

Grading street and laying granolithic walk on approaches to new Memorial Hall, two thousand six hundred dollars;

Grading street and, laying granolithic walk in front of chapel and library, three thousand one hundred dollars;

Construction of one small brick magazine or storehouse for small-arm and rapid-fire ammunition, one thousand six hundred dollars;

For thoroughly overhauling and repairing the roofs, gutters, and leaders on cadet mess hall, kitchens, and attached buildings, nine hundred and seventy-five dollars;

Repainting exterior walls, woodwork, and tin roofs of fifty-eight sets of officers' quarters, seven thousand two hundred and fifty dollars;

Repairing and renewing porches, floors, and steps of thirty sets of married enlisted men's quarters, five hundred and twenty-five dollars;

Repainting exterior woodwork and reputtying windows of thirty sets of married enlisted men's quarters, one thousand seven hundred and seventy-five dollars;

Rebuilding wall on south dock road, eleven thousand seven hundred and seventy-five dollars;

Rebuilding engineer stables, two thousand dollars;

Purchase of four barges for use of cadets, five hundred dollars;

Water house for storage of filtered water in connection with "Lusk" reservoir and filter beds, seventeen thousand five hundred dollars;

House for keeper near "Lusk" reservoir, three thousand dollars;

Necessary improvements to the water-supply system, ten thousand dollars;

Provided, That from the foregoing appropriations for waterworks, a sum not to exceed seventy-five cents per day may be paid as extra-duty pay to the overseer, when such overseer is a soldier detailed for that duty.

Provided further, That the appropriation contained in the Act approved February twenty-seventh, eighteen hundred and ninety-nine, for the complete renovation of the library building, seventy thousand dollars, is hereby made available until expended.

Provided further, That the appropriation contained in the Act approved March sixth, eighteen hundred and ninety-six, for reconstructing the cable coal railway, including replacing the present wooden trestle with an iron trestle, straightening and relaying rails, repairing and equipping the cars with new apparatus, new cable, new track, pulleys and sheaves, new cable driver with steam cylinders, complete, twenty thousand dollars; and so much remaining unexpended is hereby made available to complete the payment for work done by the Trenton Iron Company, as final payment on agreement for furnishing materials and labor for the reconstruction of the cable coal railway, seven thousand seven hundred and seventy-three dollars and twenty cents.

Total buildings and grounds, two hundred and eight thousand one hundred and seventy-three dollars.

SEC. 2. That the senior major-general of the line commanding the Army shall have the rank, pay, and allowances of a lieutenant-general, and his personal staff shall have the rank, pay, and allowances authorized for the staff of a lieutenant-general.

SEC. 3. That the Adjutant-General of the Army shall have the rank, pay, and allowances of a major-general in the Army of the United States, and on his retirement shall receive the retired pay of that rank:

Water-supply system.

Provisos.
—extra-duty pay to overseer.

Renovation of library building.
Vol. 30, p. 903.

Reconstructing cable coal railway.
Vol. 29, p. 54

Increased rank, etc., Major-General Commanding the Army and staff.

—Adjutant-General.

Proviso.
—limited to present
Adjutant-General.

Corps of cadets.
Number increased,
etc.

Vol. 30, p. 979.

Provided, That whenever a vacancy shall occur in the office of Adjutant-General on the expiration of the service of the present incumbent the Adjutant-General shall thereafter have the rank, pay, and allowances of a brigadier-general.

SEC. 4. That the corps of cadets shall consist of one from each Congressional district, one from each Territory, one from the District of Columbia, two from each State at large, and thirty from the United States at large. They shall be appointed by the President, and shall, with the exception of the thirty cadets appointed from the United States at large, be actual residents of the Congressional or Territorial districts, or of the District of Columbia, or of the States, respectively, from which they purport to be appointed.

Approved, June 6, 1900.

June 6, 1900.

CHAP. 793.—An Act Amending section fifty-two hundred and seventy of the Revised Statutes of the United States.

Extradition, with
countries under con-
trol of the United
States.

R. S., sec. 5270, p.
1021, amended.

Extraditable of
fenses specified.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section fifty-two hundred and seventy of the Revised Statutes of the United States is hereby amended by adding thereto the following proviso:

“*Provided*, That whenever any foreign country or territory, or any part thereof, is occupied by or under the control of the United States, any person who shall violate, or who has violated, the criminal laws in force therein, by the commission of any of the following offenses, namely: Murder and assault with intent to commit murder; counterfeiting or altering money, or uttering or bringing into circulation counterfeit or altered money; counterfeiting certificates or coupons of public indebtedness, bank notes, or other instruments of public credit, and the utterance or circulation of the same; forgery or altering, and uttering what is forged or altered; embezzlement or criminal malversation of the public funds, committed by public officers, employees, or depositaries; larceny or embezzlement of an amount not less than one hundred dollars in value; robbery; burglary, defined to be the breaking and entering by nighttime into the house of another person with intent to commit a felony therein; and the act of breaking and entering the house or building of another, whether in the day or night time, with the intent to commit a felony therein; the act of entering, or of breaking and entering the offices of the Government and public authorities, or the offices of banks, banking houses, savings banks, trust companies, insurance or other companies, with the intent to commit a felony therein; perjury or the subornation of perjury; rape; arson; piracy by the law of nations; murder, assault with intent to kill, and manslaughter, committed on the high seas, on board a ship owned by or in control of citizens or residents of such foreign country or territory and not under the flag of the United States, or of some other government; malicious destruction of or attempt to destroy rail-ways, trams, vessels, bridges, dwellings, public edifices, or other buildings, when the act endangers human life, and who shall depart or flee, or who has departed or fled, from justice therein to the United States, any Territory thereof or to the District of Columbia, shall, when found therein, be liable to arrest and detention by the authorities of the United States, and on the written request or requisition of the military governor or other chief executive officer in control of such foreign country or territory shall be returned and surrendered as hereinafter provided to such authorities for trial under the law in force in the place where such offense was committed. All the provisions of sections fifty-two hundred and seventy to fifty-two hundred and seventy-seven of this title, so far as applicable, shall govern proceedings

Procedure.
R. S., secs. 5270–5277,
p. 1021, 1022.

authorized by this proviso: *Provided further*, That such proceedings shall be had before a judge of the courts of the United States only, who shall hold such person on evidence establishing probable cause that he is guilty of the offense charged: *And provided further*, That no return or surrender shall be made of any person charged with the commission of any offense of a political nature. If so held such person shall be returned and surrendered to the authorities in control of such foreign country or territory on the order of the Secretary of State of the United States, and such authorities shall secure to such a person a fair and impartial trial."

Proviso.
Political offenses
excepted.

Approved, June 6, 1900.

CHAP. 794.—An Act To grant right of way over Government lands for a pipe line for the conveyance of water to Flagstaff, Arizona.

June 6, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a right of way for a pipe line through sections twenty-six, thirty-six, township twenty-three north; sections two, twelve, fourteen, twenty-two, and twenty-eight, township twenty-two north, and sections four and sixteen, township twenty-one north, all in range seven east, Gila and Salt River meridian, in the San Francisco Forest Reserve, in the county of Coconino and Territory of Arizona, is hereby granted to the town of Flagstaff, a municipal corporation in said county and Territory, to the extent of the ground occupied by said pipe line and twenty-five feet on each side of the center line of the same.

Flagstaff, Ariz.,
granted right of way
through San Fran-
cisco Forest Reserve,
etc., for pipe line.

Also the right to take from the lands adjacent to the lands hereby granted material, earth, stone, and timber necessary for the construction, maintenance, repair, and control of said pipe line.

Use of materials.

SEC. 2. That said pipe line when constructed shall be maintained and controlled exclusively for the use and benefit of the said town of Flagstaff by the municipal authorities thereof, and for the purpose only of conveying water through said pipe line to said town for its exclusive use and benefit.

Control.

SEC. 3. That this Act shall take effect and be in force from and after its passage.

Effect.

Approved, June 6, 1900.

CHAP. 795.—An Act Changing place for holding court in the central division of the Indian Territory from Cameron to Poteau, and for other purposes.

June 6, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subdivision three, of chapter one hundred and forty-five, of the United States Statutes at Large, approved March first, eighteen hundred and ninety-five, entitled "An Act to provide for the appointment of additional judges of the United States court in the Indian Territory, and for other purposes," which said subdivision reads as follows: "The central district shall consist of all the Choctaw country, and the places of holding court in said district shall be at South McAlester, Atoka, Antlers, and Cameron," be amended by striking out of said subdivision the word "Cameron" and inserting in lieu thereof the word "Poteau," so that said subdivision when amended shall read as follows: "The central district shall consist of all the Choctaw country, and the places of holding court in said district shall be at South McAlester, Atoka, Antlers, and Poteau."

Indian Territory.
Terms of court at
Poteau instead of
Cameron.

Vol. 28, p. 694.

Pending suits transferred.

SEC. 2. That all suits, prosecutions and processes, recognizances, bail bonds, and other proceedings of whatever nature pending in or returnable to said court at Cameron are hereby transferred to and shall be made returnable and have force in said court at Poteau.

Approved, June 6, 1900.

June 6, 1900.

CHAP. 796.—An Act To extend the coal land laws to the district of Alaska.

Alaska.
Coal-land laws extended to.
R. S., secs. 2347-2352, p. 431.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the public land laws of the United States are hereby extended to the district of Alaska as relate to coal lands, namely, sections twenty-three hundred and forty-seven to twenty-three hundred and fifty-two, inclusive, of the Revised Statutes.

Approved, June 6, 1900.

June 6, 1900.

CHAP. 797.—An Act To provide better facilities for the safe-keeping and disbursement of public moneys in the Philippine Islands and in the islands of Cuba and Porto Rico.

Cuba, Porto Rico, and Philippines.
Designation of depositories for public moneys.
Provides.
Security deposit.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized to designate one or more banks or bankers in the Philippine Islands and in the islands of Cuba and Porto Rico in which public moneys may be deposited: *Provided,* That the banks or bankers thus designated shall give satisfactory security for the safe-keeping and prompt payment of the public moneys so deposited by depositing in the Treasury, United States bonds to an amount not less than the aggregate sum at any time on deposit with such banks or bankers: *And provided further,* That this Act shall apply to Cuba only while occupied by the United States.

Approved, June 6, 1900.

June 6, 1900.

CHAP. 798.—An Act To authorize the Seneca Telephone Company to construct and maintain lines in the Indian Territory.

Seneca Telephone Company may construct lines in Indian Territory.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Seneca Telephone Company, organized and incorporated under the laws of the State of Missouri, is hereby authorized and empowered to construct and maintain telephone lines from Seneca, in the State of Missouri, to the Quapaw Agency, and to Wyandotte, Grand River, Fairland, Oseuma, Afton, and Vinita, in the Indian Territory, subject to the rules and regulations prescribed by the Secretary of the Interior, and to be approved by the Secretary of the Interior: *Provided,* That cities and towns into or through which such telephone lines may be constructed shall have the power to regulate the manner of construction therein, and the said company shall be subject to such municipal and Territorial taxation as may be provided for by law.

Proviso.
Municipal control.

Tolls.

SEC. 2. That Congress hereby expressly reserves the right to regulate the tolls or charges of said telephone lines constructed in the Indian Territory by said company.

Approved, June 6, 1900.

CHAP. 799.—An Act To provide for the sale of isolated and disconnected tracts or parcels of the Osage trust and diminished reserve lands in the State of Kansas.

June 6, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior shall cause to be duly proclaimed and offered at public sale, in the manner prescribed for the offering of public lands, all isolated or disconnected tracts or parcels of lands of one quarter section or less of the Osage trust and diminished reserve lands within the State of Kansas for which no application has been filed under the provisions of existing laws in relation thereto, but not more than one quarter section shall be sold to any one purchaser under the provisions of this Act. Such lands shall be offered for sale by advertisement for not less than thirty days in two newspapers in the proper land district, and by posting in the proper local land office for the same period, and upon the day named in such notice shall be sold for cash to the highest bidder at not less than the price fixed by law: *Provided*, That any settler upon any of said lands shall be permitted, at any time prior to the sale of the particular tract claimed by him, to file his application and submit proof therefor in accordance with existing laws. If any of said lands remain unsold after the offering as aforesaid they shall be subject to private entry, for cash, in tracts not exceeding one quarter section by one purchaser.

Osage trust, etc., lands, Kans.
Sale of isolated tracts, etc., of, authorized.

—limit to one purchaser.

Advertisement.

Proviso.
Rights of settlers.

Unsold lands subject to private entry.

SEC. 2. That any such tracts or parcels of land that may become isolated or disconnected by the disposal of surrounding lands, after the offering provided for in the preceding section of this Act, shall be subject to disposal under the provisions of section twenty-four hundred and fifty-five of the Revised Statutes of the United States as amended by the Act of February twenty-sixth, eighteen hundred and ninety-five, except that it shall not be necessary that said lands shall have been subject to homestead entry for three years prior to such sale.

Sale of lands isolated by disposal of surrounding lands.
R. S., sec. 2455, p. 449.
Vol. 28, p. 687.

Approved, June 6, 1900.

CHAP. 800.—An Act To amend an Act entitled "An Act for the erection of a public building at Anniston, Alabama."

June 6, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an Act for the erection of a public building at Anniston, Alabama, approved March second, eighteen hundred and ninety-nine, be amended by adding thereto the following: "*Provided*, That the Secretary of the Treasury be, and he is hereby, authorized to proceed with the erection of the building at Anniston, Alabama, in accordance with said Act, upon cession of jurisdiction to the United States of the site of the proposed building in compliance with section six hundred and twenty-eight, chapter fifteen, volume one, of the civil code of Alabama of eighteen hundred and ninety-six, which reads as follows: 'The governor, upon application made to him in writing on behalf of the United States for that purpose, accompanied by the proper evidence of the purchase, describing the lands sought to be ceded, is authorized on the part of the State to cede to the United States jurisdiction over such lands, to hold, to use, and occupy the same for the purpose of the cession, and none other. The jurisdiction thus ceded does not prevent the execution on such lands of any process, civil or criminal, under the authority of this State, nor prevent the laws of this State from operating over such lands; saving to the United States security to their property within the limits of the jurisdiction ceded, and exemption of the same and of such lands from taxation under the authority of this State during the jurisdiction ceded.'"

Anniston, Ala.
Public building.
Vol. 30, pp. 1003, 1076.

Proviso.
Cession of jurisdiction of site.

Approved, June 6, 1900.

June 6, 1900.

CHAP. 801.—An Act To extend to certain publications the privileges of second-class mail matter as to admission to the mails.

Postal service.
Periodical publica-
tions of State depart-
ments of agriculture
admitted as second-
class matter.

Provisos.
—qualifications.
—not to contain ad-
vertisements.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all periodical publications issued from a known place of publication at stated intervals as frequently as four times a year by State departments of agriculture shall be admitted to the mails as second-class mail matter: *Provided,* That such matter shall be published only for the purpose of furthering the objects of such departments: *And provided further,* That such publications shall not contain any advertising matter of any kind.

Approved, June 6, 1900.

June 6, 1900.

CHAP. 802.—An Act To provide for the use of timber and stone for domestic and industrial purposes in the Indian Territory.

Indian Territory.
Use of timber and
stone for industrial
purposes.

—payment, etc.

—penalty, unlawful
cutting, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to prescribe rules and regulations for the procurement of timber and stone for such domestic and industrial purposes, including the construction, maintenance, and repair of railroads and other highways, to be used only in the Indian Territory, as in his judgment he shall deem necessary and proper, from lands belonging to either of the Five Civilized Tribes of Indians, and to fix the full value thereof to be paid therefor, and collect the same for the benefit of said tribes; and every person who unlawfully cuts, or aids, or is employed in unlawfully cutting, or wantonly destroys, or procures to be wantonly destroyed, any timber standing upon the land of either of said tribes, or sells or transports any of such timber or stone outside of the Indian Territory, contrary to the regulations prescribed by the Secretary, shall pay a fine of not more than five hundred dollars, or be imprisoned not more than twelve months, or both, in the discretion of the court trying the same.

Approved, June 6, 1900.

June 6, 1900.

CHAP. 803.—An Act To amend the seventh section of the Act entitled "An Act to establish circuit courts of appeals, and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March third, eighteen hundred and ninety-one.

United States courts.
Appeal from inter-
locutory order grant-
ing injunction, etc.,
authorized.

Vol. 28, p. 666.
Vol. 26, p. 828.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the seventh section of the Act entitled "An Act to establish circuit courts of appeals, and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March third, eighteen hundred and ninety-one, be amended so as to read as follows:

"SEC. 7. That where, upon a hearing in equity in a district court or in a circuit court, or by a judge thereof in vacation, an injunction shall be granted or continued or a receiver appointed, by an interlocutory order or decree, in a cause in which an appeal from a final decree may be taken under the provisions of this Act to the circuit court of appeals, an appeal may be taken from such interlocutory order or decree granting or continuing such injunction or appointing such receiver to the circuit court of appeals: *Provided,* That the appeal must be taken within thirty days from the entry of such order or decree, and it shall take precedence in the appellate court; and the proceedings in other respects in the court below shall not be stayed,

Provisos.
Limit of time to ap-
peal, etc.

unless otherwise ordered by that court, or by the appellate court or a judge thereof, during the pendency of such appeal: *Provided further*, That the court below may in its discretion require as a condition of the appeal an additional bond."

Additional bond.

Approved, June 6, 1900.

CHAP. 804.—An Act To amend chapter two of the laws passed by the first session of the Fifty-fifth Congress of the United States, being an Act entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight, and for other purposes," approved June fourth, eighteen hundred and ninety-seven.

June 6, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter two of the laws of the first session of the Fifty-fifth Congress, being an Act entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight, and for other purposes," approved June fourth, eighteen hundred and ninety-seven, be, and the same is hereby, amended by striking out the following words where the same appear in said Act, commencing with the word "Before," in line thirty-six, on page thirty-five of volume thirty of the United States Statutes at Large, and ending with the word "exists," in the forty-third line of said volume and page, as follows: "Before such sale shall take place notice thereof shall be given by the Commissioner of the General Land Office, for not less than sixty days, by publication in a newspaper of general circulation published in the county in which the timber is situated, if any is therein published, and if not then in a newspaper of general circulation published nearest to the reservation, and also in a newspaper of general circulation published at the capital of the State or Territory where such reservation exists," and insert in lieu thereof the following: "Before such sale shall take place notice thereof shall be given by the Commissioner of the General Land Office, for not less than thirty days, by publication in one or more newspapers of general circulation, as he may deem necessary, in the State or Territory where such reservation exists: *Provided, however*, That in cases of unusual emergency the Secretary of the Interior may, in the exercise of his discretion, permit the purchase of timber and cord wood in advance of advertisement of sale at rates of value approved by him and subject to payment of the full amount of the highest bid resulting from the usual advertisement of sale: *Provided further*, That he may, in his discretion, sell without advertisement, in quantities to suit applicants, at a fair appraisal, timber and cord wood not exceeding in value one hundred dollars stumpage: *And provided further*, That in cases in which advertisement is had and no satisfactory bid is received, or in cases in which the bidder fails to complete the purchase, the timber may be sold, without further advertisement, at private sale, in the discretion of the Secretary of the Interior, at not less than the appraised valuation, in quantities to suit purchasers: *And provided further*, That the provisions of this Act shall not apply to existing forest reservations in the State of California, or to reservations that may be hereafter created within said State."

Public lands.
Appraisal and sale
of dead, etc., timber.
Vol. 30, p. 35
amended.

Notice of sale.

Provisos.
Emergency, etc.,
sales in advance of
advertisement.

Private sale where
bid unsatisfactory,
etc.

California forest
reservations excepted.

Approved, June 6, 1900.

June 6, 1900.

CHAP. 805.—An Act To amend section one of the Act of Congress approved February twelfth, eighteen hundred and eighty-seven, entitled "An Act to amend section sixteen hundred and sixty-one of the Revised Statutes, making an annual appropriation to provide arms and equipments for the militia."

Militia.
Annual appropriation for arms, etc.
Vol. 24, p. 401.
R. S., sec. 1661, p. 290.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section one of the Act of Congress approved February twelfth, eighteen hundred and eighty-seven, entitled "An Act to amend section sixteen hundred and sixty-one of the Revised Statutes, making an annual appropriation to provide arms and equipments for the militia," be, and the same is hereby, amended and reenacted so as to read as follows:

"That the sum of one million dollars is hereby annually appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the purpose of providing arms, ordnance stores, quartermaster stores, and camp equipage for issue to the militia."

Approved, June 6, 1900.

June 6, 1900.

CHAP. 806.—An Act To incorporate the Frederick Douglass Memorial and Historical Association.

Frederick Douglass Memorial, etc., Association incorporated.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Helen Douglass, William H. H. Hart, Francis J. Grimke, May Wright Sewall, Edward A. Clarke, their associates and successors, be, and they are hereby declared to be, a body politic and corporate, in the District of Columbia, with perpetual succession, by and under the name, style, and title of the Frederick Douglass Memorial and Historical Association, for the following objects and purposes, to wit:

First. To preserve to posterity the memory of the life and character of the late Frederick Douglass.

Purposes of incorporation.

Second. To collect, collate, and preserve a historical record of the inception, progress, and culmination of the antislavery movement in the United States, and to assemble in the homestead of the late Frederick Douglass, commonly called Cedar Hill, in the village of Anacostia, in the District of Columbia, all such suitable exhibits of records or things illustrative or commemorative of the antislavery movement and history as may be donated to said association or acquired by purchase bequest, or other lawful means.

Powers.

SEC. 2. That the said association, by and under the name and title aforesaid, and their successors, shall be competent at law and in equity to take to themselves and their successors, for the use and behoof of said association, any estate whatsoever, in any messuage, lands, tenements, hereditaments, goods, chattels, moneys, and other effects, by gift, devise, grant, donation, bargain sale, conveyance, assurance, or will; and the same to grant, bargain, sell, transfer, assign, convey, assure, demise, declare to use, and farm let, and to place out on interest, for the use of said association, in such manner as to them, or a majority of them, shall be deemed most beneficial to said association; and to receive the same, their rents, issues, and profits, income, and interest, and to apply the same for the proper use and benefit of said association for the objects and purposes hereinbefore mentioned; and by the same name to sue and be sued, to implead and be impleaded in any court of law or equity in all manner of suits, actions, and proceedings whatsoever, and generally by and in the same name to do and transact all and every the business touching or concerning the premises; and that after the said association shall have acquired title in fee simple to a whole or a part of certain property situate and being in

Improvement of Cedar Hill.

the village of Anacostia, District of Columbia, commonly called Cedar Hill, and occupied by the late Frederick Douglass as his homestead, the said association may manage, repair, improve, and adorn the same in such manner as the said incorporators or their successors, or a majority of them, may deem meet and proper, in pursuance of and in accordance with the objects and purposes for which this said association is incorporated.

SEC. 3. That the first meeting of said incorporators shall be held at said Cedar Hill, Anacostia, District of Columbia, at such time as a majority of the persons hereinabove named shall determine upon, after ten days' notice thereof shall be given to each of said incorporators, at which said first meeting, or at such other time thereafter as the said incorporators may fix for that purpose, they may enact such by-laws as they may see fit, not inconsistent with the laws of the United States, regulating the government of the said association.

First meeting of incorporators.

SEC. 4. That the government of said association shall be vested in a board of trustees of not less than five members nor more than nine, who shall be elected by the corporators at their first meeting or at such time thereafter as the said corporators may at the said first meeting appoint for that purpose. In case of a vacancy or vacancies occurring in said board of trustees by death, resignation, or otherwise, the same shall be filled by the remaining members thereof. Said board of trustees shall have perpetual succession, and in them and their successors shall be vested the power hereinbefore granted to this association. They shall adopt a common seal, which they may alter at pleasure, under and by which all deeds and acts of the association shall be passed and authenticated. They shall elect such officers as they may deem necessary, including a treasurer, for such terms and at such compensation as they may prescribe, in accordance with the by-laws which may be established for the government of said association. The said treasurer shall give such bond as may be fixed by the by-laws, and all of the officers of the association, together with such agents and employees as it may be deemed necessary to employ, shall be subject to removal for such causes and under such conditions and regulations as may be prescribed by the by-laws.

Board of trustees etc.

SEC. 5. That no misnomer of the said corporation shall defeat or annul any grant, donation, gift, devise, or bequest to or from said corporation.

Corporation grants unaffected by misnomers.

SEC. 6. That the said corporation may cause to be erected at such suitable site upon the homestead aforesaid, after acquisition of title to same as aforesaid, as may be selected by the board of trustees, a monument to the memory of the late Frederick Douglass, of such character and at such cost as in their judgment may seem fit, in accordance with the means of said association and compatible with the objects and purposes thereof.

Monument to Frederick Douglass.

SEC. 7. That when the said corporation shall have acquired title in fee simple to the whole or a part, as the case may be, of the said property known as Cedar Hill, in the village of Anacostia, in the District of Columbia, and formerly occupied as the homestead of the late Frederick Douglass, said land and premises shall be, and hereby are, declared to be exempt from all taxes and assessments for taxation so long as the same shall be used for the purposes of this incorporation.

Cedar Hill exempt from taxes.

SEC. 8. That Congress reserves the right to amend or repeal this Act.

Amendment.

Approved, June 6, 1900.

June 6, 1900.

CHAP. 807.—An Act To establish a board of charities for the District of Columbia.

District of Columbia.
Board of charities
established.

Officers, etc.

Proviso.
Superintendent of
charities, District of
Columbia abolished,
etc.

Duties of board.

Rooms.

Meetings.

Regulations.

Information, etc., to
be furnished board.

Investigation of
public institutions by
board.

Expenses.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be established in the District of Columbia a board of charities, to consist of five members, residents of the said District, who shall be appointed by the President of the United States, by and with the advice and consent of the Senate, each for a term of three years, but in such manner that the terms of not more than two of them shall expire in any one or the same year. The members of the said board shall serve without compensation. During his term of office no member shall serve as trustee or other administrative officer of any institution subject to the visitation of the said board. The board shall elect a president and vice-president from among its own members, and shall appoint a secretary, who shall receive a salary of three thousand dollars per annum; and a messenger, who shall receive a salary of eight hundred and forty dollars per annum; and may appoint such other officers, inspectors, and clerks as it may deem proper, and fix the number, duties, and compensation of such other officers, inspectors, and clerks, subject to appropriations of Congress: *Provided,* That the office of superintendent of charities of the District of Columbia is hereby abolished from and after the thirtieth day of June, nineteen hundred; and the amounts appropriated in the Act making appropriations for the expenses of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and one, for salaries of superintendent of charities and of messenger in the office of said superintendent and for traveling expenses are hereby made available for the payment of secretary of the board of charities, messenger for said board, and necessary traveling expenses authorized by said board. The said board of charities shall visit, inspect, and maintain a general supervision over all institutions, societies, or associations of a charitable, eleemosynary, correctional, or reformatory character which are supported in whole or in part by appropriations of Congress, made for the care or treatment of residents of the District of Columbia; and no payment shall be made to any such charitable, eleemosynary, correctional, or reformatory institution for any resident of the District of Columbia who is not received and maintained therein pursuant to the rules established by such board of charities, except in the case of persons committed by the courts, or abandoned infants needing immediate care. The said board of charities shall be provided with suitable rooms in the building occupied by other departments of the government of the District of Columbia. Regular meetings of the said board shall be held at least once each month, and more often if required. The said board shall make such rules and orders for the regulation of its proceedings as may be deemed necessary. The officers in charge of all institutions subject to the supervision of the board of charities shall furnish said board, on request, such information and statistics as may be desired; and to secure accuracy, uniformity, and completeness of such statistics the board may prescribe such forms of report and registration as may be deemed to be essential; and all plans for new institutions shall, before the adoption of the same, be submitted to said board for suggestion and criticism. The Commissioners of the District of Columbia may at any time order an investigation by the board, or a committee of its members, of the management of any penal, charitable, or reformatory institution in the District of Columbia; and said board, or any authorized committee of its members, when making such investigation, shall have power to send for persons and papers and to administer oaths and affirmations; and the report of such investigation, with the testimony, shall be made to the Commissioners. All accounts and expenditures of said board shall be certified as may be required by the Commissioners, and paid as other accounts against the District

of Columbia. The said board shall make an annual report to Congress, through the Commissioners of the District of Columbia, giving a full and complete account of all matters placed under the supervision of the board, all expenses in detail, and all officers and agents employed, with a report of the Secretary, showing the actual condition of all institutions and agencies under the supervision of the board, the character and economy of administration thereof, and the amount and sources of their public and private income. The said report shall also include recommendations for the economical and efficient administration of the charities and reformatories of the District of Columbia. The said board shall prepare and include with its annual report such estimates of future appropriations as will, in the judgment of a majority of its members, best promote the effective, harmonious, and economical management of the affairs under its supervision; and such estimates submitted shall be included in the regular annual Book of Estimates. No member or employee of said board shall be either directly or indirectly interested in any contract for building, repairing, or furnishing any institution which by this Act the board is authorized to investigate and supervise. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved, June 6, 1900.

Report.

Estimates of future appropriations.

Officers, etc., not to be interested in contracts.

Repeal.

CHAP. 808.—An Act To regulate the collection of taxes in the District of Columbia.

June 6, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the fiscal year commencing July first, nineteen hundred, the whole tax on real and personal property in the District of Columbia shall be due and payable in the month of May, nineteen hundred and one; and if said tax upon real and personal property shall not be paid before the first day of June in said year, the same thereupon shall be in arrears and delinquent, and there shall then be added, to be collected with said tax, a penalty of one per centum upon the amount thereof, and a like penalty on the first day of each succeeding month until payment of said tax and penalty; and the whole together shall constitute the delinquent tax, to be dealt with and collected in the manner now provided by law: *Provided,* That the Secretary of the Treasury is hereby authorized and directed to advance to the disbursing officer of the District of Columbia, in the manner now prescribed by law, out of any money in the Treasury of the United States not otherwise appropriated, such sums as may be necessary from time to time to meet the general expenses of said District, and to reimburse the Treasury for the one-half advances payable by said District out of the taxes and revenues collected, as herein provided for: *And provided further,* That for the fiscal year beginning July first, nineteen hundred and one, and thereafter, taxes on real and personal property may be paid in two installments as is now provided by law.

District of Columbia. Collection of taxes.

—when due and in arrears.

—penalty.

Provisos. Advancements to District disbursing officer.

Installments.

Approved, June 6, 1900.

CHAP. 809.—An Act For the extension of Columbia road east of Thirteenth street, and for other purposes.

June 6, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That within twenty days after the passage of this Act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia, sitting as a district court,

District of Columbia. Extension of Columbia road, etc. Petition for condemnation.

by petition, particularly describing the lands to be taken, a proceeding in rem to condemn the land that may be necessary for the extension of Columbia road east of Thirteenth street, through block twenty-three of Columbia Heights, with a width of sixty feet, so that the western terminus of Stenben street will be connected in a direct manner with the eastern terminus of Columbia road as now located west of Thirteenth street.

Assessments for
benefits against abut-
ting property.

SEC. 2. That of the amount found to be due and awarded as damages for and in respect of the land condemned for the extension of Columbia road as herein provided, such amount thereof shall be assessed by the jury hereinafter provided as benefits, and to the extent of such benefits, against those pieces or parcels of land on each side of said Columbia road as extended through block twenty-three of Columbia Heights, and also on any or all pieces or parcels of land which will be benefited by the extension of said Columbia road as said jury may find said pieces or parcels of land will be benefited; and in determining the amounts to be assessed against said pieces or parcels of land the jury shall take into consideration the respective situations of such pieces or parcels of land and the benefits they may severally receive from the extension of Columbia road as aforesaid: *Provided*, That if the aggregate amount of the benefits to be assessed, as determined by said jury pursuant to the provisions hereof, is less than one-half of the amount of the damages awarded for and in respect of the land condemned, the Commissioners of the District of Columbia may, in their discretion, reject the award and assessment of said jury, and all proceedings hereunder shall be null and void.

Proviso.
Rejection of award,
etc.

Notice of filing of
proceedings.

SEC. 3. That the said court shall cause public notice of not less than ten days to be given of the filing of said proceedings, by advertisement in such manner as the court shall prescribe, which notice shall warn all persons having any interest in the proceedings to attend court at a day to be named in said notice and to continue in attendance until the court shall have made its final order ratifying and confirming the award of damages and assessment of benefits of the jury; and in addition to such public notice said court, whenever in its judgment it is practicable to do so, may cause a copy of said notice to be served by the marshal of the District of Columbia, or his deputies, upon such owners of the land to be condemned as may be found by said marshal, or his deputies, within the District of Columbia.

Condemnation pro-
ceedings.

SEC. 4. That after the return of the marshal and the filing of proof of publication of the notice provided for in the preceding section, said court shall cause a jury of seven judicious, disinterested men, not related to any person interested in the proceedings, and not in the service or employment of the District of Columbia or of the United States, to be summoned by the marshal of the District of Columbia, to which jurors said court shall administer an oath or affirmation that they are not interested in any manner in the land to be condemned nor are in any way related to the parties interested therein, and that they will, without favor or partiality, to the best of their judgment, assess the damages each owner of land taken may sustain by reason of the extension of said street and the condemnation of lands for the purposes of such extension, and assess the benefits resulting therefrom as hereinbefore provided. The court, before accepting the jury, shall hear any objections that may be made to any member thereof, and shall have full power to decide upon all such objections, and to excuse any juror or cause any vacancy in the jury, when impaneled, to be filled; and after said jury shall have been organized and shall have viewed the premises, said jury shall proceed, in the presence of the court, if the court shall so direct, or otherwise as the court may direct, to hear and receive such evidence as may be offered or submitted on behalf of the District of Columbia and by any person or persons having any inter-

est in the proceedings for the extension of said street. When the hearing is concluded the jury, or a majority of them, shall return to said court, in writing, its verdict of the amount to be found due and payable as damages sustained by reason of the extension of said street under the provisions thereof, and of the pieces or parcels of land benefited by such extension and the amount of the assessment for such benefits against the same.

Verdict.

SEC. 5. That if the use of a part only of any piece or parcel of ground shall be condemned, the jury, in determining its value, shall not take into consideration any benefits that may accrue to the remainder thereof from the extension of said street or highway, but such benefits shall be considered in determining what assessment shall be made on or against such part of such piece or parcel of land as may not be taken as hereinbefore provided.

Considerations of value where part of lot is taken.

SEC. 6. That the court shall have power to hear and determine any objections which may be filed to said verdict or award, and to set aside and vacate the same, in whole or in part, when satisfied that it is unjust or unreasonable, and in such event a new jury shall be summoned, who shall proceed to assess the damages or benefits, as the case may be, in respect of the land as to which the verdict may be vacated, as in the case of the first jury: *Provided*, That if vacated in part, the residue of the verdict and award as to the land condemned or assessed shall not be affected thereby: *And provided further*, That the exceptions or objections to the verdict and award shall be filed within thirty days after the return of such verdict and award.

Exceptions to award.

Provisos.
—award vacated in part.
—limit of time for filing exceptions.

SEC. 7. That when the verdict of said jury shall have been finally ratified and confirmed by the court, as herein provided, the amounts of money awarded and adjudged to be payable for lands taken under the provisions hereof shall be paid to the owners of said land by the Treasurer of the United States, ex officio commissioner of the sinking fund of the District of Columbia, upon the warrant of the Commissioners of said District, out of the revenues of the District of Columbia; and a sufficient sum to pay the amounts of said judgments and awards is hereby appropriated out of the revenues of the District of Columbia.

Payment of awards.

—appropriation.

SEC. 8. That when confirmed by the court the several assessments herein provided to be made shall severally be a lien upon the land assessed, and shall be collected as special improvement taxes in the District of Columbia, and shall be payable in four equal annual installments, with interest at the rate of four per centum per annum from the date of confirmation until paid. That said court may allow amendments in form or substance in any petition, process, record, or proceeding, or in the description of property proposed to be taken, or of property assessed for benefits whenever such amendments will not interfere with the substantial rights of the parties interested, and any such amendment may be made after as well as before the order or judgment confirming the verdict or award aforesaid.

Assessments a lien on lands, etc.

Amendments permitted.

SEC. 9. That each juror shall receive as compensation the sum of five dollars per day for his services during the time he shall be actually engaged in such services under the provisions hereof.

Compensation of jurors.

SEC. 10. That the sum of three hundred dollars is hereby appropriated, out of the revenues of the District of Columbia, to provide the necessary funds for the costs and expenses of the condemnation proceedings taken pursuant hereto.

Appropriation for condemnation expenses.

SEC. 11. That no appeal by any interested party from the decision of the supreme court of the District of Columbia confirming the assessment or assessments of benefits or damages herein provided for, nor any other proceeding at law or in equity by such party against the confirmation of such assessment or assessments, shall delay or prevent the payment of award to others in respect to the property condemned, nor delay or prevent the taking of any of said property sought to be

Appeals not to delay payment of awards to others, etc.

Proviso.
Payment on final
determination of ap-
peal.

condemned, nor the opening of such street: *Provided, however,* That upon the final determination of said appeal or other proceeding at law or in equity the amount found to be due and payable as damages sustained by reason of the extension of said street under the provisions hereof shall be paid as hereinbefore provided.

Provisions for assess-
ment of benefits, etc.,
applicable to other
street extensions, etc.

Vol. 30, pp. 1344, 1380,
1381, 1382, 1383.

SEC. 12. That the provisions of sections three, four, five, six, seven, eight, and eleven hereof, and the provisions of section two hereof as to the assessment of benefits and as to the right of the Commissioners of the District of Columbia to reject the award of the jury, be, and the same are hereby, made applicable to the several Acts of Congress approved March third, eighteen hundred and ninety-nine, entitled "An Act to extend S street in the District of Columbia, and for other purposes," and "An Act for the extension of Pennsylvania avenue southeast, and for other purposes," in so far as the same relate to the extension of Sixteenth street northwest, as amended by joint resolution approved the thirtieth day of January, nineteen hundred, to the extension of Pennsylvania avenue southeast, the extension of Staughton street, the extension of Eckington place, the extension of Fifth street, and the extension of Howard avenue, except, nevertheless, that the assessment areas fixed by said several Acts in reference to said several streets shall be and remain as in and by said Acts of Congress provided.

Eleventh street ex-
tension.
Vol. 30, p. 1344.
Petition for final
confirmation of
awards, etc.

The Commissioners of the District of Columbia are hereby authorized and directed to make application to the supreme court of the District of Columbia holding a district court, for the final ratification and confirmation of the awards of the jury for and in respect to the land condemned for the extension of Eleventh street; and said awards, when so ratified, shall be paid as provided by said Act of March third, eighteen hundred and ninety-nine, anything in said Act to the contrary notwithstanding. And in the event that the assessments for benefits levied by the jury in relation to said Eleventh street shall for any reason be declared void, the said Commissioners of the District of Columbia are authorized and directed to make application to said court for a reassessment of such benefits under and in accordance with the provisions of this Act.

Reassessment.

Four-and-a-half
street NW. renamed
Fourth street.

SEC. 13. That the name of Four-and-a-half street northwest is changed to Fourth street northwest.

Approved, June 6, 1900.

June 6, 1900.

CHAP. 810.—An Act Authorizing and requiring the Metropolitan Railroad Company to extend its lines on old Sixteenth street.

District of Columbia.
Extension of Metro-
politan railroad on
old Sixteenth street.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Metropolitan Railroad Company of the District of Columbia be, and the same is hereby, authorized and required to extend by double tracks the lines of its underground electric railroad from its present terminus at the intersection of Eighteenth street and Columbia road easterly along Columbia road to the present Sixteenth street northwest, thence north along Sixteenth street to Park street: *Provided,* That no cars shall be switched in the streets after the expiration of two years from the passage of this Act.

Proviso.
Switching cars in
streets.

Columbia road and
Sixteenth street to be
widened, etc.

SEC. 2. That before such extension shall be constructed Columbia road shall be widened to a width of one hundred feet, the present Sixteenth street shall be widened to a width of eighty-five feet from Columbia road to Park street, and in such widening the building restriction line on the eastern side of said street shall be taken as far as practicable to form the eastern side of said street when widened; and also suffi-

cient land shall be acquired at the northwesterly corner of Columbia road and Sixteenth street so as to allow the street-railway tracks to be laid wholly without the roadway of Sixteenth street as extended according to the highway extension plans; all in accordance with plans to be prepared by the Commissioners of the District of Columbia; and the said Commissioners shall institute in the supreme court of the District of Columbia, sitting as a district court, by petition, particularly describing the lands to be taken, a proceeding in rem to condemn the land that may be necessary for the extension of Columbia road and the present Sixteenth street as herein provided, with a width of one hundred feet: *Provided*, That the said Commissioners are authorized and empowered to locate the lines of the railroad of said company within the area so to be acquired as aforesaid: *And provided further*, That the operation of the cars of the Metropolitan Railroad within the Capitol grounds shall be under the control of the Architect of the Capitol: *And provided further*, That no tracks shall be laid on any portion of the roadway of Sixteenth street as extended according to the highway extension plans.

Petition for condemnation.

Provided,
—location on acquired lands.
Control of cars in Capitol grounds.

Tracks on Sixteenth street.

SEC. 3. That the extensions of the lines of the Metropolitan Railroad Company herein provided for shall be completed and put in operation within one year from the date of the widening of said highways as herein provided, and said company shall deposit with the collector of taxes of the District of Columbia such sums as are necessary to pay the cost of inspection of said work.

Completion of extension.

Deposit for cost of inspection.

SEC. 4. That of the amount found to be due and awarded as damages for and in respect of the land condemned for the extension of Columbia road and the present Sixteenth street, as herein provided, such proportional amounts thereof as the jury hereinafter provided shall determine shall be assessed by said jury as benefits, and to the extent of such benefits, against respectively the Metropolitan Street Railroad Company, and collected as special assessments are collected, and against those pieces or parcels of land on each side of said Columbia road and the present Sixteenth street northwest along those portions of said streets that are to be widened, and also on any or all pieces or parcels of land which will be benefited by the extension of said Columbia road and the present Sixteenth street northwest as said jury may find said pieces or parcels of land will be benefited; and in determining the amounts to be assessed against said pieces or parcels of land the jury shall take into consideration the respective situations of such pieces or parcels of land and the benefits they may severally receive from the extension of Columbia road as aforesaid: *Provided*, That if the aggregate amount of the benefits to be assessed against those pieces or parcels of land on each side of said Columbia road and the present Sixteenth street northwest along those portions of said streets that are to be widened, and also on any or all pieces or parcels of land which will be benefited by the extension of said Columbia road and the present Sixteenth street northwest as said jury may find said pieces or parcels of land will be benefited, as determined by said jury pursuant to the provisions hereof, is less than one-half of the amount of the damages awarded for and in respect of the land condemned, the Commissioners of the District of Columbia may, in their discretion, within thirty days after the filing of said award, reject the award and assessment of said jury, and all proceedings hereunder shall be null and void.

Assessments for benefits against abutting property, etc.

—considerations of value.

Provided,
Rejection of award, etc.

SEC. 5. That the said court shall cause public notice of not less than ten days to be given of the filing of said proceedings, by advertisement in such manner as the court shall prescribe, which notice shall warn all persons having any interest in the proceedings to attend court at a day to be named in said notice and to continue in attendance until the court shall have made its final order ratifying and confirming the

Notice of filing of proceedings.

award of damages and assessment of benefits of the jury; and in addition to such public notice said court, whenever in its judgment it is practicable to do so, may cause a copy of said notice to be served by the marshal of the District of Columbia, or his deputies, upon such owners of the land to be condemned as may be found by said marshal, or his deputies, within the District of Columbia.

Condemnation pro-
ceedings.
Jury.

SEC. 6. That after the return of the marshal and the filing of proof of publication of the notice provided for in the preceding section, said court shall cause a jury of seven judicious, disinterested men, not related to any person interested in the proceedings, and not in the service or employment of the District of Columbia or of the United States, to be summoned by the marshal of the District of Columbia, to which jurors said court shall administer an oath or affirmation that they are not interested in any manner in the land to be condemned nor are in any way related to the parties interested therein, and that they will, without favor or partiality, to the best of their judgment, assess the damages each owner of land taken may sustain by reason of the extension of said street and the condemnation of lands for the purposes of such extension, and assess the benefits resulting therefrom as hereinbefore provided. The court, before accepting the jury, shall hear any objections that may be made to any member thereof, and shall have full power to decide upon all such objections, and to excuse any juror or cause any vacancy in the jury, when impaneled, to be filled; and after said jury shall have been organized and shall have viewed the premises, said jury shall proceed, in the presence of the court, if the court shall so direct, or otherwise as the court may direct, to hear and receive such evidence as may be offered or submitted on behalf of the District of Columbia and by any person or persons having any interest in the proceedings for the extension of said street. When the hearing is concluded the jury, or a majority of them, shall return to said court, in writing, its verdict of the amount to be found due and payable as damages sustained by reason of the extension of said street under the provisions thereof, and of the pieces or parcels of land benefited by such extension and the amount of the assessment for such benefits against the same.

Verdict.

Considerations of
value where part of
ground is taken.

SEC. 7. That if the use of a part only of any piece or parcel of ground shall be condemned, the jury, in determining its value, shall not take into consideration any benefits that may accrue to the remainder thereof from the extension of said street or highway, but such benefits shall be considered in determining what assessment shall be made on or against such part of such piece or parcel of land as may not be taken as hereinbefore provided.

Exceptions to award.

SEC. 8. That the court shall have power to hear and determine any objections which may be filed to said verdict or award, and to set aside and vacate the same, in whole or in part, when satisfied that it is unjust or unreasonable, and in such event a new jury shall be summoned, who shall proceed to assess the damages or benefits, as the case may be, in respect of the land as to which the verdict may be vacated, as in the case of the first jury: *Provided*, That if vacated in part, the residue of the verdict and award as to the land condemned or assessed shall not be affected thereby: *And provided further*, That the exceptions or objections to the verdict and award shall be filed within thirty days after the return of such verdict and award.

Provisos.
Award vacated in
part.

Limit of time for
filing exceptions.

Payments; how
made.

SEC. 9. That when the verdict of said jury shall have been finally ratified and confirmed by the court, as herein provided, the amounts of money awarded and adjudged to be payable for lands taken under the provisions hereof shall be paid to the owners of said land by the Treasurer of the United States, ex officio commissioner of the sinking fund of the District of Columbia, upon the warrant of the Commis-

sioners of said District, out of the revenues of the District of Columbia; and a sufficient sum to pay the amounts of said judgments and awards is hereby appropriated out of the revenues of the District of Columbia.

SEC. 10. That when confirmed by the court the several assessments herein provided to be made shall severally be a lien upon the land assessed, and shall be collected as special improvement taxes in the District of Columbia, and shall be payable in four equal annual installments, with interest at the rate of four per centum per annum from the date of confirmation until paid. That said court may allow amendments in form or substance in any petition, process, record, or proceeding, or in the description of property proposed to be taken, or of property assessed for benefits whenever such amendments will not interfere with the substantial rights of the parties interested; and any such amendment may be made after as well as before the order or judgment confirming the verdict or award aforesaid.

SEC. 11. That each juror shall receive as compensation the sum of five dollars per day for his services during the time he shall be actually engaged in such services under the provisions hereof.

SEC. 12. That the sum of three hundred dollars is hereby appropriated, out of the revenues of the District of Columbia, to provide the necessary funds for the costs and expenses of the condemnation proceedings taken pursuant hereto.

SEC. 13. That no appeal by any interested party from the decision of the supreme court of the District of Columbia confirming the assessment or assessments for benefits or damages herein provided for, nor any other proceedings at law or in equity by such party against the confirmation of such assessment or assessments, shall delay or prevent the payment of the award to others in respect to the property condemned nor the widening of such streets: *Provided, however,* That upon the final determination of said appeal or other proceeding at law or in equity the amount found to be due and payable as damages sustained by reason of the widening of the streets under the provisions hereof shall be paid as hereinbefore provided.

SEC. 14. That Congress reserves the right to alter, amend, or repeal this Act.

Approved, June 6, 1900.

Appropriation.

Assessments a lien on land, etc.

Amendments permitted.

Compensation of jurors.

Appropriation for condemnation expenses.

Appeals not to delay payment of awards to others, etc.

Proviso. Payment on final determination of appeal.

Amendment.

CHAP. 811.—An Act To authorize the detail of an officer of the retired list of the Army as adjutant-general of the District of Columbia militia.

June 6, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States may detail as adjutant-general of the District of Columbia militia any retired officer of the Army who may be nominated to the President by the brigadier-general commanding the District of Columbia militia, said retired officer while so detailed to have the active service pay and allowances of his rank in the Regular Army.

Approved, June 6, 1900.

District of Columbia. Detail of retired army officer as adjutant-general of militia authorized.

CHAP. 812.—An Act To close all alleys in block three of the Walbridge subdivision of Ingleside, in the county of Washington.

June 6, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to abandon and close all the alleys in block numbered three of the

District of Columbia. Closing of alleys in block three, Walbridge subdivision, Ingleside, authorized.

Walbridge subdivision of Ingleside, in the county of Washington; the land in the said alleys to revert to the present owners of the said block.

Approved, June 6, 1900.

June 6, 1900.

CHAP. 813.—An Act To ratify an agreement with the Indians of the Fort Hall Indian Reservation in Idaho, and making appropriations to carry the same into effect.

Agreement with
Shoshone and Ban-
nock Indians of the
Fort Hall Reserva-
tion, Idaho.
Preamble.

Whereas Benjamin F. Barge, James H. McNeely, and Charles G. Hoyt, acting for the United States, did, on the fifth day of February, anno Domini eighteen hundred and ninety-eight, make and conclude the following agreement with the Shoshone and Bannock Indians of the Fort Hall Reservation, in Idaho; and

Commissioners.

Whereas Benjamin F. Barge, James H. McNeely, and Charles G. Hoyt, being duly appointed and acting commissioners on behalf of the United States for such purposes, have concluded an agreement with the headmen and a majority of the male adults of the Bannock and Shoshone tribes of Indians upon the Fort Hall Indian Reservation, in the State of Idaho, which said agreement is as follows:

Vol. 29, p. 341.

Whereas the aforesaid commissioners were appointed by the Secretary of the Interior, under and by virtue of an act of Congress, approved June the tenth, eighteen hundred and ninety-six (29 U. S. Stat. L., p. 341), entitled "An act making appropriations for current and contingent expenses of the Indian Bureau of the Interior Department, and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June the thirtieth, eighteen hundred and ninety-seven, and for other purposes," and by said act were authorized to negotiate with the Bannock and Shoshone Indians, in the State of Idaho, for the cession of part of their surplus lands; and

Vol. 15, p. 673.

Whereas the Indians of the Fort Hall Reservation are willing to dispose of part of their surplus lands in the State of Idaho, reserved as a home for them by a treaty concluded at Fort Bridger July the third, eighteen hundred and sixty-eight, and ratified by the United States Senate on the sixteenth day of February, eighteen hundred and sixty-nine, and also by Executive order:

Now, therefore, this agreement, made and entered into by and between the aforesaid commissioners on behalf of the United States of America, and by the headmen and a majority of the male adults of the Bannock and Shoshone tribes of Indians, located on the Fort Hall Indian Reservation, in the State of Idaho. Witnesseth:

ARTICLE I.

Cession of lands.

That the said Indians of the Fort Hall Reservation do hereby cede, grant, and relinquish to the United States all right, title, and interest which they have to the following-described land, the same being a part of the land obtained through the treaty of Fort Bridger on the third day of July, eighteen hundred and sixty-eight, and ratified by the United States Senate on the sixteenth day of February, eighteen hundred and sixty-nine:

—boundaries.

All that portion of the said reservation embraced within and lying east and south of the following-described lines: Commencing at a point in the south boundary of the Fort Hall Indian Reservation, being the southwest corner of township nine (9) south, range thirty-four (34) east of the Boise meridian, thence running due north on the range line between townships 33 and 34 east to a point two (2) miles north of the township line between townships five (5) and six (6) south, thence due east to the range line between ranges 35 and 36 east, thence south on

said range line four (4) miles, thence due east to the east boundary line of the reservation; from this point the east and south boundaries of the said reservation as it now exists to the point of beginning, namely, the southwest corner of township nine (9) south, range thirty-four east, being the remainder of the description and metes and bounds of the said tract of land herein proposed to be ceded.

ARTICLE II.

That in consideration of the lands ceded, granted, and relinquished, as aforesaid, the United States stipulates and agrees to pay to and expend for the Indians of the said reservation, six hundred thousand dollars (\$600,000) in the following manner, to wit:

Consideration.

Seventy-five thousand dollars (\$75,000), or as much thereof as may be necessary, shall be expended by the Secretary of the Interior in the erection of a modern school plant for the Indians of the Fort Hall Reservation at a point near the present agency, said point or site to be selected by the Secretary of the Interior, and the surplus remaining, if any, of the above seventy-five thousand dollars (\$75,000) may be expended by the Secretary of the Interior for the educational needs of said Indians.

One hundred thousand dollars (\$100,000) shall be paid in cash pro rata, share and share alike, to each man, woman, and child belonging to and actually residing on said reservation, within three months after the ratification of this treaty by the Congress of the United States. The remainder of said sum total shall be paid pro rata in like manner, as follows:

Fifty thousand dollars (\$50,000) one year after the first payment.

Fifty thousand dollars (\$50,000) two years after the first payment.

Fifty thousand dollars (\$50,000) three years after the first payment.

Fifty thousand dollars (\$50,000) four years after the first payment.

Fifty thousand dollars (\$50,000) five years after the first payment.

Fifty thousand dollars (\$50,000) six years after the first payment.

Fifty thousand dollars (\$50,000) seven years after the first payment.

Fifty thousand dollars (\$50,000) eight years after the first payment.

Twenty-five thousand dollars (\$25,000) nine years after the first payment.

The deferred payments shall bear interest at the rate of four (4) per centum per annum, said interest to be placed annually to the credit of said Indians, and shall be expended for their benefit by the Secretary of the Interior at such times and in such manner as he may direct.

Provided, That none of the money due to said Indians under this agreement shall be subject to the payment of any claims, judgments, or demands against said Indians for damages or depredations claimed to have been committed prior to the signing of this agreement.

Proviso.
Depredation claims
not to affect pay-
ments.

ARTICLE III.

Where any Indians have taken lands and made homes on the reservation and are now occupying and cultivating the same, under the sixth section of the Fort Bridger treaty hereinbefore referred to, they shall not be removed therefrom without their consent, and they may receive allotments on the land they now occupy; but in case they prefer to remove they may select land elsewhere on that portion of said reservation not hereby ceded, granted, and relinquished and not occupied by any other Indians; and should they decide not to move their improvements, then the same shall be appraised under direction of the Secretary of the Interior and sold for their benefit, at a sum not less than such appraisal, and the cash proceeds of such sale shall be paid to the Indian or Indians whose improvements shall be so sold.

Heads of families
who have settled not
to be moved without
consent.
Vol. 15, p. 675.

ARTICLE IV.

Use of ceded land
by Indian continuing
to live thereon.

So long as any of the lands ceded, granted, and relinquished under this treaty remain part of the public domain, Indians belonging to the above-mentioned tribes, and living on the reduced reservation, shall have the right, without any charge therefor, to cut timber for their own use, but not for sale, and to pasture their live stock on said public lands, and to hunt thereon and to fish in the streams thereof.

ARTICLE V.

Surveys.

That for the purpose of segregating the ceded lands from the diminished reservation, the new boundary lines described in article one of this agreement shall be properly surveyed and permanently marked in a plain and substantial manner by prominent and durable monuments, the cost of said survey to be paid by the United States.

ARTICLE VI.

Prior treaties con-
tinued in force.

The existing provisions of all former treaties with the Indians of the Fort Hall Reservation, not inconsistent with the provisions of this agreement, are hereby continued in force and effect; and all provisions thereof inconsistent herewith are hereby repealed.

ARTICLE VII.

Certain roads de-
clared public high-
ways.

The existing main traveled roads leading from McCammon to Blackfoot and from McCammon to American Falls are declared public highways, and the proper use of such is hereby granted to the general public.

ARTICLE VIII.

Irrigation.

The water from streams on that portion of the reservation now sold which is necessary for irrigating on land actually cultivated and in use shall be reserved for the Indians now using the same, so long as said Indians remain where they now live.

ARTICLE IX.

Signatures.

This agreement shall take effect and be in force when signed by the commissioners and by a majority of the male Indians of the Fort Hall Reservation over eighteen years of age, and ratified by the Congress of the United States.

Signed on the part of the United States Government by the commissioners aforesaid and by the following Indians of the Bannock and Shoshone tribes, residing and having rights on the Fort Hall Indian Reservation.

BENJAMIN F. BARGE, Commissioner.
JAMES H. MCNEELY, Commissioner.
CHARLES G. HOYT, Commissioner.

FORT HALL INDIAN AGENCY,
Ross Fork, Idaho, February 5, 1898.

(1) Jim Ballard (x); witness, Mary W. Fisher. (2) Pocatello Tom (x); witness, Chas. M. Robinson. (3) Kunecke Johnson (x); witness, Mary W. Fisher. (And 247 others.)
* * * * *

We certify that we interpreted the foregoing agreement with the Bannock and Shoshone Indians and that they thoroughly understood

the entire matter; that we truly interpreted for the commissioners and the Indians at all the councils held to discuss the subject, and to individual Indians.

J. J. LEWIS,
KENNEKE (his x mark) JOHNSON,
Interpreters.

Witness:

CHAS. M. ROBINSON.

J. H. BEAN.

ALBERT W. FISHER.

ROSS FORK, IDAHO, February 5, 1898.

FORT HALL AGENCY, IDAHO, February 5, 1898.

I hereby certify that two hundred and twenty-seven (227) Indians constitute a majority of male adult Indians on or belonging on the Fort Hall Indian Reservation, Idaho.

F. G. IRWIN, Jr.,
First Lieutenant, Second Cavalry, Acting Indian Agent.

Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the said agreement be, and the same hereby is, accepted, ratified, and confirmed.

Ratification.

SEC. 2. That for the purpose of making the first cash payment stipulated for in article two of the foregoing agreement, and for the purpose of a new school plant, as provided in the same article, the sum of one hundred and seventy-five thousand dollars be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated.

Appropriation for first cash payment, etc.

SEC. 3. That for the purpose of surveying, establishing, and properly marking the western and northern boundaries of the tract ceded by the foregoing agreement, as required by article five thereof, and for field examination and necessary office work in connection therewith, the sum of one thousand dollars, or so much thereof as may be necessary, be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated.

—for surveys, etc.

SEC. 4. That before any of the lands by this agreement ceded are opened to settlement or entry, the Commissioner of Indian Affairs shall cause allotments to be made of such of said lands as are occupied and cultivated by any Indians, as set forth in article three of said agreement, who may desire to have the same allotted to them; and in cases where such Indian occupants prefer to remove to lands within the limits of the reduced reservation, he shall cause to be prepared a schedule of the lands to be abandoned, with a description of the improvements thereon, and the name of the Indian occupant, a duplicate of which shall be filed with the Commissioner of the General Land Office.

Heads of families settled thereon to have allotments prior to opening of ceded lands to entry, etc.

—electing to remove, schedule of lands, etc., abandoned.

Before entry shall be allowed, as hereinafter provided, of any tract of land occupied and cultivated as above and included in the schedule aforesaid, the Secretary of the Interior shall cause the improvements on said tract to be appraised and sold to the highest bidder. No sale of such improvements shall be for less than the appraised value. The purchaser of such improvements shall have thirty days after such purchase for preference right of entry, under the provisions of this Act, of the lands upon which the improvements purchased by him are situated, not to exceed one hundred and sixty acres: *Provided*, That the proceeds of the sale of such improvements shall be paid to the Indians owning the same.

—appraisal and sale of improvements.

Proviso.
—disposition of proceeds of sale.

Removal of improvements.

Any Indian electing to abandon the land occupied by him as aforesaid shall have reasonable time, in the discretion of the Secretary of

the Interior, within which to remove the improvements situated upon the land occupied by him.

Lands opened to settlement.

SEC. 5. That on the completion of the allotments and the preparation of the schedule provided for in the preceding section, and the classification of the lands as provided for herein, the residue of said ceded lands shall be opened to settlement by the proclamation of the President, and shall be subject to disposal under the homestead, town-site, stone and timber, and mining laws of the United States only, excepting as to price and excepting the sixteenth and thirty-sixth sections in each Congressional township, which shall be reserved for common-school purposes and be subject to the laws of Idaho: *Provided*, That all purchasers of lands lying under the canal of the Idaho Canal Company, and which are susceptible of irrigation from the water from said canal, shall pay for the same at the rate of ten dollars per acre; all agricultural lands not under said canal shall be paid for at the rate of two dollars and fifty cents per acre, and grazing lands at the rate of one dollar and twenty-five cents per acre, one-fifth of the respective sums to be paid at time of original entry, and four-fifths thereof at the time of making final proof; but no purchaser shall be permitted in any manner to purchase more than one hundred and sixty acres of the land hereinbefore referred to; but the rights of honorably discharged Union soldiers and sailors, as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes of the United States, shall not be abridged, except as to the sum to be paid as aforesaid.

Proviso.

Price of Idaho canal lands.

—other lands.

—limit of purchase.

Soldiers' and sailors' homesteads.
R. S., 2304, 2305, p. 422.

Classification of agricultural and grazing lands.

Indemnity to State of Idaho for certain school lands.

Provisos.

—price under town-site laws.

—lands near Pocatello.

—mineral lands.

Agreement with Comanche, Kiowa, and Apache Indians of Oklahoma.

The classification as to agricultural and grazing lands shall be made by an employee of the General Land Office under the direction of the Secretary of the Interior.

No lands in sections sixteen and thirty-six now occupied, as set forth in article three of the agreement herein ratified, shall be reserved for school purposes, but the State of Idaho shall be entitled to indemnity for any lands so occupied: *Provided*, That none of said lands shall be disposed of under the town-site laws for less than ten dollars per acre: *And provided further*, That all of said lands within five miles of the boundary line of the town of Pocatello shall be sold at public auction, payable as aforesaid, under the direction of the Secretary of the Interior for not less than ten dollars per acre: *And provided further*, That any mineral lands within said five mile limit shall be disposed of under the mineral land laws of the United States, excepting that the price of such mineral lands shall be fixed at ten dollars per acre instead of the price fixed by the said mineral land laws.

SEC. 6. Whereas David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, duly appointed Commissioners on the part of the United States, did, on the sixth day of October, eighteen hundred and ninety-two, conclude an agreement with the Comanche, Kiowa, and Apache tribes of Indians in Oklahoma, formerly a part of the Indian Territory, which said agreement is in the words and figures as follows:

"Articles of agreement made and entered into at Fort Sill, in the Indian Territory, on the twenty-first day of October, eighteen hundred and ninety-two, by and between David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, Commissioners on the part of the United States, and the Comanche, Kiowa, and Apache tribes of Indians in the Indian Territory.

"ARTICLE I.

Cession of lands.

"Subject to the allotment of land, in severalty to the individual members of the Comanche, Kiowa, and Apache tribes of Indians in the Indian Territory, as hereinafter provided for, and subject to the setting apart as grazing lands for said Indians, four hundred and eighty

thousand acres of land as hereinafter provided for, and subject to the conditions hereinafter imposed, and for the considerations hereinafter mentioned, the said Comanche, Kiowa, and Apache Indians hereby cede, convey, transfer, relinquish, and surrender, forever and absolutely, without any reservation whatever, express or implied, all their claim, title, and interest, of every kind and character, in and to the lands embraced in the following-described tract of country in the Indian Territory to wit: Commencing at a point where the Washita River crosses the ninety-eighth meridian west from Greenwich; thence up the Washita River, in the middle of the main channel thereof, to a point thirty miles, by river, west of Fort Cobb, as now established; thence due west to the north fork of Red River, provided said line strikes said river east of the one-hundredth meridian of west longitude; if not, then only to said meridian line, and thence due south, on said meridian line, to the said north fork of Red River; thence down said north fork, in the middle of the main channel thereof, from the point where it may be first intersected by the lines above described, to the main Red River; thence down said Red River, in the middle of the main channel thereof, to its intersection with the ninety-eighth meridian of longitude west from Greenwich; thence north, on said meridian line, to the place of beginning.

—boundaries.

“ARTICLE II.

“Out of the lands ceded, conveyed, transferred, relinquished, and surrendered by Article I hereof, and in part consideration for the cession thereof, it is agreed by the United States that each member of said Comanche, Kiowa, and Apache tribes of Indians over the age of eighteen (18) years shall have the right to select for himself or herself one hundred and sixty (160) acres of land to be held and owned in severalty, to conform to the legal surveys in boundary; and that the father, or, if he be dead, the mother, if members of either of said tribe of Indians, shall have the right to select a like amount of land for each of his or her children under the age of eighteen (18) years; and that the Commissioner of Indian Affairs, or some one by him appointed for the purpose, shall select a like amount of land for each orphan child belonging to either of said tribes under the age of eighteen (18) years.

Allotments in severalty.

“ARTICLE III.

“That in addition to the allotment of lands to said Indians as provided for in this agreement, the Secretary of the Interior shall set aside for the use in common for said Indian tribes four hundred and eighty thousand acres of grazing lands, to be selected by the Secretary of the Interior, either in one or more tracts as will best subserve the interest of said Indians. It is hereby further expressly agreed that no person shall have the right to make his or her selection of land in any part of said reservation that is now used or occupied for military, agency, school, school-farm, religious, or other public uses or in sections sixteen (16) and thirty-six (36) in each Congressional township, except in cases where any Comanche, Kiowa, or Apache Indian has heretofore made improvements upon and now uses and occupies a part of said sections sixteen (16) and thirty-six (36), such Indian may make his or her selection within the boundaries so prescribed so as to include his or her improvements. It is further agreed that wherever in said reservation any Indian, entitled to take lands in severalty hereunder, has made improvements, and now uses and occupies the land embracing such improvements, such Indian shall have the undisputed right to make his or her selection within the area above provided for allotments, so as to include his or her said improvements.

Grazing lands.

Restrictions on selection of land.

Reservation of land
for public schools, etc.

"It is further agreed that said sections sixteen (16) and thirty-six (36) in each Congressional township in said reservation shall not become subject to homestead entry but shall be held by the United States and finally sold for public school purposes. It is hereby further agreed that wherever in said reservation any religious society or other organization is now occupying any portion of said reservation for religious or educational work among the Indians, the land so occupied may be allotted and confirmed to such society or organization, not, however, to exceed one hundred and sixty (160) acres of land to any one society or organization so long as the same shall be so occupied and used; and such land shall not be subject to homestead entry.

"ARTICLE IV.

Limit of time for
selecting allotments.

Proviso.
—extension of time,
etc.

"All allotments hereunder shall be selected within ninety days from the ratification of this agreement by the Congress of the United States: *Provided*, The Secretary of the Interior, in his discretion, may extend the time for making such selection; and should any Indian entitled to allotments hereunder fail or refuse to make his or her selection of land in that time, then the allotting agent in charge of the work of making such allotments shall within the next thirty (30) days after said time make allotments to such Indians, which shall have the same force and effect as if the selection were made by the Indian.

"ARTICLE V

Allotments to be
held in trust
twenty-five years.

Vol. 24, p. 388.

Vol. 26, p. 794.

—conveyance of title.

"When said allotments of land shall have been selected and taken as aforesaid, and approved by the Secretary of the Interior, the titles thereto shall be held in trust for the allottees, respectively, for the period of twenty-five (25) years, in the time and manner and to the extent provided for in the act of Congress entitled "An act to provide for the allotment of land in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and Territories over the Indians, and for other purposes," approved February 8, 1887, and an act amendatory thereof, approved February 28, 1891.

"And at the expiration of the said period of twenty-five (25) years the titles thereto shall be conveyed in fee simple to the allottees or their heirs, free from all incumbrances.

"ARTICLE VI.

Consideration.

Payment.

"As a further and only additional consideration for the cession of territory and relinquishment of title, claim, and interest in and to the lands as aforesaid, the United States agrees to pay to the Comanche, Kiowa, and Apache tribes of Indians, in the Indian Territory, the sum of two million (2,000,000) dollars, as follows: Five hundred thousand (\$500,000) dollars to be distributed per capita to the members of said tribes at such times and in such manner as the Secretary of the Interior shall deem to be for the best interests of said Indians, which sum is hereby appropriated out of any funds in the Treasury not otherwise appropriated; and any part of the same remaining unpaid shall draw interest at the rate of five per centum while remaining in the Treasury, which interest shall be paid to the Indians annually per capita; and the remaining one million five hundred thousand (\$1,500,000) dollars to be retained in the Treasury of the United States, placed to the credit of said Indians, and while so retained to draw interest at the rate of five per centum per annum, to be paid to the said Indians per capita annually.

"Nothing herein contained shall be held to affect in any way any annuities due said Indians under existing laws, agreements, or treaties. Existing annuities.

"ARTICLE VIII.

"It is further agreed that wherever in said reservation any member of any of the tribes of said Indians has, in pursuance of any laws or under any rules or regulations of the Interior Department taken an allotment, such allotment, at the option of the allottee, shall be confirmed and governed by all the conditions attached to allotments taken under this agreement. Allotments by Interior Department may be governed by this agreement.

"ARTICLE IX.

"It is further agreed that any and all leases made in pursuance of the laws of the United States of any part of said reservation which may be in force at the time of the ratification by Congress of this agreement shall remain in force the same as if this agreement had not been made. Existing leases.

"ARTICLE X.

"It is further agreed that the following named persons, not members by blood of either of said tribes, but who have married into one of the tribes, to wit, Mabel R. Given, Thomas F. Woodward, William Wyatt, Kiowa Dutch, John Nestill, James N. Jones, Christian Keoh-tah, Edward L. Clark, George Conover, William Deitrick, Ben Roach, Lewis Bentz, Abilene, James Gardloupe, John Sanchez, the wife of Boone Chandler, whose given name is unknown, Emmet Cox, and Horace P. Jones, shall each be entitled to all the benefits of land and money conferred by this agreement, the same as if members by blood of one of said tribes, and that Emsy S. Smith, David Grantham, Zonee Adams, John T. Hill, and J. J. Methvin, friends of said Indians, who have rendered to said Indians valuable services, shall each be entitled to all the benefits, in land only, conferred under this agreement, the same as if members of said tribes. Certain persons married into tribes entitled to allotment.

"ARTICLE XI.

"This agreement shall be effective only when ratified by the Congress of the United States." Ratification.

Said agreement be, and the same hereby is, accepted, ratified, and confirmed as herein amended.

That the Secretary of the Interior is hereby authorized and directed to cause the allotments of said lands, provided for in said treaty among said Indians, to be made by any Indian inspector or special agent. Special allotment agent, etc.

That all allotments of said land shall be made under the direction of the Secretary of the Interior to said Indians within ninety days from the passage of this Act, subject to the exceptions contained in article four of said treaty: *Provided*, That the time for making allotments shall in no event be extended beyond six months from the passage of this Act. *Proviso.* Limit of time for allotting.

That the lands acquired by this agreement shall be opened to settlement by proclamation of the President within six months after allotments are made and be disposed of under the general provisions of the homestead and town-site laws of the United States: *Provided*, That in addition to the land-office fees prescribed by statute for such entries the entryman shall pay one dollar and twenty-five cents per acre for the land entered at the time of submitting his final proof: *And provided* Lands opened to settlement. *Provisos.* Price per acre.

Commutation of
homestead entries.

Soldiers and sailors
homesteads.
R. S. sec. 2304, 2305,
p. 422.

Persons now qual-
ified for homestead
entry who have hith-
erto failed to secure
title.

Entry on land ad-
joining existing en-
tries.

Preference right on
"neutral strip."

Reservations for
schools, etc.

Payments not avail-
able for depreciation
claims.
Vol. 26, p. 851.

Mineral deposits
open to location.

Court of Claims to
determine claims of
Choctaws and Chick-
asaws.

—appeal.

—Provisos.

—time for taking.

further, That in all homestead entries where the entryman has resided upon and improved the land entered in good faith for the period of fourteen months he may commute his entry to cash upon the payment of one dollar and twenty-five cents per acre: *And provided further*, That the rights of honorably discharged Union soldiers and sailors of the late civil war, as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes shall not be abridged: *And provided further*, That any person who, having attempted to but for any cause failed to secure a title in fee to a homestead under existing laws, or who made entry under what is known as the commuted provision of the homestead law, shall be qualified to make a homestead entry upon said lands: *And provided further*, That any qualified entryman having lands adjoining the lands herein ceded, whose original entry embraced less than one hundred and sixty acres in all, shall have the right to enter so much of the lands by this agreement ceded lying contiguous to his said entry as shall, with the land already entered, make in the aggregate one hundred and sixty acres, said land to be taken upon the same conditions as are required of other entrymen: *And provided further*, That the settlers who located on that part of said lands called and known as the "neutral strip" shall have preference right for thirty days on the lands upon which they have located and improved.

That sections sixteen and thirty-six, thirteen and thirty-three, of the lands hereby acquired in each township shall not be subject to entry, but shall be reserved, sections sixteen and thirty-six for the use of the common schools, and sections thirteen and thirty-three for university, agricultural colleges, normal schools, and public buildings of the Territory and future State of Oklahoma; and in case either of said sections, or parts thereof, is lost to said Territory by reason of allotment under this Act or otherwise, the governor thereof is hereby authorized to locate other lands not occupied in quantity equal to the loss.

That none of the money or interest thereon which is, by the terms of the said agreement, to be paid to said Indians shall be applied to the payment of any judgment that has been or may hereafter be rendered under the provisions of the Act of Congress approved March third, eighteen hundred and ninety-one, entitled "An Act to provide for the adjudication and payment of claims arising from Indian depredations."

That should any of said lands allotted to said Indians, or opened to settlement under this Act, contain valuable mineral deposits, such mineral deposits shall be open to location and entry, under the existing mining laws of the United States, upon the passage of this Act, and the mineral laws of the United States are hereby extended over said lands.

That as the Choctaw and Chickasaw nations claim to have some right, title, and interest in and to the lands ceded by the foregoing treaty as soon as the same are abandoned by said Comanche, Kiowa, and Apache tribes of Indians, jurisdiction be, and is hereby, conferred upon the United States Court of Claims to hear and determine the said claim of the Chickasaws and the Choctaws, and to render a judgment thereon, it being the intention of this Act to allow said Court of Claims jurisdiction, so that the rights, legal and equitable, of the United States and the Choctaw and Chickasaw nations, and the Comanche, Kiowa, and Apache tribes of Indians in the premises shall be fully considered and determined, and to try and determine all questions that may arise on behalf of either party in the hearing of said claim; and the Attorney-General is hereby directed to appear in behalf of the Government of the United States; and either of the parties to said action shall have the right to appeal to the Supreme Court of the United States: *Pro-
vided*, That such appeal shall be taken within sixty days after the

rendition of the judgment objected to, and that the said courts shall give such causes precedence: *And provided further*, That nothing in this Act shall be accepted or construed as a confession that the United States admit that the Choctaw and Chickasaw nations have any claim to or interest in said lands or any part thereof.

Claim not to be construed as admitted, etc.

That said action shall be presented by a single petition making the United States party defendant, and shall set forth all the facts on which the said Choctaw and Chickasaw nations claim title to said land; and said petition may be verified by the authorized delegates, agents, or attorneys of said Indians upon their information and belief as to the existence of such facts, and no other statement or verification shall be necessary: *Provided*, That if said Choctaw and Chickasaw nations do not bring their action within ninety days from the approval of this Act, or should they dismiss said suit, and the same shall not be reinstated, their claim shall be forever barred: *And provided further*, That, in the event it shall be adjudged in the final judgment or decree rendered in said action that said Choctaw and Chickasaw Nations have any right, title, or interest in or to said lands for which they should be compensated by the United States, then said sum of one million five hundred thousand (\$1,500,000) dollars shall be subject to such legislation as Congress may deem proper.

Procedure.

Proviso.
Claim barred by failure to bring action.

Disposal of fund on judgment for Choctaws and Chickasaws.

Approved, June 6, 1900.

CHAP. 814.—An Act To provide for the inspection of the boilers of the Alvena and Ailsa.

June 6, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause the inspection of the five foreign-built boilers taken from the wrecks Alvena and Ailsa, in New York Harbor in eighteen hundred and ninety-seven, and purchased from the United States by John W. Chittenden, of New York, and to direct the issue of the usual certificate of inspection, whether said boilers are or are not constructed pursuant to the laws of the United States, or whether they are or are not constructed of iron stamped pursuant to said laws. The tests in the inspection of such boilers shall be the same in all respects as to strength and safety as are required in the inspection of boilers constructed in the United States for marine purposes: *Provided*, That in the inspection of these boilers to ascertain their fitness for marine purposes the owners thereof shall cause the tubes to be removed in order to permit the inspectors of steam vessels to make the fullest examination of the interior of said boilers.

"Alvena" and "Ailsa."
Issue of certificate of inspection authorized for foreign-built boilers of.

Proviso.
Inspection

Approved, June 6, 1900.

CHAP. 815.—An Act To establish a fish-hatchery and fish station in the State of West Virginia.

June 6, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of twenty-five thousand dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated for the establishment of a fish-cultural station in the State of West Virginia, including purchase of site, construction of buildings and ponds, and equipment, at some suitable point to be selected by the United States Commissioner of Fish and Fisheries.

West Virginia.
Establishment of fish station in, authorized.

Approved, June 6, 1900.

June 6, 1900.

CHAP. 816.—An Act To provide an American register for the ships Star of Italy and Star of Bengal.

"Star of Italy" and
"Star of Bengal"
granted American
registers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of Navigation is hereby authorized and directed to cause the foreign-built ship Star of Italy and foreign-built ship Star of Bengal, owned by citizens of the United States or citizens of Hawaii, to be registered as vessels of the United States.

Approved, June 6, 1900.

June 6, 1900.

CHAP. 817.—An Act For reestablishing the range lights on the Delaware River known as Finns Point range, Reedy Island range, and Port Penn range.

Finns Point, Reedy
Island, and Port Penn
range lights reestab-
lished.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to reestablish the range lights on the Delaware River known as Finns Point range, Reedy Island range, and Port Penn range, at a cost not exceeding ninety thousand dollars.

Approved, June 6, 1900.

June 6, 1900.

CHAP. 818.—An Act To provide for the establishment of a port of delivery at Worcester, Massachusetts.

Worcester, Mass.,
made a port of deliv-
ery.
Immediate trans-
portation privileges.
Vol. 21, p. 173.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Worcester, in the State of Massachusetts, be, and hereby is, established as a port of delivery, in the customs collection district of Boston and Cambridge, and that the privileges of the seventh section of the Act approved June tenth, eighteen hundred and eighty, governing the immediate transportation of dutiable merchandise without appraisement be, and they are hereby, extended to that port.

Approved, June 6, 1900.

June 6, 1900.

CHAP. 819.—An Act Relating to the anchorage of vessels in the Kennebec River at or near Bath, Maine.

Kennebec River,
Me.
Anchorage ground
for vessels near Bath
established.
Regulations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized, empowered, and directed to define and establish an anchorage ground for vessels in Kennebec River at or near Bath, Maine, to adopt suitable rules and regulations in relation thereto, and to take all necessary measures for the proper enforcement of such rules and regulations.

Penalty.

SEC. 2. That in the event of the violation of any such rules or regulations by the owner, master, or person in charge of any vessel, such owner, master, or person in charge of such vessel shall be liable to a penalty of one hundred dollars; and the said vessel may be holden for the payment of such penalty, and may be seized and proceeded against summarily by libel for the recovery of the same in any United States district court for the district within which said vessel may be, and in the name of the officer designated by the Secretary of the Treasury.

Effect.

SEC. 3. That this Act shall take effect immediately.

Approved, June 6, 1900.

CHAP. 820.—An Act To amend an Act to prohibit the passage of special or local laws in the Territories, to limit the Territorial indebtedness, and so forth.

June 6, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of Congress approved July thirtieth, eighteen hundred and eighty-six, entitled "An Act to prohibit the passage of local or special laws of the Territories of the United States, to limit Territorial indebtedness, and for other purposes," is hereby amended so as to permit, authorize, and legalize the issuance of bonds by chartered municipal corporations having a bona fide population of not less than ten thousand persons, in any Territory of the United States, for erecting a city building and purchasing the ground for the same. The limitations of said Act of July thirtieth, eighteen hundred and eighty-six, shall not apply to such municipal corporations: *Provided*, That before any bonds shall be issued the mayor and common council of such municipal corporation shall cause an election to be held in such city or town, and the mayor and common council of such municipal corporation shall cause to be published in a newspaper of general circulation published in said city or town a notice of the time and place or places of holding such election. Such notice shall be given not more than sixty nor less than thirty days before such election. On the question of the issuance of said bonds no person shall be qualified to vote except he be in all respects a qualified elector and owner of real or personal property subject to taxation within the municipality. In case two-thirds of the qualified voters, as above described, shall vote affirmatively for the issuance of said bonds, then the mayor and common council shall issue the same, and not otherwise. Said bonds shall contain all necessary provisions as to form, and such municipality shall provide a proper sinking fund for the redemption of said bonds. Said bonds shall not bear a rate of interest exceeding five per centum, and the interest shall be paid semi-annually, and none of said bonds shall be sold at less than their par value: *Provided further*, That no city under this Act shall issue bonds in excess of thirty thousand dollars.

Territories.
Vol. 24, p. 170, amended.

Municipal bond issues for city buildings and sites authorized.

Provisos.
Election to precede issue.

—notice of.

—qualified voters.

Form, interest, etc.

Limit of issue.

Approved, June 6, 1900.

CHAP. 821.—An Act To amend the Act of Congress approved May fourteenth, eighteen hundred and eighty, entitled "An Act for the relief of settlers on the public lands."

June 6, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the third section of the Act of Congress approved May fourteenth, eighteen hundred and eighty, entitled "An Act for the relief of settlers on the public lands," be amended by adding thereto the following:

Public lands.
Vol. 21, p. 141.

"Where an unmarried woman who has heretofore settled, or may hereafter settle, upon a tract of public land, improved, established, and maintained a bona fide residence thereon, with the intention of appropriating the same for a home, subject to the homestead law, and has married, or shall hereafter marry, before making entry of said land, or before making application to enter said land, she shall not on account of her marriage forfeit her right to make entry and receive patent for the land: *Provided*, That she does not abandon her residence on said land, and is otherwise qualified to make homestead entry: *Provided further*, That the man whom she marries is not, at the time of their marriage, claiming a separate tract of land under the homestead law.

Entrywoman's marriage not to forfeit right to homestead entry.

Provisos.
—to be otherwise qualified, etc.
—no separate claim of land by husband.

"That this Act shall be applicable to all unpatented lands claimed by such entrywoman at the date of passage."

Scope of act.

Approved, June 6, 1900.

June 6, 1900.

CHAP. 822.—An Act To provide an American register for the barge Davidson.Barge "Davidson"
granted American
register.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to cause the foreign-built barge Ringhorn, owned by James T. O'Donnell, a citizen of the United States, to be registered as a vessel of the United States under the name of Davidson.

Approved, June 6, 1900.

June 7, 1900.

CHAP. 859.—An Act Making appropriations for the naval service for the fiscal year ending June thirtieth, nineteen hundred and one, and for other purposes.Naval service ap-
propriations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the naval service of the Government for the year ending June thirtieth, nineteen hundred and one, and for other purposes:

PAY OF THE NAVY.

Pay of the Navy.

Pay and allowances prescribed by law of officers on sea duty; officers on shore and other duty; officers on waiting orders; officers on the retired list; Admiral's secretary; clerks to commandants of yards and stations; clerks to paymasters at yards and stations; general storekeepers, receiving ships and other vessels; for four additional clerks, one to commandant, at one thousand five hundred dollars per year, and one to paymaster and general storekeeper, at one thousand three hundred dollars per year, at Honolulu, and one to commandant, at one thousand five hundred dollars per year, and one to paymaster and general storekeeper, at one thousand three hundred dollars per year, at Samoa; commutation of quarters for officers on shore not occupying public quarters; pay of enlisted men on the retired list; extra pay to men reenlisting under honorable discharge; interest on deposits by men; pay of petty officers, seamen, landsmen, and apprentice boys, including men in the engineers' force and for the Fish Commission, seventeen thousand five hundred men and two thousand five hundred apprentices under training at training stations and on board training ships, and for men detailed for duty with naval militia at the pay prescribed by law, twelve million eight hundred and ten thousand eight hundred and ninety-seven dollars.

PAY, MISCELLANEOUS.

Pay, miscellaneous.

For commissions and interest; transportation of funds; exchange; mileage to officers while traveling under orders in the United States, and transportation of baggage allowed by regulations, and for actual personal expenses of officers while traveling abroad under orders, and for traveling expenses of civilian employees, and for actual and necessary traveling expenses of naval cadets while proceeding from their homes to the Naval Academy for examination and appointment as cadets; for rent and furniture of buildings and offices not in navy-yards; expenses of courts-martial, prisoners and prisons, and courts of inquiry, boards of inspection, examining boards, with clerks' and witnesses' fees, and traveling expenses and costs; stationery and recording expenses of purchasing-paymasters' offices of the various cities, including clerks, furniture, fuel, stationery, and incidental expenses; newspapers and advertising; foreign postage; telegraphing,

foreign and domestic; telephones; copying; care of library, including the purchase of books, photographs, prints, manuscripts, and periodicals; ferriage, tolls, and express fees; costs of suits; commissions, warrants, diplomas, and discharges; relief of vessels in distress; canal tolls and pilotage; recovery of valuables from shipwrecks; quarantine expenses; reports; professional investigation; cost of special instruction, at home or abroad, in maintenance of students and attachés, and information from abroad, and the collection and classification thereof, and other necessary and incidental expenses, five hundred thousand dollars: *Provided*, That in lieu of traveling expenses and all allowances whatsoever connected therewith, including transportation of baggage, officers of the Navy traveling from point to point within the United States under orders shall hereafter receive mileage at the rate of eight cents per mile, distance to be computed by the shortest usually traveled route; but in cases where orders are given for travel to be performed repeatedly between two or more places in the same vicinity the Secretary of the Navy may, in his discretion, direct that actual and necessary expenses only be allowed. Actual expenses only shall be paid for travel under orders outside the limits of the United States in North America.

Proviso.
Mileage within the
United States.

—without.

CONTINGENT, NAVY: For all emergencies and extraordinary expenses arising at home or abroad, but impossible to be anticipated or classified, exclusive of personal services in the Navy Department, or any of its subordinate bureaus or offices, at Washington, District of Columbia, ten thousand dollars, and to enable the Secretary of the Navy, in his discretion, to cause to be transported to their homes the remains of officers and enlisted men of the Navy and Marine Corps who die or are killed in action, ashore or afloat, outside of the continental limits of the United States, ten thousand dollars: *Provided*, That the sum herein appropriated shall be available for transportation of the remains of officers and men who have died or who have been killed while on duty at any time since April twenty-first, eighteen hundred and ninety-eight.

Contingent.

Proviso.
Transporting re-
mains, etc.

EMERGENCY FUND, NAVY DEPARTMENT.

To meet unforeseen contingencies for the maintenance of the Navy constantly arising, to be expended at the discretion of the President, three hundred thousand dollars.

Emergency fund.

BUREAU OF NAVIGATION.

Bureau of Navigation.

TRANSPORTATION, RECRUITING, AND CONTINGENT: For expenses of recruiting for the naval service; rent of rendezvous and expenses of maintaining the same; advertising for men and boys, and all other expenses attending the recruiting for the naval service, and for the transportation of enlisted men and boys at home and abroad and of officers accompanying them; for heating apparatus for receiving and training ships, and extra expenses thereof; for freight, telegraphing on public business, postage on letters sent abroad, ferriage, ice, apprehension of deserters and stragglers, continuous-service certificates, discharges, good-conduct badges, and medals for boys, schoolbooks for training apprentices, packing boxes and materials, and other contingent expenses and emergencies arising under cognizance of the Bureau of Navigation, unforeseen, and impossible to classify, eighty thousand dollars.

Transportation, re-
cruiting, and contin-
gent.

GUNNERY EXERCISES: For prizes for excellence in gunnery exercises and target practice; diagrams and reports of target practice; for the establishment and maintenance of targets and ranges, for hiring established ranges, and for transporting to and from ranges, twelve thousand dollars.

Gunnery exercises.

Apprentices' bounties.

OUTFITS FOR NAVAL APPRENTICES: For outfits for two thousand five hundred naval apprentices, at forty-five dollars each, one hundred and twelve thousand five hundred dollars.

—landsmen.

OUTFITS FOR LANDSMEN: For outfits for two thousand five hundred landsmen under training for seamen, at forty-five dollars each, one hundred and twelve thousand five hundred dollars.

Naval training stations.
Yerba Buena Island, Cal.

NAVAL TRAINING STATION, CALIFORNIA: Maintenance of naval apprentice training station, Yerba Buena Island, California, namely: Labor and material; buildings and wharves; general care, repairs, and improvements of grounds, buildings, and wharves; wharfage, ferriage, and street-car fare; purchase and maintenance of live stock, and attendance on same; wagons, carts, implements, and tools, and repairs to same; fire engines and extinguishers; boats and gymnastic implements; models and other articles needed in instruction of apprentices; printing outfit and materials, and maintenance of same; heating, lighting, and furniture; stationery, books, and periodicals; fresh water, ice, and washing; freight and expressage; packing boxes and materials; postage and telegraphing; telephones, and all other contingent expenses, thirty thousand dollars.

NAVAL TRAINING STATION, CALIFORNIA (BUILDINGS): Three sets of officers' quarters, twenty-five thousand dollars; extension of wharf, three thousand dollars; sick quarters for apprentices, one thousand five hundred dollars; additional boiler, engine, and dynamo for lighting buildings, three thousand dollars; stable, one thousand two hundred and fifty dollars; fitting storehouse for general storekeeper in basement of barracks, one thousand dollars; in all, thirty-four thousand seven hundred and fifty dollars; to be immediately available.

Coasters Harbor Island, R. I.

NAVAL TRAINING STATION, RHODE ISLAND: For maintenance of naval apprentice training station Coasters Harbor Island, Rhode Island, namely: Labor and material; buildings and wharves; dredging channels; extending sea wall; repairs to causeway and sea wall; general care, repairs, and improvements of grounds, buildings, and wharves; wharfage, ferriage, and street-car fare; purchase and maintenance of live stock, and attendance on same; wagons, carts, implements, tools, and repairs to same; fire engines and extinguishers; boats and gymnastic implements; models and other articles needed in instruction of apprentices; printing outfit and materials, and maintenance of same; heating, lighting, and furniture; stationery, books, and periodicals; fresh water, ice, and washing; freight and expressage; packing boxes and materials; postage and telegraphing; telephones, and all other contingent expenses, forty-five thousand dollars.

NAVAL TRAINING STATION, RHODE ISLAND—BUILDINGS: For building breakwater, wharf, and sea wall for new barracks, twenty-five thousand dollars; for two thousand feet of six-inch water mains with valves complete for new barracks, four thousand eight hundred dollars; reclaiming basin northwest of main causeway, nine thousand five hundred dollars; building and furnishing storehouse for general storekeeper, ten thousand dollars; power house to be fitted with boilers, dynamos, connections, and so forth, for lighting the new barracks at this station, and a salt-water pumping outfit for fire protection to be installed in the same building, to be immediately available, nine thousand five hundred and fifty dollars; in all, naval training station, Rhode Island, fifty-eight thousand eight hundred and fifty dollars.

Naval War College.

NAVAL WAR COLLEGE, COASTERS HARBOR ISLAND, RHODE ISLAND: For maintenance of the Naval War College on Coasters Harbor Island, and care of grounds for same, including one draftsman, at one thousand two hundred dollars per year, nine thousand two hundred dollars.

Naval Home, Philadelphia.

NAVAL HOME, PHILADELPHIA, PENNSYLVANIA: For one superintendent of grounds, at six hundred dollars; one steward, at four hundred and eighty dollars; one matron, at three hundred and sixty

dollars; one chief cook, at three hundred and sixty dollars; one assistant cook, at two hundred and forty dollars; one assistant cook, at one hundred and eighty dollars; one chief laundress, at one hundred and ninety-two dollars; five laundresses, at one hundred and sixty-eight dollars each; four scrubbers, at one hundred and sixty-eight dollars each; one head waitress, at one hundred and ninety-two dollars; eight waitresses, at one hundred and sixty-eight dollars each; one kitchen servant, at two hundred dollars; eight laborers, at two hundred and forty dollars each; one stable keeper and driver, at three hundred and sixty dollars; one master at arms, at four hundred and eighty dollars; two house corporals, at three hundred dollars each; one barber, at three hundred and sixty dollars; one carpenter, at eight hundred and forty-five dollars; one painter, at six hundred dollars; one engineer for elevator and machinery, six hundred dollars; three laborers, at three hundred and sixty dollars each; three laborers, at three hundred dollars each; water rent and lighting, two thousand one hundred dollars; cemetery, burial expenses, and headstones, three hundred and fifty dollars; improvement of grounds, nine hundred dollars; repairs to buildings, boilers, furnaces, furniture and repairs to the same, eight thousand dollars; music in chapel, six hundred dollars; transportation of indigent and destitute beneficiaries to the Naval Home, one hundred dollars; for support of beneficiaries, fifty thousand nine hundred and seventy dollars; in all, for Naval Home, seventy-six thousand four hundred and twenty-five dollars, which sum shall be paid out of the income from the naval pension fund.

BUREAU OF ORDNANCE.

Bureau of Ordnance.

ORDNANCE AND ORDNANCE STORES: For procuring, producing, preserving, and handling ordnance material; for the armament of ships; for fuel, material, and labor to be used in the general work of the Ordnance Department; for watchmen at magazines; for furniture in ordnance buildings at navy-yards and stations; for maintenance of the proving ground and powder factory; and for target practice, five hundred thousand dollars.

Ordnance and ordnance stores.

Reserve supply of ammunition, five hundred thousand dollars.

Reserve supply of ammunition.
Rapid-fire guns.

Conversion of ordinary six-inch guns to rapid fire, twenty-five thousand dollars.

Purchase and manufacture of smokeless powder, five hundred thousand dollars.

Smokeless powder.

Purchase and erection of new and improved machinery for the shops of the gun plant at the Washington Navy-Yard, viz: For existing shops, fifty thousand dollars; for one new proposed shop estimated for by the Bureau of Yards and Docks, one hundred thousand dollars; for new and improved machinery for the instruction of seamen gunners, twenty-five thousand dollars; in all, gun plant at Washington, one hundred and seventy-five thousand dollars.

Washington Navy-Yard.

For new watchmen's quarters and inclosure fence for gun park at Saint Helena, Norfolk Navy-Yard, five thousand five hundred dollars.

Norfolk Navy-Yard.

RESERVE GUNS FOR AUXILIARY CRUISERS: Toward the armament of modern guns for auxiliary cruisers mentioned in the Act approved March third, eighteen hundred and ninety-one, and in section four of the Act approved May tenth, eighteen hundred and ninety-two, two hundred and fifty thousand dollars: *Provided*, That the Secretary of the Navy may, in his discretion, purchase by contract all or any part of such guns.

Reserve guns for auxiliary cruisers.
Vol. 26, p. 831.
Vol. 27, p. 27.*Proviso.*
Contracts.

TORPEDO STATION, NEWPORT, RHODE ISLAND: For labor, material, freight, and express charges; general care of and repairs to grounds, buildings, and wharves; boats, instruction, instruments, tools, furni-

Torpedo station,
Newport, R. I.

ture, experiments, and general torpedo outfits, sixty-five thousand dollars.

Naval Station, Puget Sound.

BUILDINGS, NAVAL STATION, PUGET SOUND: For erection and equipment of ordnance shop and two magazine buildings at Bremerton, Puget Sound Naval Station, eighty thousand dollars.

Arming, etc., Naval Militia.

ARMING AND EQUIPPING NAVAL MILITIA: For arms, accouterments, signal outfits, boats and their equipments, and the printing or purchase of the necessary books of instruction for the Naval Militia of the various States, under such regulations as the Secretary of the Navy may prescribe, sixty thousand dollars. And the Secretary of the Navy is hereby authorized and empowered to use any part of the share of moneys heretofore or herein appropriated for arming and equipping the Naval Militia forces of the State of Connecticut in repairing the boilers of United States steamship Elfrida as he, the Secretary, may deem proper and advisable.

New York Harbor. Fort Lafayette magazine.

FITTING FORT LAFAYETTE AS MAGAZINE: Additional work necessary in fitting Fort Lafayette, New York Harbor, for use as a naval magazine, fifteen thousand dollars.

Norfolk, Va.

NAVAL MAGAZINE, NORFOLK, VIRGINIA: Railroad track, lightning rods, grading, filling, ditching and draining, and other necessary improvements at the naval magazine, Saint Juliens Creek, near Norfolk, Virginia, twenty thousand dollars.

Dover, N. J.

NAVAL MAGAZINE, DOVER, NEW JERSEY: Improvements at the naval magazine, Dover, New Jersey, including a new storehouse and magazine, light, heat, and power plant connected with small machine shop, new wagon shed, railroad connections to new buildings and with the Morris County Railroad, water reservoir, fire system, grading, and road improvements, one hundred thousand dollars.

Repairs.

REPAIRS, BUREAU OF ORDNANCE: For necessary repairs to ordnance buildings, magazines, gun parks, boats, lighters, wharves, machinery, and other items of the like character, thirty thousand dollars.

Contingent.

CONTINGENT, BUREAU OF ORDNANCE: For miscellaneous items, namely: Freight to foreign and home stations, advertising, cartage and express charges, repairs to fire engines, gas and water pipes, gas and water tax at magazines, tolls, ferriage, foreign postage, and telegrams to and from the Bureau, technical books, and incidental expenses attending inspection of ordnance material, thirty thousand dollars.

Civil establishment Portsmouth, N. H.

CIVIL ESTABLISHMENT, BUREAU OF ORDNANCE: Navy-yard, Portsmouth, New Hampshire: For one writer, at one thousand dollars;

Boston, Mass.

Navy-yard, Boston, Massachusetts: For one writer, at one thousand dollars;

New York, N. Y.

Navy-yard, New York, New York: For one clerk, at one thousand four hundred dollars;

League Island, Pa.

Navy-yard, League Island, Pennsylvania: For one clerk, at one thousand two hundred dollars;

Washington, D. C.

Navy-yard, Washington, District of Columbia: For one chemist, at two thousand five hundred dollars; one chief clerk, at one thousand six hundred dollars; one clerk, at one thousand two hundred dollars; two writers, at one thousand and seventeen dollars and twenty-five cents each; one draftsman, at one thousand eight hundred dollars; three draftsmen, at one thousand and eighty-one dollars each; one assistant draftsman, at seven hundred and seventy-two dollars; two copyists, at seven hundred and twenty dollars each; one telegraph operator and copyist, at nine hundred dollars; in all, fifteen thousand four hundred and eighty-nine dollars and fifty cents;

Smokeless-powder factory.

Smokeless-powder factory: For one chemist, at two thousand five hundred dollars; one assistant chemist, at one thousand six hundred dollars; in all, four thousand one hundred dollars;

Navy-yard, Norfolk, Virginia: For one clerk, at one thousand two hundred dollars;

Norfolk, Va.

Navy-yard, Mare Island, California: For one writer, at one thousand and seventeen dollars and twenty-five cents;

Mare Island, Cal.

Naval proving ground, Indian Head, Maryland: For one writer, at one thousand and seventeen dollars and twenty-five cents;

Indian Head proving ground.

Naval torpedo station, Newport, Rhode Island: For one chemist, at two thousand five hundred dollars; one clerk, at one thousand two hundred dollars; one draftsman, at one thousand five hundred dollars; in all, five thousand two hundred dollars;

Newport, R. I.

In all, civil establishment, Bureau of Ordnance, thirty-two thousand six hundred and twenty-four dollars; and no other fund appropriated by this Act shall be used in payment for such service.

BUREAU OF EQUIPMENT.

Bureau of Equipment.

EQUIPMENT OF VESSELS: For purchase of coal for steamers' and ship's use, including expenses of transportation, storage, and handling the same; hemp, wire, iron, and other materials for the manufacture of cordage, anchors, cables, galleys, and chains; canvas for the manufacture of sails, awnings, hammocks, and other work; water for all purposes on board naval vessels, including the expenses of transportation and storage of the same; stationery for commanding and navigating officers of ships, equipment officers on shore and afloat, and for the use of courts-martial on board ship; the removal and transportation of ashes from ships of war; interior appliances and tools for equipment buildings in navy-yards and naval stations, and for the purchase of all other articles of equipment at home and abroad, and for the payment of labor in equipping vessels and manufacture of equipment articles in the several navy-yards; foreign and local pilotage and towage of ships of war; services and materials in repairing, correcting, adjusting, and testing compasses on shore and on board ship; nautical and astronomical instruments, and repairs to same; libraries for ships of war; professional books and papers, and drawings and engravings for signal books; naval signals and apparatus, namely, signals, lights, lanterns, rockets, running lights, compass fittings, including binnacles, tripods, and other appendages of ships' compasses; logs and other appliances for measuring the ship's way, and leads and other appliances for sounding; lanterns and lamps, and their appendages, for general use on board ship for illuminating purposes, and oil and candles used in connection therewith; bunting and other materials for making and repairing flags of all kinds; photographic instruments and materials; musical instruments and music; installing, maintaining, and repairing interior and exterior signal communications and all electrical appliances of whatsoever nature on board naval vessels, except range finders, battle order and range transmitters and indicators, and motors and their controlling apparatus used to operate the machinery belonging to other Bureaus, two million six hundred thousand dollars.

Equipment of vessels.

OCEAN AND LAKE SURVEYS: For hydrographic surveys, and for the purchase of nautical books, charts, and sailing directions, and freight and express charges on the same, one hundred thousand dollars.

Ocean and lake surveys.

DEPOTS FOR COAL: To enable the Secretary of the Navy to execute the provisions of section fifteen hundred and fifty-two of the Revised Statutes, authorizing the Secretary of the Navy to establish, at such places as he may deem necessary, suitable depots for coal, and other fuel, for the supply of steamships of war, seven hundred thousand dollars.

Depots for coal.
R. S., sec. 1552, p. 264

Cavite equipment
plant.

EQUIPMENT PLANT AT CAVITE, PHILIPPINE ISLANDS: For the purchase of the necessary tools and appliances for the enlargement and for increasing the facilities of the equipment plant at Cavite, Philippine Islands, twenty thousand dollars.

Contingent.

CONTINGENT, BUREAU OF EQUIPMENT: For freight and transportation of equipment stores, packing boxes and materials, printing, advertising, telegraphing, books, and models; stationery for the Bureau; furniture for equipment offices in navy-yards; postage on letters sent abroad; ferriage, ice, and emergencies arising under cognizance of the Bureau of Equipment unforeseen and impossible to classify, twenty-five thousand dollars.

Civil establishment
Portsmouth, N. H.

CIVIL ESTABLISHMENT, BUREAU OF EQUIPMENT: Navy-yard, Portsmouth, New Hampshire: For one clerk, at one thousand dollars;

Boston, Mass.

Navy-yard, Boston, Massachusetts: For one superintendent of ropewalk, at one thousand eight hundred and seventy-five dollars; one clerk, at one thousand four hundred dollars; one clerk, at one thousand three hundred dollars; one writer, at nine hundred and fifty dollars; in all, five thousand five hundred and twenty-five dollars;

New York, N. Y.

Navy-yard, New York, New York: For one clerk, at one thousand four hundred dollars; one clerk, at one thousand two hundred dollars; one writer, at nine hundred and fifty dollars; in all, three thousand five hundred and fifty dollars;

League Island, Pa.

Navy-yard, League Island, Pennsylvania: For one clerk, at one thousand two hundred dollars;

Norfolk, Va.

Navy-yard, Norfolk, Virginia: For two clerks, at one thousand two hundred dollars each, two thousand four hundred dollars;

Mare Island, Cal.

Navy-yard, Mare Island, California: For one clerk, at one thousand two hundred dollars; one clerk, at one thousand dollars; in all, two thousand two hundred dollars;

Washington, D. C.

Navy-yard, Washington, District of Columbia: For one clerk, who shall also perform the clerical duties for the board of labor employment at said navy-yard, at one thousand six hundred dollars;

Cavite.

Cavite, Philippine Islands: For one electrician, at five dollars and four cents per diem, one thousand five hundred and seventy-seven dollars and fifty-two cents;

In all, civil establishment, Bureau of Equipment, nineteen thousand and fifty-two dollars and fifty-two cents; and no other fund appropriated by this Act shall be used in payment for such service.

Bureau of Yards
and Docks.

BUREAU OF YARDS AND DOCKS.

Maintenance.

MAINTENANCE OF YARDS AND DOCKS: For general maintenance of yards and docks, namely: For freight, transportation of materials and stores; books, maps, models, and drawing; purchase and repair of fire engines; fire apparatus and plants; machinery; purchase and maintenance of oxen, horses, and driving teams; carts, timber-wheels, and all vehicles for use in the navy-yards; tools and repairs of the same; postage on letters and other mailable matter on public service sent to foreign countries, and telegrams; stationery; furniture for Government houses and offices in navy-yards and for the Bureau of Yards and Docks; coal and other fuel, candles, oil, and gas; attendance on light and power plants; cleaning and clearing up yards and care of buildings; attendance on fires, lights, fire engines and fire apparatus and plants; incidental labor at navy-yards; water tax, tolls, and ferriage; pay of watchmen in navy-yards; awnings and packing boxes, and advertising for yards and docks and other purposes; and for rent of wharf and storehouse at Erie, Pennsylvania, for use and accommodation of United States steamer Michigan, four hundred and seventy-five thousand dollars.

CONTINGENT, BUREAU OF YARDS AND DOCKS: For contingent expenses that may arise at navy-yards and stations, fifty thousand dollars.

Contingent.

CIVIL ESTABLISHMENT, BUREAU OF YARDS AND DOCKS: Navy-yard, Portsmouth, New Hampshire: For one clerk, at one thousand four hundred dollars; one mail messenger, at two dollars per diem, including Sundays; one messenger, at six hundred dollars; one foreman laborer and head teamster, at four dollars per diem, including Sundays; one janitor, at six hundred dollars; one pilot, at three dollars per diem, including Sundays; in all, five thousand eight hundred and eighty-five dollars.

Civil establishment.
Portsmouth, N. H.

Navy-yard, Boston, Massachusetts: For one clerk, at one thousand four hundred dollars; one foreman laborer, at four dollars per diem; one messenger to commandant, at two dollars per diem; one messenger, at two dollars per diem; one mail messenger, at two dollars per diem, including Sundays; one writer, at one thousand and seventeen dollars and twenty-five cents; one draftsman, at five dollars per diem; one master of tugs, at one thousand two hundred dollars; in all, eight thousand four hundred and sixteen dollars and twenty-five cents.

Boston, Mass.

Navy-yard, New York, New York: For one clerk, at one thousand four hundred dollars; one writer, at one thousand and seventeen dollars and twenty-five cents; one yard pilot, two thousand dollars; two masters of tugs, at one thousand five hundred dollars each; two writers, at nine hundred dollars each; one foreman laborer, at four dollars and fifty cents per diem; one mail messenger, at two dollars per diem, including Sundays; two messengers, at two dollars and twenty-five cents per diem each; one draftsman, at five dollars per diem; one quartermaster, at three dollars per diem; one superintendent of teams, or quartermaster, at four dollars per diem; one messenger to commandant, at two dollars and twenty-five cents per diem, including Sundays; one messenger, yards and docks, at two dollars and twenty-five cents per diem; one stenographer and typewriter, at three dollars and twenty-six cents per diem; one electrician, at one thousand two hundred dollars; in all, twenty thousand two hundred and sixty-six dollars and thirteen cents.

New York, N. Y.

Naval station, Sacketts Harbor, New York: For one ship keeper, at three hundred and sixty-five dollars per annum.

Sacketts Harbor,
N. Y.

Navy-yard, League Island, Pennsylvania: For one clerk, at one thousand four hundred dollars; one writer and telegraph operator, at one thousand dollars; one messenger, at two dollars per diem; one foreman laborer, at four dollars per diem; one master of tugs, at one thousand two hundred dollars; in all, five thousand four hundred and seventy-eight dollars.

League Island, Pa.

Navy-yard, Washington, District of Columbia: For one clerk, at one thousand four hundred dollars; one messenger, at two dollars per diem; one foreman laborer, at four dollars per diem; one electrician, at one thousand two hundred dollars; one writer, at one thousand and seventeen dollars and twenty-five cents; in all, five thousand four hundred and ninety-five dollars and twenty-five cents.

Washington, D. C.

Navy-yard, Norfolk, Virginia: For one clerk, at one thousand four hundred dollars; one writer, at one thousand and seventeen dollars and twenty-five cents; one writer, at one thousand dollars; one foreman laborer, at four dollars per diem; one electrician, at one thousand two hundred dollars; one mail messenger, at two dollars per diem, including Sundays; two messengers, at two dollars per diem each; one pilot, at two dollars and twenty-six cents per diem; one master of tugs, at one thousand two hundred dollars; in all, nine thousand seven hundred and fifty-eight dollars and sixty-three cents.

Norfolk, Va.

Naval station, Port Royal, South Carolina: One clerk, at one thousand and two hundred dollars; one rodman and inspector, at three dollars

Port Royal, S. C.

per diem; one messenger and janitor, at one dollar and fifty cents per diem, including Sundays; one master of tugs, one thousand two hundred dollars; one mail messenger, at two dollars per diem, including Sundays; one telegraph operator, at two dollars per diem, including Sundays; one electrician, at one thousand two hundred dollars; in all, six thousand five hundred and forty-six dollars and fifty cents.

Pensacola, Fla.

Navy-yard, Pensacola, Florida: For one clerk, at one thousand two hundred dollars; one mail messenger, at two dollars per diem, including Sundays; in all, one thousand nine hundred and thirty dollars.

Key West, Fla.

Naval station, Key West, Florida: For one mail messenger, at six hundred dollars.

Mare Island, Cal.

Navy-yard, Mare Island, California: For one clerk, at one thousand four hundred dollars; one writer, at one thousand and seventeen dollars and twenty-five cents; one foreman mason, at six dollars per diem; one foreman laborer, at five dollars and fifty cents per diem; one pilot, at one thousand five hundred dollars per annum; one draftsman, at five dollars per diem; one mail messenger, at two dollars per diem, including Sundays; one messenger, at two dollars per diem; one electrician, at one thousand two hundred dollars; one quartermaster joiner, at four dollars and fifty-six cents per diem; one telegraph operator, at three dollars and twenty-eight cents per diem; in all, fourteen thousand and ninety-one dollars and sixty-seven cents.

Puget Sound, Wash.

Naval station, Puget Sound, Washington: One clerk, at one thousand two hundred dollars; one draftsman, at five dollars per diem; one messenger and janitor at one dollar and seventy-six cents per diem, including Sundays; one master of tugs, at one thousand two hundred dollars; in all, four thousand six hundred and seven dollars and forty cents.

In all, civil establishment, Bureau of Yards and Docks, eighty-three thousand four hundred and thirty-nine dollars and eighty-three cents; and no other fund appropriated by this Act shall be used in payment for such service.

Public works.

PUBLIC WORKS, BUREAU OF YARDS AND DOCKS, NAVY-YARDS AND STATIONS, NAVAL ACADEMY, AND NEW NAVAL OBSERVATORY.

Portsmouth, N. H.

NAVY-YARD, PORTSMOUTH, NEW HAMPSHIRE: Quay wall, forty thousand dollars; grading, twenty-five thousand dollars; railroad and rolling stock, forty-five thousand dollars; sewer systems, extensions, five thousand dollars; water systems, extensions, eighteen thousand dollars; machine shop for equipment, one hundred thousand dollars; machine shop for steam engineering, fifty thousand dollars; smith shop for construction and repair, twenty-two thousand dollars; latrines, two thousand dollars; remodeling building forty-two for yards and docks, six thousand dollars; office building for construction and repair, fifteen thousand dollars; underground conduit system, eighteen thousand dollars; fire-protection system, sixty thousand dollars; in all, four hundred and six thousand dollars.

Boston, Mass.

NAVY-YARD, BOSTON, MASSACHUSETTS: Ship fitters' shop, to cost not more than two hundred thousand dollars, for which contract is hereby authorized, one hundred thousand dollars; metal workers' shop, to cost not more than two hundred thousand dollars, for which contract is hereby authorized, one hundred thousand dollars; rebuilding building forty-two, seventy-five thousand dollars; refitting and improving machine shop numbered one, building forty-two, to cost not more than one hundred thousand dollars, for which contract is hereby authorized, fifty thousand dollars; trusses under pattern-shop floor, building forty-two, ten thousand dollars; extension of building forty, equipment shops, one hundred thousand dollars; chain and anchor-storage shed for equipment, ninety thousand dollars; yards and docks shop building, ninety

thousand dollars; new piers and wharves, fifty thousand dollars; paving, twenty-five thousand dollars; railroad and platform scales, five thousand three hundred dollars; crane scow, twenty thousand dollars; wharf-pillar crane, six thousand dollars; dredging, thirty thousand dollars; new caisson for stone dry dock, to be immediately available, forty thousand dollars, and the unexpended appropriation for swinging gates in the Act of March third, eighteen hundred and ninety-seven, is hereby reappropriated for caisson; machine tools for yards and docks shops, five thousand dollars; electric elevators, ten thousand dollars, smithery for construction and repair, to cost not more than two hundred thousand dollars, for which contract is hereby authorized, one hundred thousand dollars; fire-protection system, sixty thousand dollars; in all, navy-yard, Boston, nine hundred and sixty-six thousand three hundred dollars.

NAVY-YARD, NEW YORK, NEW YORK: To complete railroad system with terminal bridge and float, thirty thousand dollars; quay wall, Whitney Basin, to complete, fifty thousand dollars; reconstructing building twenty-one for boathouse, to cost not more than one hundred and eighty-five thousand dollars, for which contract is hereby authorized, one hundred thousand dollars; completing the conversion of building numbered eight, twelve thousand two hundred dollars, to be immediately available; paving and grading, to continue, forty-two thousand dollars; extending yard sewers, to continue, eight thousand dollars; granite and concrete dry dock, to cost not more than one million dollars, for which contract is hereby authorized, two hundred thousand dollars; pay office and auction rooms, eighteen thousand dollars; storehouse for naval-supply fund stores, to cost not more than one hundred and fifty thousand dollars, for which contract is hereby authorized, one hundred thousand dollars; extending electric light and power plant, twenty-five thousand dollars; removing crib work, and so forth, Cob Dock, eight thousand dollars; pumping plant, dry dock numbered three, to be immediately available, eighty thousand dollars; surgeons' office and dispensary, twelve thousand dollars; fire-protection system, to cost not more than one hundred and sixty-two thousand dollars, one hundred thousand dollars; completing repairs to dry dock numbered two, three hundred thousand dollars, to be immediately available; bascule bridge, one hundred and fifteen thousand dollars; new roof for building numbered twelve, four thousand dollars; completing building numbered twenty-three (two elevators), four thousand seven hundred dollars; in all, navy-yard, New York, New York, one million two hundred and eight thousand nine hundred dollars.

New York, N. Y.

NAVY-YARD, LEAGUE ISLAND, PENNSYLVANIA: To complete one pair shear legs, seventeen thousand dollars; to complete new coping for dry dock, twenty-eight thousand dollars; extension of reserve basin, to continue dredging, one hundred thousand dollars; to continue increase of electric plant, twenty thousand dollars; to complete fireproof storehouse for equipment, eighteen thousand dollars; electrical workshop and storehouse for equipment, eighty-four thousand dollars; to continue retaining wall about reserve basin, one hundred thousand dollars; grading and paving, fifteen thousand dollars; shed for combustibles, fifteen thousand dollars; machine shop for steam engineering, to cost not more than one hundred and seventy-four thousand dollars, for which contract is hereby authorized, seventy-four thousand dollars; foundry and coppersmith shop for steam engineering, to cost not more than one hundred and eighteen thousand dollars, for which contract is hereby authorized, sixty thousand dollars; boiler and blacksmith shop for steam engineering, to cost not more than one hundred and eighteen thousand dollars, for which contract is hereby authorized, sixty thousand dollars; pattern shop and storehouse for patterns for steam engineering, sixty-one thousand five hundred dollars; smithery shop for

League Island, Pa.

construction and repair, forty-three thousand two hundred dollars; angle smithery for construction and repair, thirty-six thousand dollars; plumbers' and coppersmiths' shop and foundry for construction and repair, to cost not more than one hundred and three thousand eight hundred and eighty dollars, for which contract is hereby authorized, sixty thousand dollars; block, cooper, and spar shops for construction and repair, to cost not more than one hundred and thirteen thousand four hundred dollars, for which contract is hereby authorized, sixty thousand dollars; fireproof shed for painting and storage of canvas, three thousand eight hundred dollars; extension of water system, eighteen thousand dollars; chain shed and anchor rack, eleven thousand dollars; trolley car and line in navy-yard, five thousand dollars; fire-protection system, fifty thousand dollars; in all, navy-yard, League Island, nine hundred and thirty-nine thousand five hundred dollars.

Washington, D. C.

NAVY-YARD, WASHINGTON, DISTRICT OF COLUMBIA: Extension of store numbered one, eighteen thousand dollars; paving, fifty thousand dollars; underground conduit system, thirty thousand dollars; fire-proof floors for pattern shop, fifteen thousand dollars; boiler house for heating plant, fourteen thousand five hundred dollars; skylight for north gun shop, three thousand two hundred and two dollars and thirty-two cents; storehouse for combustible material, four thousand dollars; coal shed and coal-handling appliances, forty thousand dollars; fire-protection system, forty thousand dollars; tool shop, eighty-six thousand three hundred dollars; gunner's workshop, eighty thousand eight hundred dollars; extension of forge shop and new roof, thirty-two thousand three hundred dollars; completing shop and office building for construction and repair, thirty thousand dollars; in all, navy-yard, Washington, four hundred and forty-four thousand one hundred and two dollars and thirty-two cents.

Norfolk, Va.

NAVY-YARD, NORFOLK, VIRGINIA: Quay wall north of timber basin, twenty-five thousand dollars; concrete and granite dry dock, to cost not more than one million two hundred thousand dollars, for which contract is hereby authorized, two hundred thousand dollars; remodeling machine shop for steam engineering, sixty thousand dollars; extension of locomotive crane track, fifteen thousand dollars; increasing electric plant, twenty thousand dollars; office building for steam engineering, twenty thousand dollars; storehouse for yards and docks, forty five thousand dollars; paving and grading, twenty thousand dollars; garbage crematory, five thousand dollars; stables, seven thousand five hundred dollars; surgeons' office and dispensary, ten thousand dollars; remodeling steamfitters' and plumbers' shop for construction and repair, fifteen thousand dollars; new altars for timber dry dock, fifteen thousand dollars; laundry at Saint Helena for receiving ship, five thousand dollars; sewers, four thousand dollars; constructing ship furniture rooms in building numbered thirty, two thousand five hundred dollars; alterations in building numbered fifteen, storehouse, three thousand two hundred dollars; in all, navy-yard, Norfolk, Virginia, four hundred and seventy-two thousand two hundred dollars.

New London, Conn.

NAVAL STATION, NEW LONDON, CONNECTICUT: The unexpended balance of an appropriation under the Act of July seventh, eighteen hundred and ninety-eight, for coal sheds and machinery is hereby reappropriated for rebuilding wharf.

Port Royal, S. C.

NAVAL STATION, PORT ROYAL, SOUTH CAROLINA: Toward rebuilding dry dock, to cost not to exceed five hundred thousand dollars, one hundred and fifty thousand dollars, and the Secretary of the Navy is hereby authorized to rebuild or repair said dock in concrete or stone, or both, as he may elect; condensing plant, thirty thousand dollars; fire-engine house, nine thousand dollars; grading and drainage, two thousand dollars; purchase of land, twenty-six thousand dollars; crane supports in steam-engineering machine shop, ten thousand dollars; in

all, naval station, Port Royal; two hundred and twenty-seven thousand dollars.

The expenditure of the appropriations hereinbefore provided under the head of Public Works in the Bureau of Yards and Docks at the naval station, Port Royal, South Carolina, is left in the discretion of the Secretary of the Navy, who is hereby authorized and directed to forthwith appoint a board of naval officers whose duty it shall be to examine into the expediency of changing said station to some point in the State of South Carolina at or near the city of Charleston, and, if the Secretary on such examination shall decide that such change is expedient and desirable, he is authorized to expend the money hereinbefore appropriated upon such new naval station and a dock therefor having thirty feet depth of water on the sill at mean-high tide; and for the purchase of a site for the same he is authorized to expend out of said appropriation a sum not to exceed one hundred thousand dollars.

Board on proposed change of station.

NAVAL STATION, KEY WEST, FLORIDA: Building for equipment, forty-seven thousand dollars; construction and repair shop, fifty thousand dollars; floor in new machine shop, steam engineering, three thousand dollars; in all, naval station, Key West, one hundred thousand dollars.

Key West, Fla.

NAVY-YARD, MARE ISLAND, CALIFORNIA: Tools for yards and docks, ten thousand dollars; sewers, ten thousand dollars; sidewalks and roads, fifteen thousand dollars; water system, one hundred and seven thousand dollars; enlarging freight shed, five thousand dollars; medical dispensary, seven thousand five hundred dollars; light and power station, thirty thousand dollars; shelter roof for construction and repair, two thousand two hundred dollars; joiner shop for construction and repair, to cost not more than one hundred thousand dollars, for which contract is hereby authorized, fifty thousand dollars; anchor shed, seven thousand dollars; to continue quay wall, thirty thousand dollars; for the construction of a chapel, five thousand dollars; crane scow, twelve thousand dollars; to continue dredging, one hundred thousand dollars; foundry for construction and repair, four thousand five hundred dollars; pattern shop for construction and repair, six thousand dollars; coal storage, fifty thousand dollars; changes and extensions in electric system, twelve thousand dollars; enlargement of equipment offices, building sixty-five, five thousand dollars; completing workshop and boiler house for Bureau of Equipment, ten thousand dollars; in all, navy-yard, Mare Island, four hundred and seventy-eight thousand two hundred dollars.

Mare Island, Cal.

NAVAL STATION, PUGET SOUND, WASHINGTON: Yard scow, three thousand five hundred dollars; water system, additions, twelve thousand dollars; fence about station, entrance gate, and guard quarters, fifteen thousand dollars; sewers, two thousand five hundred dollars; angle, plate, and smithery shed, twelve thousand dollars; wharf crane, five thousand dollars; fire-protection system, additions, seven thousand dollars; composition fittings for dry dock, five thousand dollars; dry-dock pumping plant, improvements, two thousand one hundred and sixty-five dollars; electric-light plant, to complete, seven thousand dollars; to continue grading, ten thousand dollars; equipment shop, eighty-five thousand dollars; coal shed and appliances, forty thousand dollars; in all, naval station, Puget Sound, Washington, two hundred and six thousand one hundred and sixty-five dollars.

Puget Sound, Wash.

And the Secretary of the Navy is hereby authorized and directed to appoint a board of naval officers to determine the desirability of locating and constructing a dry dock on the Columbia River, Oregon, and to report such finding to the next session of the present Congress; and the sum of one thousand dollars, or so much thereof as may be necessary, is hereby appropriated to defray the expenses of said board.

Board on proposed dry dock, Columbia River, Oreg.

San Juan, Porto Rico.

NAVAL STATION, SAN JUAN, PORTO RICO: Coaling facilities, thirty thousand dollars; pier, fifteen thousand dollars; dredging, two thousand dollars; electric-light plant, five thousand dollars; in all, naval station, San Juan, Porto Rico, fifty-two thousand dollars.

Pensacola, Fla.

NAVY-YARD, PENSACOLA, FLORIDA: Hand pillar crane, seven thousand three hundred dollars; boiler and engine room, building twenty-six, for construction and repair, one thousand dollars; boiler room, building thirty-eight, for construction and repair, one thousand two hundred dollars; in all, navy-yard, Pensacola, nine thousand five hundred dollars.

Algiers, La.

NAVAL STATION, ALGIERS, LOUISIANA: Shops for steam engineering, fifty thousand dollars; shops for construction and repair, ninety-five thousand dollars; in all, naval station, Algiers, one hundred and forty-five thousand dollars.

Dry Tortugas, Fla.

DREDGING, DRY TORTUGAS, FLORIDA: Dredging channel, one hundred thousand dollars.

Algiers, La., dry dock.

DRY DOCK, ALGIERS, LOUISIANA: To complete floating dry dock for Algiers, Louisiana, six hundred and fifty thousand dollars, to be immediately available.

Completing four dry docks.

FOUR DRY DOCKS: Toward completion of dry docks at navy-yards: Portsmouth, New Hampshire; Boston, Massachusetts; League Island, Pennsylvania, and Mare Island, California, nine hundred thousand dollars.

Dry dock, Havana. Purchase authorized.

DRY DOCK, HAVANA, CUBA: The President is hereby authorized to purchase from the Government of Spain, for a sum not to exceed two hundred and seventy-five thousand dollars, the ten-thousand-ton steel floating dry dock belonging to that Government and now in the harbor of Havana, Cuba, and the sum of three hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purchase of said dock and for transferring and mooring the same in such location as may be determined upon by the President.

Repairs and preservation.

REPAIRS AND PRESERVATION AT NAVY-YARDS AND STATIONS: For repairs and preservation at navy-yards and stations, five hundred thousand dollars.

In all, public works, eight million one hundred and five thousand eight hundred and sixty-seven dollars and thirty-two cents.

Naval Academy. Buildings and improvements.

BUILDINGS AND GROUNDS, NAVAL ACADEMY: Toward the construction of buildings, and for other necessary improvements, at the Naval Academy, Annapolis, Maryland, three hundred and fifty thousand dollars: *Provided*, That before any part of this sum is expended, complete plans shall be prepared and approved by the Secretary of the Navy covering all contemplated new buildings and improvements at the Naval Academy and for each and every purpose connected therewith; which plans shall involve a total expenditure of not more than eight million dollars, including the sum of one million two hundred and twenty thousand dollars heretofore appropriated and the sum herein appropriated for said buildings and improvements and for all additional land needed and required to carry out the aforesaid plans: *Provided further*, That after the preparation and approval of the plans herein provided for, the Secretary of the Navy is authorized to enter into contract or contracts for any part or all of the improvements and buildings herein authorized, within the said limit of cost, to be paid for as appropriations may from time to time be made by law.

Provides. —plans for proposed.

—contracts authorized.

Naval Observatory.

NAVAL OBSERVATORY: For grounds and roads: Continuing grading, extending roads and paths, clearing and improving grounds, ten thousand dollars.

New buildings.

NEW BUILDINGS: Construction on the grounds of a building suitable for a dwelling for the foreman and captain of the watch, two thousand five hundred dollars.

BUREAU OF MEDICINE AND SURGERY.

Bureau of Medicine
and Surgery.

MEDICAL DEPARTMENT: For surgeons' necessities for vessels in commission, navy-yards, naval stations, Marine Corps, and Coast Survey, and for the civil establishment at the several naval hospitals, navy-yards, naval laboratory and department of instruction, museum of hygiene, and Naval Academy, ninety-five thousand dollars.

Surgeons' necessa-
ries

NAVAL HOSPITAL FUND: For maintenance of the naval hospitals at the various navy-yards and stations, and for care and maintenance of patients in other hospitals at home and abroad, forty thousand dollars: *Provided*, That from and after July first, nineteen hundred, all forfeitures on account of desertion shall be passed to the credit of the naval hospital fund.

Hospital fund.

Proviso.
Credit for desertion
forfeitures.

CONTINGENT, BUREAU OF MEDICINE AND SURGERY: For freight, expressage on medical stores, tolls, ferriages, transportation of sick to hospital, transportation of insane patients; care, transportation, and burial of the dead; advertising; telegraphing; rent of telephones; purchase of books and stationery; binding of medical records, unbound books and pamphlets; postage and purchase of stamps for foreign service; expenses attending the medical board of examiners; rent of rooms for naval dispensary; hygienic and sanitary investigation and illustration; sanitary and hygienic instruction; purchase and repairs of wagons and harness; purchase of and feed for horses and cows; trees, plants, garden tools, and seeds; furniture and incidental articles for the museum of hygiene, naval dispensary, Washington; naval laboratory, sick quarters at Naval Academy and marine barracks, surgeons' offices and dispensaries at navy-yards and naval stations; washing for medical department at museum of hygiene, naval dispensary, Washington; naval laboratory and department of instruction, sick quarters at Naval Academy and marine barracks, dispensaries at navy-yards and naval stations and ships and rendezvous, and for minor repairs on buildings and grounds of the United States Naval Museum of Hygiene, and all other necessary contingent expenses, thirty thousand dollars.

Contingent.

REPAIRS, BUREAU OF MEDICINE AND SURGERY: For necessary repairs of naval laboratory and department of instruction, naval hospitals and appendages, including roads, wharfs, outhouses, sidewalks, fences, gardens, farms, and cemeteries, twenty thousand dollars.

Repairs.

NAVAL HOSPITAL, NEW YORK, NEW YORK: Removing old boilers, condemned as worn-out and worthless, and furnishing and installing two new boilers at naval hospital, New York, five thousand dollars.

Naval hospitals.
New York.

NAVAL HOSPITAL, NEWPORT, RHODE ISLAND: Addition to the naval hospital at naval training station, Newport, Rhode Island, twenty thousand dollars.

Newport.

NAVAL HOSPITAL, MARE ISLAND, CALIFORNIA: New boiler house, boilers, and equipment for naval hospital, Mare Island, California, ten thousand dollars.

Mare Island.

The active list of surgeons shall hereafter consist of fifty-five, and that of passed assistant and assistant surgeons of one hundred and ten. Assistant surgeons shall rank with assistant surgeons in the Army: *Provided*, That the assistant surgeons under the age of fifty years appointed for temporary service during the war with Spain, having creditable records, who are now in the Navy may be given permanent commissions. Section thirteen of the Act approved March third, eighteen hundred and ninety-nine, entitled "An Act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," is hereby so amended as to provide that nothing therein contained shall operate to reduce the pay which, but for the passage of said Act, would have been received by any commissioned officer at the time of its passage or thereafter.

Surgeons.
Number, active list.
Assistant surgeons.
—rank.*Proviso.*
—certain temporary
appointments made
permanent.

Vol. 30, p. 1007.

Pay of commissioned
officers not reduced.

Bureau of Supplies
and Accounts.

BUREAU OF SUPPLIES AND ACCOUNTS.

Provisions.

PROVISIONS, NAVY: For provisions and commuted rations for the seamen and marines, which commuted rations may be paid to caterers of messes in cases of death or desertion, upon orders of the commanding officer, commuted rations for officers on sea duty (other than commissioned officers of the line, medical and pay corps and chief boat-swains, chief gunners, chief sailmakers, chief carpenters) and naval cadets, and commuted rations stopped on account of sick in hospital and credited to the naval hospital fund, subsistence of officers and men, unavoidably detained or absent from vessels to which attached under orders (during which subsistence rations to be stopped on board ship and no credit for commutation therefor to be given), labor in general storehouses and paymasters' offices in navy-yards, including naval stations maintained in island possessions under the control of the United States, and expenses in handling stores purchased under the naval-supply fund; one chemist, at two thousand five hundred dollars per annum, and two chemists, at two thousand dollars each per annum, two million five hundred thousand dollars.

Contingent.

CONTINGENT, BUREAU OF SUPPLIES AND ACCOUNTS: For freight and express charges, fuel, books and blanks, stationery, advertising, furniture for general storehouses and pay offices in navy-yards, expenses of naval clothing factory and machinery for same, postage, telegrams, telephones, tolls, ferriages, yeoman's stores, iron safes, newspapers, ice, transportation of stores purchased under the naval-supply fund, and other incidental expenses, one hundred and fifty thousand dollars.

Civil establishment.
Portsmouth, N. H.

CIVIL ESTABLISHMENT, BUREAU OF SUPPLIES AND ACCOUNTS: Navy-yard, Portsmouth, New Hampshire: In general storehouses: Two bookkeepers, at one thousand two hundred dollars each; one assistant bookkeeper, at seven hundred and twenty dollars; one bill clerk, at one thousand dollars; one assistant clerk, at seven hundred and twenty dollars; one shipping and receiving clerk, at one thousand dollars; in all, five thousand eight hundred and forty dollars.

Boston, Mass.

Navy-yard, Boston, Massachusetts: In general storehouses: One bookkeeper, at one thousand and seventeen dollars and twenty-five cents; one shipping clerk, at one thousand dollars; one receiving clerk, at one thousand dollars. In yard pay office: One writer, at one thousand and seventeen dollars and twenty-five cents; in all, four thousand and thirty-four dollars and fifty cents.

New York, N. Y.

Navy-yard, New York, New York: In office of board of inspection: One writer, nine hundred dollars. In general storehouses: Three bookkeepers, at one thousand two hundred dollars each; one assistant bookkeeper, at one thousand dollars; one assistant bookkeeper, at seven hundred and twenty dollars; three receiving clerks, at four dollars each per diem; one assistant receiving clerk, at one thousand and ninety-nine dollars; three shipping clerks, at one thousand dollars each; one bill clerk, at one thousand dollars; one assistant bill clerk, at seven hundred and twenty dollars; two leading men, at two dollars and fifty cents each per diem; five pressmen, at two dollars and seventy-six cents each per diem; one superintendent of coffee mills, at three dollars per diem; one box maker, at three dollars per diem; one engine tender, at three dollars and twenty-six cents per diem; one coffee roaster, at two dollars and fifty cents per diem; one fireman, at two dollars per diem; one messenger, at two dollars and twenty-five cents per diem; one writer, one thousand dollars; one store man, nine hundred dollars. In yard pay office: One writer, at one thousand and seventeen dollars and twenty-five cents; one messenger, at two dollars and twenty-five cents per diem; in all, thirty thousand three hundred and twelve dollars and three cents.

Navy-yard, League Island, Pennsylvania: In general storehouse: One bookkeeper, at one thousand two hundred dollars; one assistant bookkeeper, at seven hundred and twenty dollars; in all, one thousand nine hundred and twenty dollars.

League Island, Pa.

Navy-yard, Washington, District of Columbia: In general storehouse: One bookkeeper, at one thousand two hundred dollars; one clerk, at one thousand two hundred dollars; one receiving clerk, at one thousand dollars; one bill clerk, at one thousand dollars; one shipping clerk, at one thousand dollars. In yard pay office: One writer, at one thousand and seventeen dollars and twenty-five cents; in all, six thousand four hundred and seventeen dollars and twenty-five cents.

Washington, D. C.

Naval Academy, Annapolis, Maryland: In general storehouse: One bookkeeper, at one thousand and seventeen dollars and twenty-five cents; one receiving and shipping clerk, at one thousand dollars; in all, two thousand and seventeen dollars and twenty-five cents.

Naval Academy.

Naval station, Newport, Rhode Island: In general storehouse: One clerk, at one thousand two hundred dollars.

Newport, R. I.

Navy-yard, Mare Island, California: In general storehouses: Two bookkeepers, at one thousand two hundred dollars each; two assistant bookkeepers, at seven hundred and twenty dollars each; one receiving clerk, at one thousand dollars; one shipping clerk, at one thousand dollars; one bill clerk, at one thousand dollars; one clerk, at one thousand dollars; one assistant clerk, at one thousand dollars. In yard pay office: One writer, at one thousand and seventeen dollars and twenty-five cents; in all, nine thousand eight hundred and fifty-seven dollars and twenty-five cents.

Mare Island, Cal.

Navy-yard, Norfolk, Virginia: In general storehouses: Two bookkeepers, at one thousand two hundred dollars each; two assistant bookkeepers, at one thousand and seventeen dollars and twenty-five cents each; one bill clerk, at one thousand dollars; one assistant bill clerk, at seven hundred and twenty dollars; one receiving clerk, at nine hundred and forty-two dollars; one assistant receiving clerk, at seven hundred and twenty dollars. In yard pay office: One writer, at one thousand and seventeen dollars and twenty-five cents; in all, eight thousand eight hundred and thirty-three dollars and seventy-five cents.

Norfolk, Va.

Naval station, Cavite, Philippine Islands: In general storehouses: One clerk, at one thousand six hundred dollars; one bookkeeper, at one thousand four hundred dollars; three assistant bookkeepers, at one thousand two hundred dollars each, three thousand six hundred dollars; one shipping and bill clerk, at one thousand two hundred dollars; three storekeepers, at one thousand dollars each, three thousand dollars; in all, ten thousand eight hundred dollars.

Cavite.

In all, civil establishment, Bureau of Supplies and Accounts, eighty-one thousand two hundred and thirty-two dollars and three cents; and no other fund appropriated by this Act shall be used in payment for such service.

BUREAU OF CONSTRUCTION AND REPAIR.

Bureau of Construction and Repair.

CONSTRUCTION AND REPAIR OF VESSELS: For preservation and completion of vessels on the stocks and in ordinary: purchase of materials and stores of all kinds; steam steerers, pneumatic steerers, steam capstans, steam windlasses, and all other auxiliaries; labor in navy-yards and on foreign stations; purchase of machinery and tools for use in shops; carrying on work of experimental model tank; designing naval vessels; wear, tear, and repair of vessels afloat; general care, increase, and protection of the Navy in the line of construction and repair; incidental expenses, such as advertising, freight, foreign postage, telegrams, telephone service, photographing, books, profes-

Preservation, repairs, etc., of vessels.

Proviso.
Limit, wooden
ships.

sional magazines, plans, stationery, and instruments for drafting room, six million dollars: *Provided*, That no part of this sum shall be applied to the repair of any wooden ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed ten per centum of the estimated cost, appraised in like manner, of a new ship of the same size and like material.

Portsmouth, N. H.

Construction plant, navy-yard, Portsmouth, New Hampshire: Repairs to and improvement of plant at navy-yard, Portsmouth, New Hampshire, twenty-five thousand dollars.

Boston, Mass.

Construction plant, navy-yard, Boston, Massachusetts: Repair to and improvement of construction plant at navy-yard, Boston, Massachusetts, twenty-five thousand dollars.

New York, N. Y.

Construction plant, navy-yard, New York, New York: Repairs to and improvement of construction plant at navy-yard, New York, New York, twenty-five thousand dollars.

League Island, Pa.

Construction plant, navy-yard, League Island, Pennsylvania: Repairs to and improvement of construction plant at navy-yard, League Island, Pennsylvania, twenty-five thousand dollars.

Norfolk, Va.

Construction plant, navy-yard, Norfolk, Virginia: Repairs to and improvement of construction plant at navy-yard, Norfolk, Virginia, twenty-five thousand dollars.

Pensacola, Fla.

Construction plant, navy-yard, Pensacola, Florida: Repairs to and improvement of construction plant at navy-yard, Pensacola, Florida, five thousand dollars.

Mare Island, Cal.

Construction plant, navy-yard, Mare Island, California: Repairs to and improvement of construction plant at navy-yard, Mare Island, California, twenty-five thousand dollars.

Port Royal, S. C.

Construction plant, naval station, Port Royal, South Carolina: Repairs to and improvement of construction plant at naval station, Port Royal, South Carolina, five thousand dollars.

Puget Sound, Wash.

Construction plant, naval station, Puget Sound, Washington: Repairs to and improvement of construction plant at Puget Sound Naval Station, Washington, twenty-five thousand dollars.

Algiers, La.

Construction plant, naval station, Algiers, Louisiana: Construction plant at naval station, Algiers, Louisiana, twenty-five thousand dollars.

Civil establishment.
Portsmouth, N. H.

CIVIL ESTABLISHMENT, BUREAU OF CONSTRUCTION AND REPAIR: Navy-yard, Portsmouth, New Hampshire: For one clerk to naval constructor, at one thousand four hundred dollars; two writers, at one thousand and seventeen dollars and twenty-five cents each; in all, three thousand four hundred and thirty-four dollars and fifty cents.

Boston, Mass.

Navy-yard, Boston, Massachusetts: For one clerk to naval constructor, at one thousand four hundred dollars; two writers, at one thousand and seventeen dollars and twenty five cents each; in all, three thousand four hundred and thirty-four dollars and fifty cents.

New York, N. Y.

Navy-yard, New York, New York: For one clerk to naval constructor, at one thousand four hundred dollars; three writers, at one thousand and seventeen dollars and twenty-five cents each; in all, four thousand four hundred and fifty-one dollars and seventy-five cents.

League Island, Pa.

Navy-yard, League Island, Pennsylvania: For one clerk to naval constructor, at one thousand four hundred dollars; one writer, at one thousand and seventeen dollars and twenty-five cents; in all, two thousand four hundred and seventeen dollars and twenty-five cents.

Washington, D. C.

Navy-yard, Washington, District of Columbia: For one clerk to naval constructor, at one thousand four hundred dollars.

Norfolk, Va.

Navy-yard, Norfolk, Virginia: For one clerk to naval constructor, at one thousand four hundred dollars; two writers, at one thousand and seventeen dollars and twenty-five cents each; in all, three thousand four hundred and thirty-four dollars and fifty cents.

Pensacola, Fla.

Navy-yard, Pensacola, Florida: For one writer, at one thousand and seventeen dollars and twenty-five cents.

Naval station, Port Royal, South Carolina: For one clerk to naval constructor, at one thousand four hundred dollars.

Port Royal, S. C.

Navy-yard, Mare Island, California: For one clerk to naval constructor, at one thousand four hundred dollars; two writers, at one thousand and seventeen dollars and twenty-five cents each; in all, three thousand four hundred and thirty-four dollars and fifty cents.

Mare Island, Cal.

Puget Sound Naval Station, Washington: One clerk to naval constructor, one thousand four hundred dollars.

Puget Sound, Wash.

In all, civil establishment, Bureau of Construction and Repair, twenty-five thousand eight hundred and twenty-four dollars and twenty-five cents; and no other fund appropriated by this Act shall be used in payment for such service.

BUREAU OF STEAM ENGINEERING.

Bureau of Steam Engineering.

STEAM MACHINERY: For completion, repairing, and preservation of machinery and boilers of naval vessels, including cost of new boilers; distilling, refrigerating, and auxiliary machinery; preservation of and small repairs to machinery and boilers in vessels in ordinary, receiving and training vessels, repair and care of machinery of yard tugs and launches, one million five hundred and eighty-five thousand dollars: *Provided*, That no part of the said sum shall be applied to the engines, boilers, and machinery of wooden ships where the estimated cost of such repairs shall exceed ten per centum of the estimated cost of new engines and machinery of the same character and power, nor shall new boilers be constructed for wooden ships.

Machinery.

Proviso.
Limit, wooden ships.

For purchase, handling, and preservation of all material and stores, purchase, fitting, repair, and preservation of machinery and tools in navy-yards and stations, and running yard engines, nine hundred and sixty thousand dollars.

Materials.

For incidental expenses for navy vessels, yards, and the Bureau, such as foreign postage, telegrams, advertising, freight, photographing, books, stationery, office furnishings, and instruments, fifteen thousand dollars.

Incidentals.

In all, steam machinery, two million five hundred and sixty thousand dollars.

CONTINGENT, BUREAU OF STEAM ENGINEERING: For contingencies, drawing materials, and instruments for the drafting room, one thousand dollars.

Contingent.

MACHINERY PLANT, NAVY-YARD, PORTSMOUTH, NEW HAMPSHIRE: Modern machine tools required to fit out plant for repairs of engines, boilers, and so forth, of naval vessels, twenty-five thousand dollars.

Machinery plants,
navy-yards,
Portsmouth, N. H.

MACHINERY PLANT, NAVY-YARD, BOSTON, MASSACHUSETTS: Additional machine tools to put the yard in condition for building and repairing modern marine machinery, fifty thousand dollars.

Boston, Mass.

MACHINERY PLANT, NAVY-YARD, MARE ISLAND, CALIFORNIA: Additional tools required to put the yard in condition for building and repairing modern marine machinery, fifty thousand dollars.

Mare Island, Cal.

MACHINERY PLANT, NAVAL STATION, ALGIERS, LOUISIANA: Necessary machine tools required to fit up plant for repairs of engines, boilers, and so forth, of naval vessels, twenty-five thousand dollars.

Algiers, La.

MACHINERY PLANT, NAVAL STATION, HONOLULU, HAWAII: Necessary machine tools required to fit up plant for repairs of engines, boilers, and so forth, of naval vessels, twenty-five thousand dollars.

Honolulu, Ha-
waiian Islands.

MACHINERY PLANT, NAVAL STATION, SAN JUAN, PORTO RICO: Necessary machine tools required to fit up plant for repairs of engines, boilers, and so forth, of naval vessels, twenty-five thousand dollars.

San Juan, Porto
Rico.

CIVIL ESTABLISHMENT, BUREAU OF STEAM ENGINEERING: Navy-yard, Portsmouth, New Hampshire: For one clerk to department, at one thousand two hundred dollars; one messenger, at six hundred dollars; in all, one thousand eight hundred dollars;

Civil establishment,
Portsmouth, N. H.

Boston, Mass.

Navy-yard, Boston, Massachusetts: For one clerk to department, one thousand four hundred dollars;

New York, N. Y.

Navy-yard, New York, New York: For one clerk, at one thousand four hundred dollars; one writer, at one thousand dollars; one messenger, at six hundred dollars; in all, three thousand dollars;

League Island, Pa.

Navy-yard, League Island, Pennsylvania: For one clerk, at one thousand two hundred dollars;

Norfolk, Va.

Navy-yard, Norfolk, Virginia: For one clerk, at one thousand three hundred dollars; one messenger, at six hundred dollars; in all, one thousand nine hundred dollars;

Pensacola, Fla.

Navy-yard, Pensacola, Florida: For one writer, at one thousand dollars;

Mare Island, Cal.

Navy-yard, Mare Island, California: For one clerk to department, at one thousand four hundred dollars; one messenger, at six hundred dollars; one writer, at one thousand dollars; in all, three thousand dollars;

Chief of Bureau, appointment, etc.

R. S., sec. 424, p. 71, amended.

In all, civil establishment, Bureau of Steam Engineering, thirteen thousand three hundred dollars; and no other fund appropriated by this Act shall be used in payment for such service. Section four hundred and twenty-four of the Revised Statutes is hereby amended so as to read as follows: The Chief of the Bureau of Steam Engineering shall be appointed from the line of officers of the Navy not below the grade of lieutenant-commander, and shall be a skillful engineer.

Naval Academy.

NAVAL ACADEMY.

Pay of professors, etc.

PAY OF PROFESSORS AND OTHERS, NAVAL ACADEMY: For one professor of mathematics, one of chemistry, one of physics, and one of English, at two thousand five hundred dollars each; four professors, namely, one of English, two of French, and one of drawing, at two thousand two hundred dollars each; one assistant professor of Spanish, at one thousand eight hundred dollars; one sword master, at one thousand five hundred dollars, and two assistants, at one thousand dollars each; one instructor in gymnastics, at one thousand two hundred dollars; one assistant librarian, at one thousand eight hundred dollars; one secretary to the Naval Academy, at one thousand eight hundred dollars; two clerks to the Superintendent, at one thousand two hundred dollars each; one clerk to the commandant of cadets, at one thousand two hundred dollars; one clerk to the paymaster, at one thousand two hundred dollars; one dentist, at one thousand six hundred dollars; one baker, at six hundred dollars; one mechanic in department of physics, at seven hundred and thirty dollars; one cook, at three hundred and twenty-five dollars and fifty cents; one messenger to the Superintendent, at six hundred dollars; one armorer, at six hundred and forty-nine dollars and fifty cents; one chief gunner's mate, at five hundred and twenty-nine dollars and fifty cents; one quarter gunner, at four hundred and sixty-nine dollars and fifty cents; one cockswain, at four hundred and sixty-nine dollars and fifty cents; one seaman in the department of seamanship, at three hundred and ninety-seven dollars and fifty cents; one attendant in the department of navigation and one in the department of physics, at three hundred dollars each; six attendants at recitation rooms, library, store, chapel, and offices, at three hundred dollars each; one bandmaster, at one thousand and eighty dollars; twenty-one first-class musicians, at four hundred and twenty dollars each; seven second-class musicians, at three hundred and sixty dollars each; services of organist at chapel, three hundred dollars; in all, fifty-nine thousand nine hundred and ninety-one dollars.

Watchmen, mechanics etc.

PAY OF WATCHMEN, MECHANICS, AND OTHERS, NAVAL ACADEMY: For the captain of the watch and weigher, at two dollars and fifty cents per diem; four watchmen, at two dollars each per diem; foreman of gas and steam heating works of the Academy, at five dollars per diem;

for labor at gas works and steam buildings, for masons, carpenters, and other mechanics and laborers, and for care of buildings, grounds, wharves, and boats, thirty-seven thousand eight hundred and sixty-four dollars and ninety-five cents; one attendant in purifying house of the gas house, at one dollar and fifty cents per diem; in all, forty-four thousand and sixty-nine dollars and ninety-five cents.

PAY OF STEAM EMPLOYEES, NAVAL ACADEMY: For pay of mechanics and others in department of steam engineering, seven thousand eight hundred and twenty-four dollars and fifty cents.

Employees steam
engineering.

For special course of study and training of naval cadets, as authorized by Act of Congress approved August fifth, eighteen hundred and eighty-two, three thousand dollars.

Additional training.
Vol. 22, p. 285.

REPAIRS, NAVAL ACADEMY: Necessary repairs of public buildings, wharves, and walls inclosing the grounds of the Naval Academy, improvements, repairs, furniture and fixtures, twenty-one thousand dollars.

Repairs.

HEATING AND LIGHTING, NAVAL ACADEMY: Fuel, oil, waste, and other materials for the operation, repair, and maintenance of the plant; heating and lighting apparatus and tools; for heating and lighting the Academy, twenty thousand dollars.

Fuel and lights

CONTINGENT, NAVAL ACADEMY: Purchase of books for the library (to be purchased in open market on the written order of the Superintendent), two thousand dollars; stationery, blank books, models, maps, and text-books for use of instructors, two thousand dollars; expenses of the Board of Visitors of the Naval Academy, being mileage and five dollars per diem for each member for expenses during actual attendance at the Academy and for supplying necessary outfit for the board house, three thousand dollars; purchase of chemicals, apparatus, and instruments in the department of physics, and for repairs of the same, two thousand dollars; purchase of gas and steam machinery, steam pipes and fittings, rent of buildings for the use of the Academy, freight, cartage, water, music, musical and astronomical instruments, uniforms for the bandsmen, telegraphing, feed and maintenance of teams, current expenses, and repairs of all kinds, and for incidental labor and expenses not applicable to any other appropriation, thirty-two thousand dollars; stores in the departments of steam engineering, eight hundred dollars; materials for repairs in steam machinery, one thousand dollars; for contingencies for the Superintendent of the Academy, to be expended in his discretion, one thousand dollars; in all, forty-three thousand eight hundred dollars.

Contingent.

Whenever any naval cadet shall have finished four years of his undergraduate course of six years the succeeding appointment may be made from his Congressional district or at large in accordance with existing law.

Cadets.
Succeeding appointment after four years of six-year course.

The appointees to follow the two classes of cadets now at sea may enter the Academy during the present year and those to succeed the class which is now finishing its four years of study shall be appointed before March fourth, next, to enter the Academy during the year nineteen hundred and one.

Appointments following two classes now at sea, etc.

During a period of twelve years from the passage of this Act any naval officer on the retired list may, in the discretion of the Secretary of the Navy, be ordered to such duty as he may be able to perform at sea or on shore, and while so employed shall receive the pay and allowances of an officer of the active list of the grade from which he was retired.

Retired list.
Active service for officers authorized.

MARINE CORPS.

Marine Corps.

PAY, MARINE CORPS: For pay and allowances prescribed by law of officers on the active list, four hundred and sixteen thousand nine hundred dollars.

Pay.

Retired list.	Pay of officers on the retired list: For one colonel, three lieutenant-colonels, one adjutant and inspector, two quartermasters, four majors, nine captains, three first lieutenants, and three second lieutenants, fifty-six thousand six hundred and seventy dollars.
Enlisted men.	Pay of noncommissioned officers, musicians, and privates, as prescribed by law, and the number of enlisted men authorized for the Marine Corps shall be exclusive of those undergoing imprisonment with sentence of dishonorable discharge from the service at expiration of such confinement, and for the expenses of clerks of the United States Marine Corps traveling under orders, one million one hundred and twelve thousand five hundred and forty-eight dollars.
—retired.	Pay and allowance of retired enlisted men: For one sergeant-major, two drum-majors, six first-class musicians, fifteen first sergeants, twenty-seven sergeants, five corporals, one drummer, two fifers, and forty-nine privates, and for those who may be retired during the year, thirty-six thousand five hundred dollars.
Undrawn clothing.	Undrawn clothing: For payment to discharged soldiers for clothing undrawn, thirty thousand dollars.
Mileage.	Mileage: For mileage of officers traveling under orders without troops, twelve thousand dollars.
Commutation of quarters.	For commutation of quarters to officers on duty without troops where there are no public quarters, eight thousand dollars.
Civil force. —office commandant.	PAY OF CIVIL FORCE: In the office of the brigadier-general commandant: For one chief clerk, at one thousand five hundred and forty dollars and eighty cents; one clerk, one thousand two hundred dollars; one messenger, at nine hundred and seventy-one dollars and twenty-eight cents;
—paymaster's office.	In the office of the paymaster: One chief clerk, at one thousand six hundred dollars; one clerk, at one thousand four hundred and ninety-six dollars and fifty-two cents; one clerk, at one thousand two hundred and fifty-seven dollars and twelve cents;
—assistant paymaster's office.	In the office of the assistant paymaster: One clerk, at one thousand four hundred dollars;
—adjutant and inspector.	In the office of the adjutant and inspector: One chief clerk, at one thousand five hundred and forty dollars and eighty cents; one clerk, at one thousand four hundred and ninety-six dollars and fifty-two cents;
—assistant adjutant and inspector.	In the office of the assistant adjutant and inspector: One clerk, one thousand two hundred dollars;
—quartermaster's office.	In the office of the quartermaster: One chief clerk, at one thousand five hundred and forty dollars and eighty cents; one clerk, at one thousand four hundred and ninety-six dollars and fifty-two cents; one clerk, at one thousand two hundred and fifty-seven dollars and twelve cents;
—assistant quartermasters.	In the office of the assistant quartermaster, Washington, District of Columbia, or San Francisco, California: One clerk, at one thousand four hundred dollars;
	In the office of the assistant quartermaster, Philadelphia, Pennsylvania: One clerk, at one thousand four hundred dollars; one messenger, at one dollar and seventy-five cents per diem;
	In all, for pay of civil force, twenty-one thousand four hundred and thirty-six dollars and twenty-three cents, and the money herein specifically appropriated for pay of the Marine Corps shall be disbursed and accounted for in accordance with existing law as pay of the Marine Corps, and for that purpose shall constitute one fund.
Provisions.	PROVISIONS, MARINE CORPS: For noncommissioned officers, musicians, and privates serving ashore, for commutation of rations to enlisted men regularly detailed as clerks and messengers, for payment of board and lodging of recruiting parties, and for ice for preservation of rations, three hundred and seventy-one thousand and seventy-

one dollars and fifty cents; and no law shall be construed to entitle marines on shore duty to any rations, or commutation therefor, other than such as now are or may hereafter be allowed to enlisted men in the Army.

CLOTHING, MARINE CORPS: For noncommissioned officers, musicians, and privates authorized by law, two hundred and ninety thousand one hundred and ninety-nine dollars and fifty-four cents.

FUEL, MARINE CORPS: For heating barracks and quarters, for ranges and stoves for cooking, fuel for enlisted men, for sales to officers, maintaining electric lights, and for hot-air closets, thirty thousand dollars.

MILITARY STORES, MARINE CORPS: For pay of chief armorer, at three dollars per day; three mechanics, at two dollars and fifty cents each per day; for purchase of military equipments, such as rifles, revolvers, cartridge boxes, bayonet scabbards, haversacks, blanket bags, knapsacks, canteens, musket slings, swords, drums, trumpets, flags, waist belts, waist plates, cartridge belts, sashes for officer of the day, spare parts for repairing muskets and purchase and repair of tents and field ovens, purchase and repair of instruments of band, purchase of music and musical accessories, purchase and marking of medals for excellence in gunnery and rifle practice, good-conduct badges, for incidental expenses of the school of application, purchase of signal equipment and stores, for the establishment and maintenance of targets and ranges, and renting ranges, and for procuring, preserving, and handling ammunition and other necessary military supplies, forty-six thousand two hundred and ninety-seven dollars.

TRANSPORTATION AND RECRUITING, MARINE CORPS: For transportation of troops, including ferriage, and the expense of the recruiting service, thirty-five thousand dollars.

FOR REPAIRS OF BARRACKS, MARINE CORPS: Repairs and improvements to barracks and quarters at Portsmouth, New Hampshire; Boston, Massachusetts; Newport, Rhode Island; New York, New York; League Island, Pennsylvania; Annapolis, Maryland; headquarters and navy-yard, District of Columbia; Norfolk, Virginia; Port Royal, South Carolina; Pensacola, Florida; Mare Island, California; Bremerton, Washington; and Sitka, Alaska; for the renting, leasing, improvement, and erection of buildings in Porto Rico, the Philippine Islands, at Guam, and at such other places as the public exigencies require; and for per diem to enlisted men employed under the direction of the Quartermaster's Department on the repair of barracks, quarters, and other public buildings, twenty thousand dollars.

Additions to barracks at New York, New York, fifteen thousand dollars.

Additions to barracks at Portsmouth, New Hampshire, five thousand dollars.

Erection of a building for use of the band of the Marine Corps, and enlisted men's quarters at Headquarters, Washington, District of Columbia, four thousand five hundred dollars.

Erection of new barracks of fireproof material at League Island, Pennsylvania one hundred thousand dollars.

Increasing the size and capacity of the naval prison, Mare Island Navy-Yard, California, fifteen thousand dollars.

Erection of officers' quarters at Sitka, Alaska, one thousand dollars, and the unexpended appropriation of two thousand five hundred dollars authorized in Act of June tenth, eighteen hundred and ninety-six, is hereby reappropriated for the erection of officers' quarters at Sitka, Alaska.

For rent of building used for manufacture of clothing, storing of supplies, and office of assistant quartermaster, Philadelphia, Pennsylvania, three thousand three hundred dollars.

Clothing.

Fuel.

Military stores.

Transportation and recruiting.

Repairs of barracks.

Sitka, Alaska.

Rent, Philadelphia, Pa.

Forage.	FORAGE, MARINE CORPS: For forage in kind for horses of the quartermaster's department, and the authorized number of officers' horses, six thousand dollars.
Hire of quarters.	HIRE OF QUARTERS, MARINE CORPS: For hire of quarters for officers serving with troops where there are no public quarters belonging to the Government, and where there are not sufficient quarters possessed by the United States to accommodate them; for hire of quarters for enlisted men employed as clerks and messengers in the offices of the commandant, adjutant and inspector, paymaster, and quartermaster, and the offices of the assistant adjutant and inspector, the assistant paymaster, and the assistant quartermasters, at twenty-one dollars each per month, and for enlisted men employed as messengers in said offices, at ten dollars each per month, fourteen thousand seven hundred and forty-eight dollars.
Contingent.	CONTINGENT, MARINE CORPS: For freight, tolls, cartage, advertising, washing of bed sacks, mattress covers, pillow-cases, towels, and sheets, funeral expenses of marines, stationery and other paper; telegraphing, rent of telephones, purchase and repair of typewriters, apprehension of stragglers and deserters, per diem of enlisted men employed on constant labor for a period of not less than ten days, repair of gas and water fixtures, office and barracks furniture, camp and garrison equipment and implements, mess utensils for enlisted men, such as bowls, plates, spoons, knives and forks, tin cups, pans, pots, and so forth; packing boxes, wrapping paper, oilcloth, crash, rope, twine, camphor and carbolized paper, carpenters' tools, tools for police purposes, iron safes, purchase and repair of public wagons, purchase and repair of public harness, purchase of public horses, services of veterinary surgeons and medicines for public horses, purchase and repair of hose, purchase and repair of fire extinguishers, purchase of fire hand grenades, purchase and repair of carts, wheelbarrows, and lawn mowers; purchase and repair of cooking stoves, ranges, stoves, and furnaces where there are no grates; purchase of ice, towels, soap, combs, and brushes for offices; postage stamps for foreign postage; purchase of books, newspapers, and periodicals; improving parade grounds, repair of pumps and wharves, laying drain, water, and gas pipes, water, introducing gas, and for gas, gas oil, and introduction and maintenance of electric lights; straw for bedding, mattresses, mattress covers, pillows, sheets; wire bunk bottoms for enlisted men at various posts; furniture for Government quarters and repair of same, and for all emergencies and extraordinary expenses arising at home and abroad, but impossible to anticipate or classify, sixty-one thousand seven hundred dollars:
Proviso. Mare Island barracks.	<i>Provided</i> , That four thousand two hundred dollars of the foregoing appropriation shall be applied to the restoration of the sewer system for the Marine Barracks, Mare Island.

Increase of the
Navy.

INCREASE OF THE NAVY.

Two sea going bat-
tle ships.

That for the purpose of further increasing the naval establishment of the United States, the President is hereby authorized to have constructed by contract two seagoing battle ships, carrying the heaviest armor and most powerful ordnance for vessels of their class, upon a trial displacement of about thirteen thousand five hundred tons, and to have the highest practicable speed and great radius of action, and to cost, exclusive of armor and armament, not exceeding three million six hundred thousand dollars each; three armored cruisers of about thirteen thousand tons trial displacement, carrying the heaviest armor and most powerful ordnance for vessels of their class, and to have the highest practicable speed and great radius of action, and to cost, exclusive of armor and armament, not exceeding four million two hundred and fifty thousand dollars each; and three protected cruisers of about eight thousand tons trial displacement, carrying the most pow-

Three armored cruis-
ers.

Three protected
cruisers.

erful ordnance for vessels of their class and to have the highest speed compatible with good cruising qualities, and great radius of action, and to cost, exclusive of armament, not exceeding two million eight hundred thousand dollars each; and the contract for the construction of each of said vessels shall be awarded by the Secretary of the Navy to the lowest best responsible bidder, having in view the best results and most expeditious delivery; and not more than two of the vessels herein provided for shall be built in one yard or by one contracting party; and in the construction of all said vessels all the provisions of the Act of March third, eighteen hundred and ninety-nine, entitled "An Act making appropriations for the naval service for the fiscal year ending June thirtieth, nineteen hundred, and for other purposes," shall be observed and followed; and subject to the provisions hereinafter made, two and not more than two of the aforesaid vessels shall be built on or near the coast of the Pacific Ocean, or in the waters connecting therewith: *Provided*, That if it shall appear to the satisfaction of the President from the biddings for such contracts, when the same are opened and examined by him, that said vessels, or any of them, can not be constructed on or near the coast of the Pacific Ocean at a cost not exceeding four per centum above the lowest accepted bid for the other vessels provided for in this Act, he shall authorize the construction of said vessels, or either of them, elsewhere in the United States, subject to the limitations as to cost hereinbefore provided.

CONSTRUCTION AND MACHINERY: On account of the hulls and outfits of vessels and steam machinery of vessels heretofore authorized, twelve million seven hundred and forty thousand six hundred and ninety-nine dollars.

ARMOR AND ARMAMENT: Toward the armament and armor of domestic manufacture for the vessels authorized by Act of March second, eighteen hundred and ninety-five; for those authorized by the Act of June tenth, eighteen hundred and ninety-six; for those authorized by the Act of March third, eighteen hundred and ninety-seven; for those authorized by the Act of May fourth, eighteen hundred and ninety-eight; for those authorized by the Act of March third, eighteen hundred and ninety-nine, and for those authorized by this Act, four million dollars: *Provided*, That the Secretary of the Navy is hereby authorized to procure by contract armor of the best quality for any or all vessels above referred to, provided such contracts can be made at a price which in his judgment is reasonable and equitable; but in case he is unable to make contracts for armor under the above conditions, he is hereby authorized and directed to procure a site for and to erect thereon a factory for the manufacture of armor, and the sum of four million dollars is hereby appropriated toward the erection of said factory.

The Secretary of the Navy is hereby authorized and directed to contract for five submarine torpedo boats of the Holland type of the most improved design, at a price not to exceed one hundred and seventy thousand dollars each: *Provided*, That such boats shall be similar in dimensions to the proposed new Holland, plans and specifications of which were submitted to the Navy Department by the Holland Torpedo Boat Company November twenty-third, eighteen hundred and ninety-nine.

The said new contract and the submarine torpedo boats covered by the same are to be in accordance with the stipulations of the contract of purchase made April eleventh, nineteen hundred, by and between the Holland Torpedo Boat Company, represented by the secretary of said company, the party of the first part, and the United States, represented by the Secretary of the Navy, the party of the second part.

EQUIPMENT: Toward the completion of the equipment outfit of the new vessels heretofore authorized, four hundred thousand dollars.

Contracts.

Construction in one yard limited, etc.

Vol. 30, p. 1045.

Construction on Pacific coast.

Proviso.
—condition, cost.

Construction and machinery.

Armor and armament.

Vol. 28, p. 841.

Vol. 29, p. 379.

Vol. 30, pp. 389, 1045.

Proviso.
Secretary of Navy may contract for armor for above vessels.
—or may erect armor factory.

Five Holland submarine torpedo boats authorized.

Proviso.
—dimensions.

Contract stipulations.

Equipment.

Approved, June 7, 1900.

June 7, 1900.

CHAP. 860.—An Act To authorize the payment of traveling allowances to enlisted men of the regular and volunteer forces when discharged by order of the Secretary of War and stated by him as entitled to travel pay.

Army.
Order of Secretary
of War authorizing
travel pay for enlisted
men on discharge
valid.
R. S., sec. 1290, p. 223.

Provisos.
Soldiers absent by
authority on date of
discharge, etc.

Application of Act.

Order of discharge
to specify allowance
of travel pay.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when the Secretary of War, in the exercise of his discretion, has directed the discharge of any enlisted men of the regular or volunteer forces of the Army, and the orders or instructions directing such discharge stated that such enlisted men were entitled to travel pay, such order or instruction shall be sufficient authority for the payment to the soldiers of the traveling allowances provided for by section twelve hundred and ninety of the Revised Statutes. And officers of the Pay Department of the Army shall have credit in the settlement of their accounts for all payments made in obedience to said orders or instructions of the Secretary of War: *Provided*, That soldiers discharged under such orders or instructions, which stated that such soldiers were entitled to travel pay, and who were absent by authority on the date of the muster out of their regiments or of discharge, are entitled to and will be paid traveling allowances from place of muster out of their regiments or the places designated in the final statements as the place of discharge to the place of enlistment or enrollment: *Provided further*, That the provisions of this Act shall apply only to cases that have arisen or shall arise under orders or instructions for discharge with travel pay issued between April twenty-first, eighteen hundred and ninety-eight, and the date of the passage of this Act: *Provided further*, That it shall not be held as applying to any case in which the order directing the discharge did not set forth that the soldier was entitled to travel pay.

Approved, June 7, 1900.

June 7, 1900.

CHAP. 861.—An Act To amend an Act to incorporate the Supreme Lodge of the Knights of Pythias.

District of Columbia.
Supreme Lodge of
Knights of Pythias.
Vol. 28, p. 96,
amended.

Business of subordinate
bodies outside
the District valid.

Effect.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act approved June twenty-ninth, eighteen hundred and ninety-four, entitled "An Act to incorporate the Supreme Lodge of Knights of Pythias," be, and the same is hereby, amended by adding thereto the following:

"And said corporation may provide for the meetings of its legislative or governing body wherever such association shall have subordinate bodies, and all business transacted at such meetings shall be valid in all respects as if such meetings were held within said District; and all business heretofore transacted at any meetings held outside of the District of Columbia shall be valid in all respects to the same extent as if such meetings had been held within said District."

SEC. 2. That this Act shall take effect from and after its passage and approval.

Approved, June 7, 1900.

RESOLUTIONS.

[No. 1.] Joint Resolution To pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, eighteen hundred and ninety-nine, on the nineteenth day of said month.

December 16, 1899.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Senate and the Clerk of the House of Representatives be, and they are hereby, authorized and instructed to pay the officers and employees of the Senate and House of Representatives, including the Capitol police, their respective salaries for the month of December, eighteen hundred and ninety-nine, on the nineteenth day of said month.

Officers, etc., of Congress to be paid December salaries December 19, 1899.

Approved, December 16, 1899.

[No. 2.] Joint Resolution To fill a vacancy in the Board of Regents of the Smithsonian Institution.

January 24, 1900.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, caused by the death of William Preston Johnston, of Louisiana, shall be filled by the appointment of Richard Olney, a resident of Massachusetts.

Smithsonian Institution.
Richard Olney appointed regent.

Approved, January 24, 1900.

[No. 3.] Joint Resolution Granting permission for the erection of a monument in Washington, District of Columbia, for the ornamentation of the national capital and in honor of Samuel Hahnemann.

January 31, 1900.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That permission be, and the same is hereby, granted the Hahnemann monument committee of the American Institute of Homeopathy to erect a monument in honor of Samuel Hahnemann in such place in the city of Washington, District of Columbia, other than the Capitol or Library grounds, as shall be designated by the Chief of Engineers, United States Army, the chairman of the Joint Committee on the Library, and the chairman of the monument committee; and the sum of four thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the building of a foundation upon which to place said monument; said monument to be presented to the people of the United States by the American Institute of Homeopathy, kindred associations, and citizens.

District of Columbia.
Erection of monument to Samuel Hahnemann authorized.

Approved, January 31, 1900.

January 31, 1900.

[No. 4.] Joint Resolution Authorizing the Secretary of War to receive for instruction at the Military Academy at West Point, Olmedo Alfaro, of Ecuador.

Olmedo Alfaro, of Ecuador, admitted to West Point.

Provisos.
No expense to United States.
Oath and service.
R. S., secs. 1320-1321, p. 227.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he hereby is, authorized to permit Olmedo Alfaro, of Ecuador, to receive instruction at the Military Academy at West Point: *Provided,* That no expense shall be caused to the United States thereby: *And provided further,* That in the case of the said Alfaro the provisions of sections thirteen hundred and twenty and thirteen hundred and twenty-one of the Revised Statutes shall be suspended.

Approved, January 31, 1900.

February 9, 1900.

[No. 5.] Joint Resolution Authorizing the Secretary of War to use sixty thousand dollars of the appropriations for the support of the Regular and Volunteer Army for the fiscal year ending June thirtieth, nineteen hundred, for the construction of a modern military hospital at Fort Leavenworth, Kansas.

Fort Leavenworth, Kans.
Construction authorized of military hospital.
Vol. 30, p. 1071.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and empowered to use the sum of sixty thousand dollars, or so much thereof as may be necessary, of the amount appropriated for the construction and repair of hospitals by the Act making appropriations for the support of the Regular and Volunteer Army for the fiscal year ending June thirtieth, nineteen hundred, approved March third, eighteen hundred and ninety-nine, for the construction of a modern military post hospital at the said Fort Leavenworth, Kansas, and the limit of cost of said hospital is fixed at said sum.

Approved, February 9, 1900.

February 10, 1900.

[No. 6.] Joint Resolution Providing for the distribution of Compiled Statutes of the District of Columbia to committees of the Senate and House of Representatives.

Compiled statutes, District of Columbia.
Distribution of authorized.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to deliver from the number now in his care, one copy of the Compiled Statutes of the District of Columbia to each standing and select committee of the Senate and of the House of Representatives on the requisition of the chairman of such committee, and to each justice of the several courts of the District of Columbia, on his written request.

Approved, February 10, 1900.

February 17, 1900.

[No. 7.] Joint Resolution Increasing the limit of cost of the new building for the Government Printing Office, to meet the increased prices of building materials, and to permit of making the south end of the power house extension of the same height as the main building.

Government Printing Office.
Limit of cost of new building increased.
Vol. 30, p. 1120.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the limit of cost of the new building for the Government Printing Office, authorized by the sundry civil act approved March third, eighteen hundred and ninety-nine, be, and hereby is, increased by four hundred and twenty-nine thousand dollars, or so much thereof as may be necessary, to meet the increased prices of building materials, and to permit of making the

south end of the power house extension, for a depth of about forty-five feet from G street, northwest, of the same height as the main building.

Approved, February 17, 1900.

[No. 8.] Joint Resolution To provide for pay to certain retired officers of the Marine Corps.

February 17, 1900.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the aggregate of all sums appropriated in an Act entitled "An Act making appropriations for the naval service for the fiscal year ending June thirtieth, nineteen hundred, and for other purposes," approved March third, eighteen hundred and ninety-nine, under the head "Pay, Marine Corps," shall be disbursed and accounted for in accordance with existing law as pay of the Marine Corps, and for that purpose shall constitute one fund; the provisions of this Act to take effect from June thirtieth, eighteen hundred and ninety-nine.

Marine Corps.
Pay of certain retired officers authorized.
Vol. 30, p. 1042.

Approved, February 17, 1900.

[No. 9.] Joint Resolution Authorizing the President to appoint one woman commissioner to represent the United States and the National Society of the Daughters of the American Revolution at the unveiling of the statue of Lafayette at the exposition in Paris, France, in nineteen hundred.

February 23, 1900.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President may appoint one woman commissioner to represent the United States and the National Society of the Daughters of the American Revolution at the unveiling of the statue of Lafayette and the presentation of a tablet for said statue at Paris, France, in nineteen hundred, and at the exposition there to be held.

Lafayette statue, Paris.
Appointment of woman commissioner to represent United States at unveiling authorized.

Approved, February 23, 1900.

[No. 10.] Joint Resolution Providing for the acquisition of certain lands in the State of California.

March 8, 1900.

Whereas what are known as the "Mammoth Tree Grove" and "South Park Grove of Big Trees," species of *Sequoia gigantea*, located in Calaveras County, California, are now held in private ownership; and

Mammoth Tree Grove, etc.
Calaveras Company, Cal.
Preamble.

Whereas the owner thereof now contemplates the sale thereof for the purpose of felling said trees and their conversion into lumber, which said project is threatened of consummation at an early date; and

Whereas the trees *Sequoia gigantea* of these groves constitute the largest collection and probably the finest specimens of the same in the world; and

Whereas the destruction of these trees would be an irredeemable loss to science, and the loss of one of the marked wonders of the world: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and is hereby, authorized and directed, at the earliest practicable date, to open negotiations for, and if possible procure a bond upon, the lands occupied by said groves of trees, in Calaveras and Tuolumne counties, California, with sufficient adjacent lands for

Preservation of, etc.

their preservation, management, and control, and submit the same to Congress for action thereupon.

Approved, March 8, 1900.

March 12, 1900.

[No. 11.] Joint Resolution To amend an Act entitled "An Act to extend Rhode Island avenue," approved February tenth, eighteen hundred and ninety-nine.

District of Columbia.
Extension of Rhode
Island avenue.
Vol. 30, p. 824.

Appeal from deci-
sion confirming assess-
ments not to delay
payment of awards.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to extend Rhode Island avenue," approved February tenth, eighteen hundred and ninety-nine, be, and the same is hereby, amended by adding to the sixth section thereof, at the end thereof, the following proviso, namely: *Provided*, That no appeal by any interested party from any decision of the supreme court of the District of Columbia confirming said assessment or assessments shall delay or prevent the payment of said awards in respect to the property condemned.

Approved, March 12, 1900.

March 16, 1900.

[No. 12.] Joint Resolution To print thirty-one thousand copies of the eulogies on Garret A. Hobart, late Vice-President of the United States.

Garret A. Hobart.
Copies of eulogies,
etc., ordered printed.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there be printed of the eulogies delivered in Congress on Garret A. Hobart, late Vice-President of the United States, thirty-one thousand copies, of which ten thousand copies shall be for the use of the Senate, twenty thousand for the use of the House of Representatives, five hundred copies for the use of the Department of State, and five hundred copies for the use of the family of the late Vice-President; and the Secretary of the Treasury be, and he is hereby, directed to have printed a portrait of the said Garret A. Hobart, to accompany said eulogies; and for the purpose of engraving and printing said portrait the sum of five hundred dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

Approved, March 16, 1900.

March 19, 1900.

[No. 13.] Joint Resolution To provide for the removal of snow and ice in the city of Washington, in the District of Columbia.

District of Columbia.
Removal of snow,
etc.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated out of any money in the Treasury not otherwise appropriated, namely:

For cleaning snow and ice from the streets and avenues of the District of Columbia, one thousand dollars, one-half of said sum to be paid out of the revenues of the District of Columbia and the other half out of the Treasury of the United States.

For the removal of snow and ice, to be disbursed under the direction of the officer in charge of public buildings and grounds in and around Washington, District of Columbia, one thousand dollars.

Approved, March 19, 1900.

[No. 14.] Joint Resolution Authorizing the printing of extra copies of the publications of the Office of Naval Intelligence, Navy Department.

March 21, 1900.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and is hereby, authorized to print, in excess of the one thousand copies authorized by the Act of January twelfth, eighteen hundred and ninety-five, such extra copies of the publications of the Office of Naval Intelligence as may be necessary for distribution to the naval service and to meet other official demands: *Provided*, That in no case shall the edition of any one publication exceed two thousand copies.

Office Naval Intelligence, Navy Department.

Printing of extra copies of publications of, authorized.
Vol. 28, p. 622.

Provido.
—limit.

Approved, March 21, 1900.

[No. 15.] Joint Resolution To amend joint resolution to furnish the daily Congressional Record to members of the press, and so forth, approved February seven-teenth, eighteen hundred and ninety-seven.

March 26, 1900.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the "Joint resolution to furnish the daily Congressional Record to members of the press, and so forth," approved February seventeenth, eighteen hundred and ninety-seven, be amended so as to read as follows:

Congressional Record.

To be furnished newspaper correspondents named in Congressional Directory, etc.

Vol. 29, p. 700.

"That the Public Printer be, and he is hereby, authorized and directed to supply to each newspaper correspondent whose name appears in the Congressional Directory, and who makes application therefor, for his personal use and that of the paper or papers he represents, one copy of the daily Congressional Record and one copy of the bound Congressional Record, the same to be sent to the office address of each member of the press, or elsewhere in the city of Washington, as he may direct."

Approved, March 26, 1900.

[No. 16.] Joint Resolution For appointment of members of Board of Managers of the National Home for Disabled Volunteer Soldiers.

April 9, 1900.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Sidney G. Cooke, of Kansas, Charles M. Anderson, of Ohio, and Alfred L. Pearson, of Pennsylvania, be, and the same hereby are, appointed as members of the Board of Managers of the National Home for Disabled Volunteer Soldiers of the United States; Sidney G. Cooke to succeed himself, his present term of service expiring April twenty-first, nineteen hundred; Charles M. Anderson to succeed himself, his present term of service expiring April twenty-first, nineteen hundred; Alfred L. Pearson to succeed himself, his present term of service expiring April twenty-first, nineteen hundred.

National Home for Disabled Volunteer Soldiers.
Appointment of members.

Approved, April 9, 1900.

[No. 17.] Joint Resolution Authorizing the printing of a special edition of the Yearbook of the United States Department of Agriculture for eighteen hundred and ninety-nine.

April 17, 1900.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there be printed of part two of the Annual Report of the Department of Agriculture for eighteen hundred and ninety-nine, issued in accordance with section seventy-three, paragraph two, chapter twenty-three, Statutes at Large,

Yearbook, Department of Agriculture.
Printing of special edition authorized.

Vol. 28, p. 612.

eighteen hundred and ninety-five, issued under the title of "Yearbook of the United States Department of Agriculture," a special edition of five thousand copies, on sized and supercalendered paper, to be bound in best quality of book cloth, subject to the approval of the Secretary of Agriculture, for distribution abroad, and especially during the Universal Exposition at Paris, nineteen hundred, to agricultural, educational, and other public and scientific foreign institutions and libraries and to public men especially engaged in work beneficial to agriculture: *Provided*, That in the distribution of this edition abroad, paragraph seventy-nine of said section seventy-three, of chapter twenty-three, volume twenty-eight, Statutes at Large, eighteen hundred and ninety-five, is hereby suspended.

Approved, April 17, 1900.

Proviso.
Provision as to number of copies, etc., suspended.

April 18, 1900.

[No. 18.] Joint Resolution Authorizing the printing of thirty-five thousand copies of Bulletin Numbered Twenty-four, Department of Agriculture, entitled "A Primer of Forestry," for the use of Congress and the Department of Agriculture.

A "Primer of Forestry."
Printing ordered.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there be printed thirty-five thousand copies of Bulletin Twenty-four, of the Division of Forestry, of the Department of Agriculture, entitled "A Primer of Forestry;" five thousand copies for the use of the Senate, ten thousand copies for the use of the House of Representatives, and twenty thousand copies for the use of the Department of Agriculture.

Approved, April 18, 1900.

April 18, 1900.

[No. 19.] Joint Resolution Providing for the printing of the Report of the Governor of Arizona for Eighteen hundred and ninety-nine.

Report of Governor of Arizona for 1899.
Additional copies ordered printed.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Public Printer be, and he is hereby, authorized and directed to print four thousand additional copies of the Report of the Governor of Arizona for Eighteen hundred and ninety-nine, of which one thousand copies shall be for the use of the Department of the Interior, one thousand five hundred copies for distribution by the governor of Arizona, five hundred copies for the use of the Senate, and one thousand copies for the use of the House of Representatives.

Approved, April 18, 1900.

April 23, 1900.

[No. 20.] Joint Resolution For relief of Garfield Hospital.

District of Columbia.
Garfield Hospital.
Appropriation for isolating ward, etc.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That one thousand dollars is hereby appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated and out of the revenues of the District of Columbia, in equal parts, for the maintenance of the isolating ward for minor contagious diseases at Garfield Memorial Hospital for the remainder of the fiscal year ending June thirtieth, nineteen hundred.

Approved, April 23, 1900.

April 23, 1900.

[No. 21.] Joint Resolution Authorizing the exhibit of Government relics at the New York Printing Exposition from May second to June second, nineteen hundred.

New York Printing Exposition.
Exhibit by the Secretary of Treasury of Government relics at, authorized.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized in his discretion to exhibit at the New York Printing Exposition from May second to June second, nineteen hundred, a geometrical scroll machine, and such other articles

now in the Bureau of Engraving and Printing; also "a picture of Governor William Allen, of Ohio, on a saw blade," now in the possession of the Secret Service Division of the Treasury Department; also copies of charts of Hell Gate, the Battery, and other New York City points, to be printed from original copperplates now in the possession of the Coast and Geodetic Survey, and such other articles in said bureaus as may be of interest to the printing trades.

SEC. 2. That the Secretary of War be, and he is hereby, authorized in his discretion to exhibit at said exposition medical catalogues, old volumes, works in Russian and other foreign tongues, now in the possession of the Surgeon-General of the Army; also samples of work and manuscripts written on stumps, and so forth, by generals in the war of the rebellion, now in the possession of the Rebellion Records Division of the War Department, and such other articles as may be of interest to the printing trades.

SEC. 3. That the Secretary of the Interior be, and he is hereby, authorized in his discretion to exhibit at said exposition such general exhibit of patents as may be of interest to the printing trades.

SEC. 4. That the secretary of the Smithsonian Institution be, and he is hereby, authorized in his discretion to exhibit at said exposition the old Ben Franklin printing press and such other articles now in the National Museum as may be of interest to the printing trades.

SEC. 5. That all expenses incurred in carrying out the provisions of this joint resolution shall be paid by the directors of the New York Printing Exposition, under such regulations as shall be adopted by the Secretary of the Treasury, the Secretary of War, the Secretary of the Interior, and the secretary of the Smithsonian Institution.

Approved, April 23, 1900.

[No. 22.] Joint Resolution Providing for the printing of three thousand copies of House Document Numbered One hundred and forty-one, relating to the preliminary examination of reservoir sites in Wyoming and Colorado.

April 30, 1900.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there be printed for the use of the Senate and House of Representatives three thousand copies of House of Representatives Document Numbered One hundred and forty-one, Fifty-fifth Congress, second session, being "Preliminary examination of reservoir sites in Wyoming and Colorado," one thousand copies for the use of the Senate and two thousand copies for the use of the House of Representatives.

Approved, April 30, 1900.

"Preliminary examination of reservoir sites in Wyoming and Colorado." Printing authorized.

Expenses.

[No. 23.] Joint Resolution To provide for the administration of civil affairs in Porto Rico pending the appointment and qualification of the civil officers provided for in the Act approved April twelfth, nineteen hundred, entitled, "An Act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes."

May 1, 1900.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That until the officer to fill any office provided for by the Act of April twelfth, nineteen hundred, entitled "An Act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," shall have been appointed and qualified, the officer or officers now performing the civil duties pertaining to such office may continue to perform the same under the authority of said Act; and no officer of the Army shall lose his commission by reason thereof: *Provided*, That nothing herein contained shall be held to extend the time for the appointment and qualification of any such officers beyond the first day of August, nineteen hundred.

Porto Rico. Existing officers to serve pending appointment of successors. *Ante*, p. 81.

Commission of army officer unaffected. *Proviso*.—limit of time for appointment.

Franchises to be approved by President.
Autc. p. 83.

SEC. 2. That all railroad, street railway, telegraph and telephone franchises, privileges or concessions granted under section thirty-two of said Act shall be approved by the President of the United States, and no such franchise, privilege, or concession shall be operative until it shall have been so approved.

—provisions required in charters granting.

SEC. 3. That all franchises, privileges or concessions granted under section thirty-two of said Act shall provide that the same shall be subject to amendment, alteration, or repeal; shall forbid the issue of stock or bonds, except in exchange for actual cash, or property at a fair valuation, equal in amount to the par value of the stock or bonds issued; shall forbid the declaring of stock or bond dividends; and, in the case of public-service corporations, shall provide for the effective regulation of the charges thereof and for the purchase or taking by the public authorities of their property at a fair and reasonable valuation. No corporation shall be authorized to conduct the business of buying and selling real estate or be permitted to hold or own real estate except such as may be reasonably necessary to enable it to carry out the purposes for which it was created, and every corporation hereafter authorized to engage in agriculture shall by its charter be restricted to the ownership and control of not to exceed five hundred acres of land; and this provision shall be held to prevent any member of a corporation engaged in agriculture from being in any wise interested in any other corporation engaged in agriculture. Corporations, however, may loan funds upon real estate security, and purchase real estate when necessary for the collection of loans, but they shall dispose of real estate so obtained within five years after receiving the title. Corporations not organized in Porto Rico, and doing business therein, shall be bound by the provisions of this section so far as they are applicable.

Functions of corporations limited.

Approved, May 1, 1900.

May 3, 1900.

[No. 24.] Joint Resolution Recognizing the gallantry of Frank H. Newcomb, commanding the revenue cutter Hudson; of his officers and men; also retiring Captain Daniel B. Hodgson, of the Revenue-Cutter Service, for efficient and meritorious services in command of the cutter Hugh McCulloch at Manila.

Lieut. Frank H. Newcomb, etc., medals presented to.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in recognition of the gallantry of First Lieutenant Frank H. Newcomb, of the Revenue-Cutter Service, commanding the revenue cutter Hudson, his officers and the men of his command, for their intrepid and heroic gallantry in the action at Cardenas, Cuba, on the eleventh day of May, eighteen hundred and ninety-eight, when the Hudson rescued the United States naval torpedo boat Winslow in the face of a most galling fire from the enemy's guns, the Winslow being disabled, her captain wounded, her only other officer and half her crew killed. The commander of the Hudson kept his vessel in the very center of the hottest fire of the action, although in constant danger of going ashore on account of the shallow water, until finally he got a line made fast to the Winslow and towed that vessel out of range of the enemy's guns. In commemoration of this signal act of heroism it is hereby enacted that the Secretary of the Treasury be authorized and directed to cause to be prepared and to present to First Lieutenant Frank H. Newcomb, Revenue-Cutter Service, a gold medal, and to each of his officers a silver medal, and to each member of his crew a bronze medal.

Capt. Daniel B. Hodgson, retired.

That in recognition of the efficient and meritorious services of Captain Daniel B. Hodgson, United States Revenue-Cutter Service, while in command of the United States revenue cutter Hugh McCulloch, under the orders and in cooperation with the fleet commanded by Rear-Admiral George Dewey, United States Navy, at the battle of

Manila, on May first, eighteen hundred and ninety-eight (the said officer being now in the sixty-third year of his age, and having served continuously for thirty-seven years as an officer of the Revenue-Cutter Service), he be placed on the permanent waiting orders or retired list of the Revenue-Cutter Service, on the duty pay of his grade.

That the sum of one thousand dollars, or so much thereof as may be necessary, be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, for the medals above specified.

Appropriation.

Approved, May 3, 1900.

[No. 25.] Joint Resolution For change in location of aids to navigation on Simmons Reef and Lansing Shoal, in Lake Michigan.

May 3, 1900.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Light-House Board be authorized and directed to remove the light-ship, numbered fifty-five, now on Simmons Reef, in Lake Michigan, near the Straits of Mackinac, to Lansing Shoal. And further, that the gas buoy on Lansing Shoal be removed, so as to take the place of said light-ship to be removed from Simmons Reef.

Removal of light-ship No. 55 to Lansing Shoal, etc.

Approved, May 3, 1900.

[No. 26.] Joint Resolution Providing for the printing and distribution of the general report of the expedition of the steamer Fishhawk to Puerto Rico, including the chapter relating to the fish and fisheries of Puerto Rico, as contained in the Fish Commission Bulletin for nineteen hundred.

May 14, 1900.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there be printed and bound, under the direction of the Joint Committee on Printing, seven thousand five hundred copies of the general report of the expedition of the steamer Fishhawk to Puerto Rico, including the chapter relating to the fish and fisheries of Puerto Rico, as contained in the Fish Commission Bulletin for nineteen hundred; four thousand five hundred for the use of the House, one thousand five hundred for the use of the Senate, and one thousand five hundred for the use of the United States Fish Commission.

Report expedition of "Fishhawk" to Porto Rico. Printing ordered.

Approved, May 14, 1900.

[No. 27.] Joint Resolution To print the annual reports of the American Historical Association.

May 25, 1900.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there be printed of the annual reports of the American Historical Association, beginning with the report of the year eighteen hundred and ninety-nine, two thousand five hundred copies in addition to those provided for under existing law, of which five hundred copies shall be for the use of the Senate, one thousand copies for the use of the House of Representatives, and one thousand copies for the use of the American Historical Association.

American Historical Association. Additional copies of reports of, ordered printed.

Approved, May 25, 1900.

May 31, 1900.

[No. 28.] Joint Resolution Withdrawing certain lands on the island of Oahu, Hawaii, from the public domain.

Hawaiian Islands
Certain lands in
Honolulu withdrawn
from public domain.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following-described lands lying and being situate in the city of Honolulu, Hawaiian Islands, heretofore used as a mausoleum for the royal family of Hawaii, to wit: The mausoleum premises, beginning at the north corner of said lot, on the southeast side of Nuuanu street, the same being the west corner of L. C. A. six hundred and eighty-two, to M. Kekuanaoa, as shown on government survey's registered map numbered eight hundred and thirty-eight, and running by true bearings: South forty degrees twenty minutes east three hundred and ninety-six feet along L. C. A. six hundred and eighty-two, to Kekuanaoa; south twenty-five degrees twenty-eight minutes west two hundred and fifty-eight feet, to stone wall; north thirty-four degrees twenty-two minutes west seventy-two and nine-tenths feet, along L. C. A. ten thousand six hundred and five ap two, to Piikoi; north fifty-seven degrees fifteen minutes west one hundred and six feet along L. C. A. ten thousand six hundred and five ap two, to Piikoi; north sixty-two degrees ten minutes west two hundred and sixty-six and five-tenths feet along L. C. A. ten thousand six hundred and five ap two, to Piikoi, and L. C. A. seven hundred and eighty-five, to J. Robinson; north thirty-six degrees forty minutes east three hundred and sixty-seven feet along Nuuanu street to initial point; area, one hundred and nineteen thousand six hundred and ten square feet, be withdrawn from sale, lease, or other disposition under the public-land laws of the United States.

Approved, May 31, 1900.

June 2, 1900.

[No. 29.] Joint Resolution To fill a vacancy in the Board of Regents of the Smithsonian Institution.

Smithsonian Institution.
Andrew D. White
reappointed regent.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, shall be filled by the reappointment of Andrew D. White, a resident of the State of New York, whose term of office has expired.

Approved, June 2, 1900.

June 2, 1900.

[No. 30.] Joint Resolution Authorizing the printing of additional copies of the annual report upon the improvement and care of public buildings and grounds.

District of Columbia.
Public buildings
and grounds.
Printing of additional
number of copies
of report on, authorized.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there be printed each year hereafter, in addition to the number of copies now authorized by law, two hundred additional copies of the annual report upon the improvement and care of public buildings and grounds, and the care and maintenance of the Washington Monument, in the District of Columbia, for the use of the officer in charge of public buildings and grounds.

Approved, June 2, 1900.

[No. 31.] Joint Resolution For the appointment of first lieutenants of volunteers in the Signal Corps of the Army.

June 4, 1900.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby empowered to nominate and, by and with the advice and consent of the Senate, to appoint ten first lieutenants of volunteers in the Signal Corps of the Army, whose commissions shall expire June thirtieth, nineteen hundred and one.

Army.
Signal corps.
Appointment of
first lieutenants of
volunteers author-
ized.

Approved, June 4, 1900.

[No. 32.] Joint Resolution To authorize and empower the Banco Español de Puerto Rico (Spanish Bank of Porto Rico) to amend its by-laws.

June 6, 1900.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Banco Español de Puerto Rico (Spanish Bank of Porto Rico) be, and the said institution is hereby, authorized and empowered to amend article one of its by-laws, which said by-laws are referred to in, and published with, the royal (Spanish) decree dated May fifth, anno Domini eighteen hundred and eighty-eight, granting a concession to said bank, so as to change its name to that of Bank of Porto Rico (Banco de Puerto Rico) and to substitute for its capital in pesos the equivalent in money of the United States at the ratio established by law, and to amend article thirty-one of said by-laws, so that to be a councilor of said bank it may not be necessary to be a Spaniard, and further to modify and amend said by-laws, but always in accordance with existing law, and subject to the approval of the governor of Porto Rico: *Provided*, That nothing herein contained shall be held to enlarge or to permit the enlargement, in any manner or to any extent, of any of the rights, powers, or privileges granted to said Banco Español de Puerto Rico (Spanish Bank of Porto Rico) by the Government of Spain: *And provided further*, That nothing herein contained shall be held in any wise to limit or curtail any power which the Government or the Congress of the United States possesses in respect of said bank, its powers, privileges, or franchises.*

Banco Español de
Puerto Rico may
amend its by-laws.

Provided.
Powers not en-
larged.

Federal control un-
abridged.

Approved, June 6, 1900.

[No. 33.] Joint Resolution Relating to the use of the rooms lately occupied by the Congressional Library in the Capitol.

June 6, 1900.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the rooms and space recently occupied by the Library of Congress in the Capitol building shall be divided into three stories, the third story of which shall be fitted up and used for a reference library for the Senate and House of Representatives, and that portion of the other two stories north of a line drawn east and west through the center of the Rotunda shall be used for such purpose as may be designated by the Senate of the United States, and that portion of the first and second stories south of said line shall be used for such purpose as may be designated by the House of Representatives. And such sum as is necessary to make the construction herein provided for is hereby appropriated out of any money in the Treasury not otherwise appropriated, the sum to be expended under the direction of the Architect of the Capitol.

Capitol.
Use of old Con-
gressional Library rooms
authorized.

Approved, June 6, 1900.

June 6, 1900.

[No. 34.] Joint Resolution Authorizing the President of the United States to appoint David Bagley as an additional cadet at the Naval Academy, Annapolis, Maryland.

David Bagley.
Appointment of, as
cadet, Naval Acad-
emy, authorized.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and is hereby, authorized to appoint as an additional cadet at the Naval Academy, Annapolis, Maryland, David Bagley, brother of Ensign Worth Bagley, United States Navy, killed in battle at Cardenas, Cuba, May eleventh, eighteen hundred and ninety-eight.

Approved, June 6, 1900.

June 6, 1900.

[No. 35.] Joint Resolution Respecting the unveiling of the statue of Lafayette, at Paris, France, July fourth, nineteen hundred.

Lafayette statue,
Paris.
Preamble.

Whereas the school children of the United States have, by their contributions of the sum of fifty thousand dollars, provided a statue of Lafayette, which, with the approval of the French Government, is to be unveiled at Paris, France, on the fourth day of July, nineteen hundred; and

Vol. 30, p. 1117.

Whereas the United States, by an act of Congress approved March third, eighteen hundred and ninety-nine, appropriated the sum of fifty thousand silver dollars of the United States for the purpose of aiding in defraying the cost of a pedestal to said statue: Therefore, be it

Resolutions on un-
veiling.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the people of the United States anticipate and appreciate this ceremony with feelings of the greatest satisfaction, and that they regard the statue as expressing the honor and gratitude with which they cherish the memory of Lafayette and those of his countrymen who, by their arms and counsel, assisted in securing the independence of the United States.

—transmission of, to
French Government.

Resolved further, That the President of the United States is hereby requested to transmit a copy of these resolutions to the Government of France.

Approved, June 6, 1900.

June 6, 1900.

[No. 36.] Joint Resolution Authorizing the President to appoint George W. Kirkman to be a captain of infantry, United States Army.

George W. Kirkman.
Restoration to rank
as captain U. S. Army
authorized.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized to restore and appoint George W. Kirkman to his previous grade as captain of infantry in the United States Army, with the rank, pay, and allowances to which he would be entitled if the sentence of dismissal by court-martial in his case had not been imposed; subject to such suspension, fine, or other punishment as shall in his judgment be just for the offense of which said George W. Kirkman was found guilty by a court-martial on the seventeenth of March, nineteen hundred.

Approved, June 6, 1900.

[No. 37.] Joint Resolution Authorizing foreign exhibitors at the Ohio Centennial and Northwest Territory Exposition, to be held in Toledo, Ohio, in nineteen hundred and two, to bring to this country foreign laborers from their respective countries, for the purpose of preparing for and making their exhibits, under regulations prescribed by the Secretary of the Treasury.

June 6, 1900.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of Congress approved February twenty-sixth, eighteen hundred and eighty-five, prohibiting the importation of foreigners under contract to perform labor, and the Acts amendatory of these Acts, shall not be construed, nor shall anything therein operate to prevent, hinder, or in any wise restrict any foreign exhibitor, representative, or citizen of a foreign nation, or the holder of any concession or privilege from the Ohio Centennial Company, of Toledo, from bringing into the United States, under contract, such mechanics, artisans, agents, or other employees, natives of foreign countries, as they or any of them may deem necessary, subject to the approval in each case of the Secretary of the Treasury, for the purpose of making preparations for installing or conducting their exhibits, or of preparing or installing or conducting any business authorized or permitted under or by virtue of or pertaining to any concession or privilege which may have been granted by the Ohio Centennial Company in connection with the Ohio Centennial and Northwest Territory Exposition: *Provided, however,* That any alien who, by virtue of this Act, enters the United States under contract to perform labor, may not remain in the United States for more than three months after the close of the exposition, and he shall thereafter be subject to all the processes and penalties applicable to aliens coming in violation of the alien contract-labor law aforesaid: *And provided further,* That this resolution shall not be construed as applying to the Acts of Congress prohibiting the coming of Chinese persons into the United States.*

Ohio Centennial and Northwest Territory Exposition, Toledo.
Vol. 23, pp. 115, 332, etc.
Alien mechanics, etc., under contract to labor may be brought into the United States to install exhibits, etc.

Provisos.
Penalty for remaining.

Chinese immigration.

Approved, June 6, 1900.

[No. 38.] Joint Resolution Authorizing foreign exhibitors at the Pan-American Exposition, to be held in Buffalo, New York, in nineteen hundred and one, to bring to this country foreign laborers from their respective countries for the purpose of preparing for and making their exhibits under regulations prescribed by the Secretary of the Treasury.

June 6, 1900.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of Congress approved February twenty-sixth, eighteen hundred and eighty-five, prohibiting the importation of foreigners under contract to perform labor, and the Acts amendatory of these Acts, shall not be construed, nor shall anything therein operate to prevent, hinder, or in any wise restrict any foreign exhibitor, representative, or citizen of a foreign nation, or the holder of any concession or privilege from the Pan-American Exposition Company, of Buffalo, New York, from bringing into the United States, under contract, such mechanics, artisans, agents, or other employees, natives of foreign countries, as they or any of them may deem necessary, subject to approval in each case of the Secretary of the Treasury, for the purpose of making preparations for installing or conducting their exhibits, or of preparing or installing or conducting any business authorized or permitted under or by virtue of or pertaining to any concession or privilege which may have been granted by the Pan-American Exposition Company, of Buffalo, New York, in connection with such exposition: *Provided, however,* That any alien who, by virtue of this Act, enters the United States under contract to perform labor, may not remain in the United States*

Pan-American Exposition, Buffalo, N.Y.
Vol. 23, pp. 115, 332, etc.
Alien mechanics, etc., under contract to labor may be brought into the United States to install exhibits, etc.

Provisos.
Penalty for remaining.

Chinese immigration.

for more than three months after the close of the exposition, and he shall thereafter be subject to all the processes and penalties applicable to aliens coming in violation of the alien contract-labor law aforesaid: *And provided further*, That this resolution shall not be construed as applying to the Acts of Congress prohibiting the coming of Chinese persons into the United States.

Approved, June 6, 1900.

June 6, 1900.

[No. 39.] Joint Resolution Making appropriation for payment of the salaries of certain officers in the district of Alaska for the fiscal year ending June thirtieth, nineteen hundred and one, and for other purposes.

Alaska.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, in full compensation for the service of the fiscal year ending June thirtieth, nineteen hundred and one, for the objects hereinafter expressed, namely:

Salaries of governor, etc.

District of Alaska: For governor, five thousand dollars; three judges, five thousand dollars each; three attorneys, three thousand dollars each; three marshals, four thousand dollars each; three clerks, three thousand five hundred dollars each; surveyor-general and ex officio secretary of the district, four thousand dollars; in all, fifty-five thousand five hundred dollars.

Prior appropriations covered into Treasury.

Appropriations heretofore made for the payment of salaries of the above-named officials during the next fiscal year to be covered into the Treasury.

Approved, June 6, 1900.

June 6, 1900.

[No. 40.] Joint Resolution To pay the officers and employees of the Senate and House of Representatives their salaries for the month of June on the day following adjournment.

Congressional employees to be paid June salaries on day following final adjournment.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Senate and the Clerk of the House of Representatives be, and they are hereby authorized and directed to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of June, nineteen hundred, on the day of said month next following the final adjournment of Congress.

Approved, June 6, 1900.

June 7, 1900.

[No. 41.] Joint Resolution Making an emergency appropriation for the repair of certain roads and bridges in the District of Columbia.

Repair of roads, etc., injured by storm authorized.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of ten thousand dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the repair of county roads and bridges (including those in the Rock Creek and the Zoological parks) that were damaged by the storm of June second, nineteen hundred, the same to be immediately available, and to be expended under the Commissioners of the District of Columbia.

Approved, June 7, 1900.

[No. 42.] Joint Resolution Donating a condemned cannon to the Commandery in Chief of the Sons of Veterans, United States of America.

June 7, 1900.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy, in his discretion, is hereby authorized to deliver to the order of Fred E. Bolton, quartermaster-general of the Sons of Veterans, United States of America, one dismounted condemned cannon captured from or surrendered by Spain during the Spanish-American war: *Provided*, That the Government shall be at no expense in connection with the delivering of said cannon.

Sons of Veterans,
United States of America.

Delivery to, of condemned cannon authorized.

Proviso.
Expense.

Approved, June 7, 1900.

PUBLIC ACTS OF THE FIFTY-SIXTH CONGRESS

OF THE

UNITED STATES

Passed at the second session, which was begun and held at the city of Washington, in the District of Columbia, on Monday the third day of December, 1900, and was adjourned without day on Monday the fourth day of March, 1901.

WILLIAM MCKINLEY, President; WILLIAM P. FRYE, President of the Senate pro tempore; DAVID B. HENDERSON, Speaker of the House of Representatives.

CHAP. 1.—An Act In relation to the celebration of the centennial anniversary of the establishment of the permanent seat of government in the District of Columbia. December 7, 1900.

Whereas the Senate and House of Representatives have each appointed a committee to act with other committees appointed respectively by the President of the United States and by the citizens of the District of Columbia (in a mass meeting assembled), which committees have in charge the celebration of the centennial anniversary of the establishment of the permanent seat of government in the District of Columbia; and

Preamble.

Whereas said committees have in joint session adopted a plan of celebration which has been submitted to the President of the United States and by him transmitted to Congress, such plan proposing as a feature of the celebration the holding by the Senate and House of Representatives, jointly, commemorative exercises in the Hall of the House of Representatives in the afternoon of the twelfth day of December, nineteen hundred, in honor of the centennial anniversary of the first session of Congress held in the permanent capital: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the two Houses of Congress shall assemble in the Hall of the House of Representatives on the twelfth day of December, nineteen hundred, at the hour of half past three o'clock post meridian, and that addresses on subjects bearing on the celebration shall be made by Senators and Representatives to be chosen by the joint committee mentioned in the preamble; that the President and ex-Presidents of the United States, the heads of the several Executive Departments, the Justices of the Supreme Court, representatives of foreign Governments accredited to this Government, the governors of the several States and Territories, the Commissioners of the District of Columbia, the Lieutenant-General of the Army and the Admiral of the Navy, officers of the Army and Navy who have received the thanks of Congress, and all persons who have the privilege of the floor either of the Senate or the House, be, and are hereby, invited to be present on the occasion, and that the members of the committee from the country at large, the members of the said citizens' committee, and the

District of Columbia. Celebration authorized of centennial anniversary of establishment of seat of government in.

Invitations to exercises.

—Cards of admission,
etc.

Day of celebration a
legal holiday.
Loan of flags.

Regulations, etc.

chairmen and vice-chairmen of the committees of the national capital centennial, are hereby granted the privilege of the floor of the House during the exercises; that the said citizens' committees shall issue cards of admission to such portions of the public galleries of the Hall of the House as may be set apart by the Doorkeeper of the House for that purpose. That the Speaker of the House shall call the assembly to order and the President pro tempore of the Senate shall act as presiding officer during the exercises. That the twelfth day of December, nineteen hundred, be a legal holiday within the District of Columbia. That the Secretary of War and the Secretary of the Navy are authorized to deliver to the Architect of the Capitol, for the purpose of decorating the Capitol, its approaches, and the reviewing stands in the Capitol grounds for the occasion, such United States ensigns and flags, except battle flags, and such signal numbers and other flags as may be spared, the same to be delivered to the Architect immediately, and returned by him not later than the thirty-first day of December, nineteen hundred. That admission of the general public to the southern portion of the Capitol, including the Rotunda, on the said twelfth day of December, nineteen hundred, shall be by card only, under the direction of the Doorkeeper of the House. That the Commissioners of the District of Columbia are authorized and directed, for the occasion, to make all reasonable regulations necessary to secure the preservation of public order and protection of life and property, and to grant authority or permits for the use of such thoroughfares and sidewalks in the city of Washington as may be necessary for parades, and that the citizens' committee are authorized to erect for the occasion a reviewing stand at the east side of or on the east steps of the Capitol.

Approved, December 7, 1900.

December 19, 1900.

CHAP. 3.—An Act To provide for the appointment of an additional district judge in and for the northern judicial district of the State of Ohio.

Ohio, northern ju-
dicial district.
Additional district
judge authorized.

Vacancy in existing
judgeship not to be
filled.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be in the northern judicial district of the State of Ohio an additional district judge, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall possess the same qualifications and have the same power and jurisdiction now prescribed by law in respect to the present district judge therein.

SEC. 2. That no vacancy in the office of the existing district judge of said northern judicial district of Ohio shall be filled by appointment, and in case of such vacancy there shall be thereafter one district judge only for said district.

Approved, December 19, 1900.

December 21, 1900.

CHAP. 6.—An Act To amend an Act authorizing the construction of a bridge across the Mississippi River at Dubuque, Iowa, approved March sixth, nineteen hundred.

Bridge of Dubuque
and Wisconsin Bridge
Co., over the Missis-
sippi River at Du-
buque.
Length of spans
changed.
Act, p. 41.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section two of an Act authorizing the construction of a bridge across the Mississippi River at Dubuque, Iowa, approved March sixth, nineteen hundred, is hereby amended by striking out the words "two hundred" and inserting in lieu thereof the words "one hundred and seventy-five."

Approved, December 21, 1900.

CHAP. 8.—An Act Making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June thirtieth, nineteen hundred and one, and for other purposes.

January 4, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in certain appropriations for the fiscal year nineteen hundred and one, and for other objects, namely:

Urgent deficiencies.
Appropriations.

SENATE.

Senate.

For folding speeches and pamphlets, at a rate not exceeding one dollar per thousand, one thousand dollars.

Folding.

HOUSE OF REPRESENTATIVES.

House of Represent-
atives.

For miscellaneous items and expenses of special and select committees for fiscal years as follows:

Miscellaneous, etc.

For the fiscal year nineteen hundred, ten thousand dollars.

For the fiscal year nineteen hundred and one, twenty thousand dollars.

INDIAN AFFAIRS.

Indian service.

For surveying and allotting Indian reservations in severalty, ten thousand five hundred dollars.

Surveying, etc.

For completing the allotments provided for in the agreement with the Comanche, Kiowa, and Apache Indians in Oklahoma, ratified by Act approved June sixth, nineteen hundred, including the necessary resurveys, seventy-five thousand dollars, or so much thereof as may be necessary: *Provided*, That the Secretary of the Interior is hereby authorized, in his discretion, to contract with responsible parties for retracing the lines and reestablishing the monuments found necessary in making said allotments; and he is hereby authorized to extend the time for making said allotments and opening of the land to settlement for a period not exceeding eight months from the sixth day of December, nineteen hundred: *Provided further*, That the Secretary of the Interior may temporarily employ such persons as may be necessary to make such allotments.

Comanche, Kiowa,
and Apache Indians,
Oklahoma.
Completing allot-
ments to, etc.
Ante, p. 676.
Provisos.
Reestablishing
monuments, etc.

Temporary employ-
ees, etc.

GEOLOGICAL SURVEY.

Geological Survey.

That the Public Printer be, and he is hereby, authorized to have the necessary illustrations for the Twenty-first Annual Report of the Director of the United States Geological Survey reproduced, payment for the same in excess of allotment made in sundry civil Act approved June sixth, nineteen hundred, to be made from the appropriation for public printing and binding.

Report of Director.
Reproduction of il-
lustrations.
Ante, p. 617.

DISTRICT OF COLUMBIA.

District of Columbia.

For an additional assistant attorney in the office of the attorney for the District of Columbia for the remainder of the fiscal year nineteen hundred and one, at the rate of one thousand six hundred dollars per annum, eight hundred and fifty dollars, or so much thereof as may be necessary, one half of which sum shall be paid from the revenues of the District of Columbia and the other half from the Treasury of the United States.

Attorney for Dis-
trict.
Additional assistant
authorized.

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

Volunteer Soldiers'
Homes.

At the Central Branch, at Dayton, Ohio For household expenses, namely: For coal, fifteen thousand dollars.

Dayton, Ohio.

Milwaukee, Wis.

At the Northwestern Branch, at Milwaukee, Wisconsin: For current expenses, namely: For fire apparatus, one thousand dollars.

Togus, Me.

For household expenses, namely: For coal, seven thousand dollars.
At the Eastern Branch, at Togus, Maine: For current expenses, namely: For fire apparatus, two thousand dollars.

Hampton, Va.

At the Southern Branch, at Hampton, Virginia: For current expenses, namely: For fire apparatus, three thousand five hundred and seventy-five dollars.

For household expenses, namely: For coal, seven thousand five hundred dollars.

Leavenworth, Kans.

At the Western Branch, at Leavenworth, Kansas: For current expenses, including the same objects specified under this head for the Central Branch in the sundry civil appropriation Act for the fiscal year nineteen hundred and one, three thousand dollars.

For household expenses, namely: For coal, twelve thousand five hundred dollars.

Santa Monica, Cal.

At the Pacific Branch, at Santa Monica, California: For current expenses, namely: For fire apparatus, three thousand six hundred and twenty-five dollars.

Marion, Ind.

At the Marion Branch, at Marion, Indiana: For current expenses, namely: For fire apparatus, three thousand four hundred and twenty-five dollars.

Danville, Ill.

At the Danville Branch, at Danville, Illinois: For current expenses, namely: For fire apparatus, three thousand five hundred and twenty-five dollars.

For transportation of members of the Home, one thousand dollars.

For repairs, including the same objects specified under this head for the Central Branch in the sundry civil appropriation Act for the fiscal year nineteen hundred and one, three thousand dollars.

Naval Observatory.

NAVAL OBSERVATORY.

Observation eclipse of sun.

Observation of total eclipse of the sun in May, nineteen hundred and one: For preparation and outfit of instruments and their transportation, the purchase of additional apparatus and materials, including photographic material, the erection of suitable buildings at each station, and generally the expenses of preparation and observation, including the living expenses of parties at the several stations, ten thousand dollars.

Approved, January 4, 1901.

January 11, 1901.

CHAP. 9.—An Act Providing for the payment of electoral messengers.

Payment of electoral messengers authorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the payment of the messengers of the respective States for conveying to the seat of government the votes of the electors of said States for President and Vice-President of the United States, at the rate of twenty-five cents for every mile of the estimated distance by the most usual roads traveled from the place of meeting of the electors to the seat of government of the United States, computed for one distance only, the sum of twelve thousand seven hundred dollars be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated.

Approved, January 11, 1901.

CHAP. 10.—An Act Providing for the resurvey of township numbered eight, of range numbered thirty west, of the sixth principal meridian, in Frontier County, State of Nebraska.

January 14, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized to cause to be made a resurvey of the lands in township numbered eight, in range numbered thirty west, of the sixth principal meridian, in Frontier County, in the State of Nebraska; and all rules and regulations of the Interior Department requiring petitions from all settlers of said township asking for resurvey and agreement to abide by the result of the same, so far as these lands are concerned, are hereby abrogated: *Provided*, That nothing herein contained shall be so construed as to impair the present bona fide claim of any actual occupant of any of said lands so occupied.

Resurvey of township eight, etc., Frontier County, Nebr., authorized.

Provido.
Claims of occupants.

Approved, January 14, 1901.

CHAP. 11.—An Act Permitting the building of a dam across the Osage River at the city of Warsaw, Benton County, Missouri.

January 14, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the city of Warsaw, being a city incorporated and organized under the laws of the State of Missouri, its successors or assigns, to construct, erect, and maintain a dam across the Osage River, in Benton County, in the State of Missouri, at said city of Warsaw, and all work necessarily incident thereto: *Provided*, That the said city of Warsaw, its successors or assigns, shall make such change and modification in the works as the Secretary of War may from time to time deem necessary in the interest of navigation, at its own cost and expense: *Provided further*, That in case any litigation arises from the building of said dam, the maintaining of the same, or from the obstruction of the said river by said dam or appurtenant works, cases may be tried in the proper courts as now provided for that purpose in the State of Missouri and the courts of the United States.

Warsaw, Mo., may dam Osage river.

Providos.
Changes in construction.

Litigation.

SEC. 2. That the right to amend, alter, or repeal this Act is hereby expressly reserved: *And provided further*, That suitable fishways shall be constructed and maintained at said dam by said city, its successors and assigns, as may be required from time to time by the United States Fish Commissioner.

Amendment.

Provido.
Fishways.

SEC. 3. That this Act shall be null and void unless the dam herein authorized shall be completed within three years of the date hereof: *And provided further*, That such dam shall be constructed in such manner as not to injure or diminish the water power of any person or company having a dam or hydraulic works constructed: *And provided further*, That before the construction of said dam compensation shall be made to any person or company whose lands may be taken or overflowed in the construction or maintenance of such dam, in accordance with the laws of the State of Missouri.

Completion.

Providos.
Hydraulic works not to be impaired.

Damages.

Approved, January 14, 1901.

CHAP. 12.—An Act For relief of occupants of lands included in the Algodones grant, in Arizona.

January 14, 1901.

Whereas the title to the lands in that section of the country in the county of Yuma and the Territory of Arizona, and included within the boundaries of the old Mexican land grant known as the Algodones

Algodones grant, Arizona, Preamble.

grant, was tried by the United States Court of Private Land Claims, created for the settlement of titles to such grants, in the years eighteen hundred and ninety-five and eighteen hundred and ninety-six; and

Whereas in the hearing of said contest before said court the alleged grantees under said grant were successful and their title thereto by said trial court confirmed, and immediately thereafter the said alleged grantees, for large and valuable considerations, sold to numbers of people, citizens and bona fide settlers on said lands, in tracts of less than forty acres to each, and said settlers, then believing that they had a bona fide title to said lands sold, made lasting and valuable improvements and permanent homes thereon; and

Whereas the Government of the United States appealed said cause from the decision of said court below, and on said appeal the said decision of the said court below was reversed, and the title to said grant in said alleged grantees adjudged to be void, and that the said lands included within the boundaries of said grant, and sold as aforesaid, belonged to the United States; and if said settlers, citizens, and occupants of said lands who so purchased the same as aforesaid be not permitted to retain the same, and pay the Government therefor, they will be deprived of their homes, at ruinous consequences to them: Therefore,

Settlers on, who purchased from grant claimants may retain and repurchase land, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That where such persons in good faith and for valuable considerations purchased from the grant claimants prior to May twenty-third, eighteen hundred and ninety-eight, portions of the land covered by the said grant, and have occupied and improved the same, such persons may, within six months from and after the passage of this Act, or within three months after the said lands shall be restored to entry, purchase the same at the price of one dollar and twenty-five cents per acre, upon making proof of the facts required by this Act under regulations to be provided by the Commissioner of the General Land Office and approved by the Secretary of the Interior, joint entries being admissible where two or more persons have purchased lands on the same forty-acre tract: *Provided,* That no one person shall purchase more than forty acres, and no purchase shall be allowed for a less quantity than that contained in the smallest legal subdivision.

Proviso.
—limit.

Entries under homestead or desert-land laws.

SEC. 2. That where persons duly qualified to make entry under the homestead or desert-land laws have occupied any of said lands with the intention of entering the same under the homestead or desert-land laws, such persons shall be allowed three months from and after the passage of this Act, or after the said lands shall be restored to entry, within which to make their entries, and the fact that such persons have improved or reclaimed such desert lands shall be no bar to their making such entries.

Approved, January 14, 1901.

January 14, 1901.

CHAP. 13.—An Act To amend an Act approved June first, anno Domini nineteen hundred, entitled "An Act to create the southern division of the southern district of Iowa for judicial purposes, and to fix the time and place for holding court therein."

Iowa southern judicial district.

Terms of court at Creston changed. *Ante*, p. 249.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section one of an Act entitled "An Act to create the southern division of the southern district of Iowa for judicial purposes, and to fix the time and place for holding court therein," approved June first, nineteen hundred, be amended by striking out the words "on the third Monday of May and the fourth Monday of September of each year" and inserting in lieu thereof the following words, to wit: "on the fourth Tuesday in March and the third Tuesday in October of each year."

SEC. 2. That section two of said Act is amended by adding to the said section two the words "and all civil suits now pending in other divisions of said circuit court for said southern district which, if commenced after the passage hereof, would be brought in said southern division shall, upon the application of either party, be removed for trial, judgment, or decree to said southern division." Where suits to be brought.

Approved, January 14, 1901.

CHAP. 75.—An Act To provide for the establishment of the intersection of the true one hundredth meridian with Red River, to ascertain the amount of taxes collected by the State of Texas in what was formerly known as Greer County and the expenditures made on account of said county by said State, and for other purposes. January 15, 1901.

Whereas there was a controversy of long standing between the United States and the State of Texas as to the ownership of the territory formerly known as Greer County, Texas, which was finally determined in favor of the United States by decree of the Supreme Court of the United States, March sixteenth, eighteen hundred and ninety-six, in a suit in equity brought by the United States against the State of Texas in that court; and

Greer County, Tex.
Preamble.

Whereas the treaty between the United States and Spain which was ratified February nineteenth, eighteen hundred and twenty-one, fixed the boundary between the United States and Spain, and this became the boundary between the United States and the Republic of Texas and the State of Texas, successively; and

Whereas it was provided by said treaty that the boundary line "west of the Mississippi shall begin on the Gulf of Mexico, at the mouth of the river Sabine, in the sea, continuing north along the western bank of that river to the thirty-second degree of latitude; thence by a line due north to the degree of latitude where it strikes the Rio Roxo of Natchitoches, or Red River; then following the course of the Rio Roxo westward to the degree of longitude one hundred west from London and twenty-three from Washington; then crossing the said Red River and running thence by a line due north to the river Arkansas, and so forth;" and

Whereas the Supreme Court of the United States in said cause adjudged that the words of said treaty "then following the course of the Rio Roxo westward to the degree of longitude one hundred west from London and twenty-three from Washington; then crossing the said Red River," referred to the true one hundredth meridian astronomically located; and

Whereas the true intersection of said one hundredth meridian with Red River, or what, prior to said decision, was known sometime as the South Fork of Red River, or Prairie Dog Town Fork, has never been fixed by the United States and the State of Texas, acting together and in the manner provided by said treaty, nor was said true intersection fixed by the decree in said cause; and

Whereas the said territory formerly known as Greer County was formed into a county in eighteen hundred and sixty, and duly organized as a county in eighteen hundred and eighty-six, under the laws of the State of Texas, and continued as such organized county until the decree aforesaid, with all the rights, duties, powers, and privileges of an organized county of said State; and

Whereas during the period of time the State of Texas claimed ownership of and exercised jurisdiction over said territory the said State of Texas patented lands situated in other parts of the State to said Greer County, as one of the counties within the jurisdiction thereof, for school purposes, and which lands said Greer County used and alienated and appropriated the proceeds thereof exclusively for school purposes within its limits; and

Whereas during the period of time the State of Texas claimed ownership of and exercised jurisdiction over said territory the said State of Texas collected taxes from inhabitants of said territory and upon lands and other property situated therein, and expended money for school purposes, the enforcement of law and order, the care of the deaf, dumb, blind, and insane, and generally for the protection of life, liberty, and property therein and the establishment and maintenance of a government for the inhabitants thereof; and

Whereas the Supreme Court of the United States, in the opinion in said cause, entitled *The United States against The State of Texas* (162 U. S., 1, 89-90), said: "It is further said that the State, since it assumed to create Greer County, has expended a large amount of money in providing a public-school system for the inhabitants of that locality. To what extent moneys have been so expended is not clearly shown. Whatever may be the facts touching this point, we do not feel at liberty to give weight to them in this case. The question before us, we repeat, is one of law, and must be determined according to law. What may be fairly and justly demanded by the State on account of moneys expended for the benefit of the inhabitants of the disputed territory is a matter for the consideration of the legislative branch of the National Government.

"In the argument it was suggested that this court ought not to forget how much was added to the power and wealth of this Nation when Texas, with its imperial domain, came into the Union and her people became a part of the political community for whom the Constitution of the United States was ordained and established. This fact can not, of course, be forgotten by any American who takes pride in the prestige and greatness of the Republic. But the considerations which it suggests can not affect the decision of legal questions, and must be addressed to another branch of the Government. The supposition is not to be indulged that that department of the Government will fail to recognize any duty imposed upon it by the circumstances arising out of this vexed controversy." Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be established and fixed the intersection of the true one hundredth meridian with Red River, or what, prior to said decision, was known sometime as the South Fork of Red River, or Prairie Dog Town Fork, by the most accurate and scientific methods, and at said intersection cause a suitable monument to be erected on the ground.

Establishment of intersection of true one hundredth meridian with Red River, etc., authorized.

Inquiry directed.

--as to disposition, etc., of public lands patented to Greer Co., for school purposes.

--taxes collected.

--amount paid by State to county for school purposes.

--other expenses incurred by State.

SEC. 2. That the Secretary of the Interior is also authorized and directed to inquire and ascertain what lands, if any, the State of Texas has patented to the said Greer County for school purposes; in whom title to said lands is now vested; whether said lands were alienated by said Greer County, and if so, the price paid therefor and what disposition was made thereof; and the present market value of said lands; and to ascertain the sum received from sale, if any of any public lands, sold or disposed of, in Greer County, by the State of Texas and the present value of such lands.

SEC. 3. That the Secretary of the Interior is also authorized and directed to inquire and ascertain; first, the total taxes collected by the State of Texas for any and all purposes from inhabitants of Greer County, or upon lands or other property located therein, from eighteen hundred and sixty to eighteen hundred and ninety-six; second, the total amount paid by the State of Texas to said Greer County, or its officers or agents, for school purposes, other than lands, from eighteen hundred and sixty to eighteen hundred and ninety-six, and the disposition made thereof by said county; and, third, the total of all other expenses incurred by the State of Texas from eighteen hundred

and sixty to eighteen hundred and ninety-six in the enforcement of law and order, the care of the deaf, dumb, blind, and insane, and generally for the protection of life, liberty, and property in said county, and the establishment and maintenance of a government for the inhabitants thereof, or a fair estimate of the same.

SEC. 4. That to enable him to execute the provisions of this Act the Secretary of the Interior is authorized to employ such persons and adopt such measures as to him may seem proper and necessary. He is also authorized to receive and consider duly certified copies of patents, deeds, conveyances, transcripts of court records, and certificates from any department of the Government of the United States or the State of Texas, under the seal thereof as to official records therein. He may also receive and consider depositions of witnesses, and in such cases the United States shall be represented by the Attorney-General thereof, or some person designated by him, and the State of Texas shall be represented by the attorney-general thereof, or some person designated by him; and these officials may appear and represent their respective governments before the Secretary of the Interior in all other matters provided for by this Act. He may also receive and consider any testimony taken by either party in said cause entitled *The United States against The State of Texas*, in the Supreme Court of the United States, reported in One hundred and sixty-second United States, page one, and may receive and consider any testimony which he may consider to be pertinent to the subject of such inquiry.

Employees.

Testimony, etc.

SEC. 5. That the sum of seven thousand five hundred dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Secretary of the Interior to properly care for the interests of the United States in making such investigation and in carrying out the purposes of this Act; and he shall report in detail to the Congress at the next session, or as soon thereafter as may be practicable: *Provided*, That the State of Texas shall defray the expenses of presenting its own case and claims.

Expenses of inquiry.

Approved. January 15, 1901.

CHAP. 92.—An Act To provide for the holding of the circuit and district courts of the United States for the eastern district of Arkansas.

January 16, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the regular terms of the circuit and district courts for the eastern district of Arkansas shall be held at the times and places as follows, to wit:

Arkansas eastern judicial district. Terms of court.

For the western division, at Little Rock on the first Monday in April and the third Monday in October;

For the eastern division, at Helena on the second Mondays in March and October;

For the northern division, at Batesville on the fourth Monday in May and the second Monday in December.

SEC. 2. That this Act shall take effect and be in force from and after its passage.

Approved, January 16, 1901.

CHAP. 93.—An Act Making an apportionment of Representatives in Congress among the several States under the Twelfth Census.

January 16, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That after the third day of March, nineteen hundred and three, the House of Representatives

House of Representatives to consist of 386 members.

—apportionment.

shall be composed of three hundred and eighty-six members, to be apportioned among the several States as follows: Alabama, nine; Arkansas, seven; California, eight; Colorado, three; Connecticut, five; Delaware, one; Florida, three; Georgia, eleven; Idaho, one; Illinois, twenty-five; Indiana, thirteen; Iowa, eleven; Kansas, eight; Kentucky, eleven; Louisiana, seven; Maine, four; Maryland, six; Massachusetts, fourteen; Michigan, twelve; Minnesota, nine; Mississippi, eight; Missouri, sixteen; Montana, one; Nebraska, six; Nevada, one; New Hampshire, two; New Jersey, ten; New York, thirty-seven; North Carolina, ten; North Dakota, two; Ohio, twenty-one; Oregon, two; Pennsylvania, thirty-two; Rhode Island, two; South Carolina, seven; South Dakota, two; Tennessee, ten; Texas, sixteen; Utah, one; Vermont, two; Virginia, ten; Washington, three; West Virginia, five; Wisconsin, eleven; and Wyoming, one.

Representatives from new States to be in addition.

SEC. 2. That whenever a new State is admitted to the Union the Representative or Representatives assigned to it shall be in addition to the number three hundred and eighty-six.

Districts.

SEC. 3. That in each State entitled under this apportionment, the number to which such State may be entitled in the Fifty-eighth and each subsequent Congress shall be elected by districts composed of contiguous and compact territory and containing as nearly as practicable an equal number of inhabitants. The said districts shall be equal to the number of the Representatives to which such State may be entitled in Congress, no one district electing more than one Representative.

Elections where increase of representatives under apportionment.

SEC. 4. That in case of an increase in the number of Representatives which may be given to any State under this apportionment such additional Representative or Representatives shall be elected by the State at large, and the other Representatives by the districts now prescribed by law until the legislature of such State in the manner herein prescribed, shall redistrict such State; and if there be no increase in the number of Representatives from a State the Representatives thereof shall be elected from the districts now prescribed by law until such State be redistricted as herein prescribed by the legislature of said State; and if the number hereby provided for shall in any State be less than it was before the change hereby made, then the whole number to such State hereby provided for shall be elected at large, unless the legislatures of said States have provided or shall otherwise provide before the time fixed by law for the next election of Representatives therein.

—no increase.

—diminished.

Repeal.

SEC. 5. That all Acts and parts of Acts inconsistent with this Act are hereby repealed.

Approved, January 16, 1901.

January 19, 1901.

CHAP. 101.—An Act Relating to the accounts of United States marshals and clerks of the district courts of the Territory of Utah.

Utah Territory. Clerks and marshals liable only for fees earned in United States cases.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States marshals and the clerks of the district courts of the Territory of Utah prior to its admission to the Union as a State shall be held accountable only for fees earned in United States cases, in accordance with a decision of the Attorney-General dated December second, eighteen hundred and ninety-one, and all unclosed accounts of such officers shall be settled and closed accordingly, and the fees earned in United States cases, and withheld from them, shall be paid to them out of any money not otherwise appropriated.

Approved, January 19, 1901.

CHAP. 102.—An Act To change and fix the time for holding the district and circuit courts of the United States for the northeastern division of the eastern district of Tennessee.

January 19, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the terms of the circuit and district courts of the United States for the northeastern division of the eastern district of Tennessee, held at Greeneville, Tennessee, shall commence on the second Monday in November and May of each year, instead of the fourth Monday in August and February, as is now provided by law; and each of said terms shall continue as long as the presiding judge may deem necessary.

Tennessee eastern
judicial district,
northeastern division.
Terms of court at
Greeneville.

SEC. 2. That no action, suit, proceeding, information, indictment, recognizance, bail bond, or other process in either of said courts shall abate or be rendered invalid by reason of the change of time in the holding of the terms of said courts, but the same shall be deemed to be returnable to, pending, and triable at the terms herein provided for.

Pending cases not to
abate.

SEC. 3. That all laws and parts of laws conflicting with this Act be, and are hereby, repealed.

Repeal.

Approved, January 19, 1901.

CHAP. 103.—An Act For the relief of Edward Everett Hayden, an ensign on the retired list of the Navy.

January 19, 1901.

Whereas Ensign Edward Everett Hayden, United States Navy, was placed upon the retired list of the Navy by reason of the loss of a leg, resulting from an accident incurred in the line of duty; and

Preamble.

Whereas sections fourteen hundred and ninety-three and fourteen hundred and ninety-four of the Revised Statutes of the United States permit an officer of the Navy who has been wounded in the line of duty to remain upon the active list while capable of performing other than sea duty; and

Whereas several other officers of the Navy suffering from similar disability for sea duty have been, and are now, retained on the active list, in accordance with the above-mentioned sections of the Revised Statutes; and

Whereas the said Edward Everett Hayden has been, since his retirement, engaged in scientific study and work of value to and under the direction of the Navy Department, including service during the war with Spain, when he volunteered for active duty and served creditably and longer than any other retired officer of the Navy: Therefore, that justice may be done the said Edward Everett Hayden and that the Navy Department may be enabled to command his services during peace as well as war, in accordance with the above-mentioned sections of the Revised Statutes,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of law regulating appointments in the Navy by promotion in the line and limiting the number of lieutenants to be appointed in the United States naval service are hereby suspended for the purpose of this Act only, and only so far as they affect Edward Everett Hayden; and the President of the United States is hereby authorized, in the exercise of his discretion and judgment, to nominate and, by and with the advice and consent of the Senate, to appoint said Edward Everett Hayden, now an ensign on the retired list of the Navy of the United States, to the grade and rank of lieutenant on the active list of the Navy, as of the date of May first, eighteen hundred and ninety-five, and to place his name in the Register of the Navy next after that of his classmate, John

Navy.
Edward Everett
Hayden may be ap-
pointed lieutenant on
active list.

Provisos.
Examination.
R. S., secs. 1496, 1493,
pp. 258, 258.

No pay, etc.

Hood: *Provided*, That the said Hayden shall establish to the satisfaction of the Secretary of the Navy, upon examination by a board of officers convened pursuant to the provisions of section fourteen hundred and ninety-six of the Revised Statutes, his mental, moral, and professional fitness to perform the shore duties of a lieutenant, and before a medical board, pursuant to the provisions of sections fourteen hundred and ninety-three and fourteen hundred and ninety-four of said statutes, that his existing physical disqualification was occasioned by wounds received in the line of his duty, and that such wounds do not incapacitate him for duties other than sea duty in the grade of lieutenant: *And provided further*, That he shall receive no pay or emoluments by reason of such reappointment to the active list of the Navy except from the date of such reappointment, and that he shall be additional to the number of officers prescribed by law for the grade of lieutenant in the Navy, and in any grade to which he may hereafter be advanced.

Approved, January 19, 1901.

January 22, 1901.

CHAP. 105.—An Act To divide the State of West Virginia into two judicial districts.

West Virginia, divided into two judicial districts.
R. S., sec. 531, p. 89, amended.

—northern district, of what constituted.

—southern.

Existing judicial officers to act in northern district.

Marshal and district attorney.
Northern district.

Southern district.
Judge.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section five hundred and thirty-one of the Revised Statutes is hereby amended by striking therefrom the words "West Virginia."

SEC. 2. That the State of West Virginia is divided into two judicial districts, which shall be called the northern and southern judicial districts of the State of West Virginia. The northern district includes the counties of Hancock, Brooke, Ohio, Marshall, Tyler, Pleasants, Wood, Wirt, Ritchie, Doddridge, Wetzel, Monongalia, Marion, Harrison, Lewis, Gilmer, Calhoun, Upshur, Barbour, Taylor, Preston, Tucker, Randolph, Pendleton, Hardy, Grant, Mineral, Hampshire, Morgan, Berkeley, and Jefferson, with the waters thereof; the southern district includes the residue of said State of West Virginia, with the waters thereof.

SEC. 3. That the district judge of the judicial district of West Virginia as heretofore constituted and in office at the time this Act takes effect shall be the district judge for the northern judicial district of West Virginia as constituted by this Act; that the clerk of the circuit court and the clerk of the district court in said judicial district of West Virginia as heretofore constituted and in office at the time this Act takes effect shall be the clerks of the circuit and district courts of the northern judicial district of West Virginia, respectively, as hereby constituted, until their successors, respectively, shall be appointed and qualified.

SEC. 4. That the President of the United States, by and with the advice and consent of the Senate, shall appoint a marshal and district attorney for the northern judicial district of West Virginia as hereby constituted, who shall, within their respective jurisdictions, possess and exercise all the powers conferred by existing law upon the marshals and district attorneys of the United States, respectively. All other officers residing within said northern district as hereby constituted shall continue to be and act as such officers within their respective jurisdictions in said northern district as hereby constituted until their successors, respectively, are duly appointed and qualified under the provisions of existing law.

SEC. 5. That the President of the United States, by and with the advice and consent of the Senate, shall appoint a district judge for the southern judicial district of West Virginia, who shall possess and exercise all the powers conferred by existing law upon the judges of

the district courts of the United States, and who shall, as to all business and proceedings arising in said southern judicial district as hereby constituted, or transferred thereto, succeed to and possess the same powers and perform the same duties within the said southern judicial district as are now possessed by and performed by the district judge of the district of West Virginia.

SEC. 6. That the marshal and district attorney of the judicial district of West Virginia as heretofore constituted and in office at the time this Act takes effect shall be the marshal and district attorney, respectively, for the southern judicial district of West Virginia as constituted by this Act until the expiration of their respective terms, or until their successors, respectively, shall be appointed and qualified. All other officers residing within said southern district of West Virginia as constituted by this Act shall continue as such officers until the expiration of their respective terms and until their successors, respectively, shall be duly appointed and qualified. The clerk of the circuit and district courts in the southern judicial district of West Virginia as hereby constituted shall be appointed under the provisions of existing law.

Existing marshal and district attorney to act in southern district.

—other officers to complete term, etc.

SEC. 7. That the salaries, pay, fees, and allowances of the judges, district attorneys, marshals, clerks, and other officers in said districts, until changed under the provisions of existing law, shall be the same, respectively, as now fixed by law for such officers in the judicial district of West Virginia as heretofore constituted.

Existing salaries unchanged.

SEC. 8. That all causes and proceedings of every name and nature, civil and criminal, now pending in the courts of the judicial district of West Virginia as heretofore constituted, whereof the courts of the northern judicial district of West Virginia as hereby constituted would have had jurisdiction if said district and the courts thereof had been constituted when said causes or proceedings were instituted, shall be, and are hereby, transferred to and same shall be proceeded with in the northern judicial district of West Virginia as hereby constituted, and jurisdiction thereof is hereby transferred to and vested in the courts of said northern judicial district, and the records and proceedings therein and relating to said proceedings and causes shall be certified and transferred thereto; and all causes and proceedings of every name and nature, civil and criminal, now pending in the courts of the judicial district of West Virginia as heretofore constituted, whereof the courts of the southern judicial district of West Virginia as hereby constituted would have had jurisdiction if said district and the courts thereof had been constituted when said causes or proceedings were instituted, shall be, and are hereby, transferred to and same shall be proceeded with in the southern judicial district of West Virginia as hereby constituted, and jurisdiction thereof is hereby transferred to and vested in the courts of said southern judicial district of West Virginia, and the records and proceedings therein and relating to said proceedings and causes shall be certified and transferred thereto: *Provided*, That all motions and causes submitted and all causes and proceedings, both civil and criminal, including proceedings in bankruptcy now pending in said judicial district of West Virginia as heretofore constituted, in which the evidence has been taken in whole or in part before the present district judge of the judicial district of West Virginia as heretofore constituted, or taken in whole or in part and submitted and passed upon by the said district judge, shall be proceeded with and disposed of in said northern judicial district of West Virginia as constituted by this Act.

Pending cases transferred to northern district.

—to southern district

Provido.
Disposition of cases in which evidence has been taken before present district judge.

SEC. 9. That the regular terms of the circuit and district courts of the United States for the northern district of West Virginia shall begin at the following times and places in each year: At Wheeling on the first Tuesday of April and third Tuesday of September. At Clarks-

Terms of court, northern district.

—southern district.

burg on the third Tuesday of April and first Tuesday of October. At Martinsburg on the third Tuesday of October. And the circuit court shall be held at Parkersburg, beginning on the second Tuesday of January and second Tuesday of June of each year.

That the regular terms of the circuit and district courts of the United States for the southern district of West Virginia shall begin at the following times and places in each year: At Charleston on the first Tuesday of May and second Tuesday of November. At Huntington, in the county of Cabell, on the first Tuesday of April and third Tuesday of September. At Bluefield, in the county of Mercer, on the first Tuesday of June and the first Tuesday of December.

Adjournment, etc.

SEC. 10. That the terms of said courts shall not be limited to any particular number of days, nor shall it be necessary to adjourn by reason of the intervention of a term elsewhere; but the court intervening may be adjourned until the business of the court in session is concluded.

Adjournment in case of nonattendance of judge.

R. S., sec. 584, p. 103.

Jurisdiction of future crimes, etc.

SEC. 11. That the provisions of section five hundred and eighty-four of the Revised Statutes are hereby extended to said districts hereby created.

SEC. 12. That all prosecutions for crimes or offenses hereafter committed in either of said districts shall be cognizable within the district in which committed, and all prosecutions for crimes or offenses committed before the passage of this Act in which indictments have not been found or proceedings instituted shall be cognizable within the district as hereby constituted in which such crimes or offenses were committed.

Repeal.

SEC. 13. That all laws and parts of laws so far as inconsistent with the provisions of this Act are hereby repealed.

Effect.

SEC. 14. That this Act shall take effect on the first day of July, nineteen hundred and one.

Approved, January 22, 1901.

January 22, 1901.

CHAP. 106.—An Act To authorize the Postmaster-General to lease suitable premises for use of the Post-Office Department.

Postal service.
Lease of premises for rural free-delivery system authorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster-General be empowered to lease suitable premises in the city of Washington for the purposes of the rural free-delivery system, at a cost not to exceed four thousand dollars per annum, payable out of the appropriation for that service.

Approved, January 22, 1901.

January 22, 1901.

CHAP. 107.—An Act To supply a deficiency in the appropriation for transcripts of records and plats in the General Land Office.

General Land Office.
Deficiency appropriation for transcripts of records and plats.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of nine thousand three hundred and fifty dollars is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to supply a deficiency in the appropriation made for the fiscal year nineteen hundred and one, for furnishing transcripts of records and plats, General Land Office, to be expended under the direction of the Secretary of the Interior: *Provided,* That copyists employed under this appropriation shall be selected by the Secretary of the Interior at a compensation of two dollars per day while actually employed, at such times and for such periods as exigencies of the work may demand.

Proviso.
Employment of copyists.

Approved, January 22, 1901.

CHAP. 164.—An Act To create a new division in the western judicial district of the State of Missouri.

January 24, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a new division of the western judicial district of the State of Missouri, to be known as the southwestern division judicial district of Missouri, be, and the same is hereby, established, to be composed of the following counties, to wit: Jasper, Newton, Barton, Vernon, Barry, Lawrence, McDonald, and Stone; and said counties be, and the same are hereby, transferred to said southwestern division of said western district of Missouri; but no additional clerk or marshal shall be appointed in or for said division of said district.

Missouri, western judicial district. Southwestern division established.

—composition.

No additional clerk, etc.

SEC. 2. That terms of the circuit court and of the district court of the southwestern division judicial district of Missouri shall be held at Joplin, at said State, each year, on the second Mondays of June and of January, after this Act goes into effect.

Terms of court at Joplin.

SEC. 3. That the clerks of the district and circuit courts for the western district of Missouri, and the marshal and attorney of the United States for said district, shall perform the duties appertaining to their offices, respectively, for said courts of said southwestern division judicial district, and the clerk's office of the said courts shall be at Springfield, where all records of said courts may be kept and all duties performed except when court is in session at Joplin; but should, in the judgment of the district judge, the business of said courts hereafter warrant a deputy clerk at Joplin, Missouri, new books and records may be opened for the courts herein created, and kept at Joplin, and a deputy clerk appointed to reside and keep his office at Joplin.

Existing judicial officers to act, etc.

Clerk's office at Springfield.

Deputy clerk at Joplin.

SEC. 4. That all suits not of a local nature in said circuit and district courts against a single defendant, inhabitant of said State, must be brought in the division of the district where he resides; but if there are two or more defendants residing in different divisions of the district such suits may be brought in either division.

Suits against one or more defendants, where brought.

SEC. 5. That all prosecutions for crimes or offenses hereafter committed in either of the divisions of said district shall be cognizable within such division, and all prosecutions for crimes or offenses heretofore committed in the western district of Missouri, as heretofore constituted, shall be commenced and proceeded with as if this Act had not been passed.

Crimes, where prosecuted.

SEC. 6. That all grand and petit jurors summoned for service in each division shall be residents of such division. All mesne and final process, subject to the provisions hereinbefore contained, issued in either of said divisions, may be served and executed in either or any of the divisions.

Jurors.

Process.

SEC. 7. That in all cases of removal of suits from courts of the State of Missouri to the courts of the United States in the western district of Missouri such removal shall be to the United States courts in the division in which the county is situated from which the removal is made, and the time within which the removal shall be perfected, in so far as it refers to or is regulated by the terms of the United States courts, shall be deemed to refer to the terms of the United States courts held in said southwestern division judicial district.

Removal of suits.

SEC. 8. That this Act shall be in force from and after the first day of July, anno Domini nineteen hundred and one, and all Acts or parts of Acts so far as inconsistent herewith are hereby repealed.

Effect.

Repeal.

Approved, January 24, 1901.

January 25, 1901.

CHAP. 166.—An Act Revoking and annulling the subdivision of Pencote Heights, in the District of Columbia.

District of Columbia.
Subdivision of Pen-
cote Heights an-
nulled.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the subdivision of Pencote Heights, in the District of Columbia, be, and the same is hereby, revoked and annulled.

Approved, January 25, 1901.

January 25, 1901.

CHAP. 167.—An Act To provide for the closing of part of an alley in square one hundred and sixty-nine, in the city of Washington, District of Columbia, and for the sale thereof to the Young Men's Christian Association of the city of Washington.

District of Columbia.
Closing of alley in
square 169 authorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioners of the District of Columbia are hereby authorized and directed, on the petition of the Young Men's Christian Association of the city of Washington, the owner of all the property abutting on that part or portion of an alley thirty feet wide in square numbered one hundred and sixty-nine, in the city of Washington, District of Columbia, and running east and west through said square for a distance of eighty-nine and eighty-three one-hundredths feet, to declare said part or portion of said alley to be closed, and to convey the title thereof to the said Young Men's Christian Association of the city of Washington by deed in fee simple in the name of the United States (the said Commissioners being hereby vested with power and authority so to do) upon payment to said Commissioners by said association of a price per square foot in current money of the United States equal to the assessed valuation per square foot of subplot numbered fifty-nine in said square numbered one hundred and sixty-nine, according to the most recent assessment of said last-mentioned lot, which said deed of conveyance, upon its execution and delivery and the payment of such purchase price aforesaid, shall operate to divest the United States of their title in the land so conveyed and vest the same in the said Young Men's Christian Association of the city of Washington. And it is further enacted that said Commissioners, upon receipt of the purchase money, shall cover same into the Treasury of the United States.

Approved, January 25, 1901.

January 26, 1901.

CHAP. 180.—An Act To allow the commutation of homestead entries in certain cases.

Public lands.
R. S., sec. 2301, p. 421.
Commutation to set-
tlers under free home-
stead law authorized.

Ante, p. 179.

Proviso.
Price.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of section twenty-three hundred and one of the Revised Statutes of the United States, as amended, allowing homestead settlers to commute their homestead entries be, and the same hereby are, extended to all homestead settlers affected by or entitled to the benefits of the provisions of the Act entitled "An Act providing for free homesteads on the public lands for actual and bona fide settlers, and reserving the public lands for that purpose," approved the seventeenth day of May, anno Domini nineteen hundred: *Provided, however,* That in commuting such entries the entryman shall pay the price provided in the law under which original entry was made.

Approved, January 26, 1901.

CHAP. 181.—An Act To authorize the construction of a bridge across the Mississippi River at or near Grays Point, Missouri.

January 26, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Southern Illinois and Missouri Bridge Company, a corporation created and organized under and by virtue of the laws of the State of Illinois, its successors and assigns, be, and the same are hereby, authorized and empowered to erect, construct, maintain, and operate a bridge and approaches thereto over the Mississippi River from a point on the Mississippi River in Alexander County, in the State of Illinois, opposite the terminus of the Saint Louis Southwestern Railway, at or near Grays Point, in Scott County, in the State of Missouri, or from some other convenient point on said river in said Alexander County, Illinois, to some opposite point on said river in the State of Missouri, within the distance of three miles above or below the terminus of said railway. Said bridge shall be constructed to provide for the passage of railway trains, and, at the option of said corporation, its successors or assigns, may be so constructed as to provide for and be used also for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot passengers, for such reasonable tolls as may be approved from time to time by the Secretary of War.

Southern Illinois and Missouri Bridge Company may bridge Mississippi River.

—location.

Transit, etc.

Tolls.

Lawful structure and post route.

SEC. 2. That the bridge built, operated, and maintained under this Act, and subject to its limitations, shall be a lawful structure and shall be recognized and known as a post route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for the transportation of the same over the railroads or public highways leading to said bridge, and it shall enjoy the rights and privileges of other post roads in the United States; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies; and the United States shall have the right of way across said bridge and its approaches for postal-telegraph or for telephone purposes.

Telegraph, etc., companies.

SEC. 3. That any bridge built under this Act shall be a high bridge, with unbroken and continuous spans, and shall have at least one channel span, with a clear channel way at low water of not less than six hundred and fifty feet, and all other spans over the waterway, at a bank full stage, shall each have a clear channel way at low water of not less than five hundred feet, and all said spans shall have a clear headroom of not less than sixty-five feet, measured from extreme high water as determined at the location of the bridge, to the lowest part of the superstructure of the bridge or anything attached thereto: *Provided*, That such number of channel spans shall be built as may be recommended for the approved location by the board of engineers hereinafter provided, and that all channel ways shall be measured at right angles to the current of the river at the stage of water that is most important to navigation.

Spans, etc.

Provido.
Channel spans.

SEC. 4. That all piers shall be built parallel to the current of the river at the stage of water that is most important to navigation; and the bridge itself shall be built as nearly as may be at right angles thereto; and that riprapping or other protection from imperfect foundations, which will lessen the required waterway, shall not be permitted; also that piers which would produce cross currents or bars dangerous to navigation shall not be constructed; and, if after construction, any piers or accessory works are found to produce the above-mentioned effects, or if any riprapping or other protection prohibited by this section is found to exist, the nuisance shall be abated or corrected in accordance with existing law.

Piers, etc.

SEC. 5. That the approaches to the bridge built under this Act shall be so designed and constructed as not to interfere with the free dis-

charge of the river in seasons of flood; and any encroachment on the high-water cross sections by piers, solid embankments, or otherwise, which might result in unduly accelerating the high-water current at the site of the bridge shall not be allowed. If, by reason of the location of a bridge in or near a city harbor, or from any other cause, the channel span next the shore shall appear or become difficult of access at any season, because of the proximity of the river craft which are or may be moored at the bank, or from any other cause, then the person, company, or corporation owning, controlling, or operating said bridge shall either increase the width of the opening or span sufficiently, or shall, by purchase or otherwise, extinguish the right to obstruct the entrance to said span for a distance of from five hundred to one thousand feet above and below the bridge, as may appear necessary to the Secretary of War.

Aids to navigation.

SEC. 6. That any person, company, or corporation constructing any bridge under authority of this Act shall build and maintain at all times, as accessory works to such bridge, such booms, piers, dikes, guard fences, and other devices as may be necessary to insure at all times a permanent channel for a sufficient distance above and below the bridge site, and for the guiding of rafts, steamboats, and other water craft safely under said bridge; and if at any time after the construction of the bridge and its accessory works the approaches to the channel spans in the bridge built under this Act are found to be dangerous or difficult of access by any important class of river traffic the nuisance shall be abated or corrected in accordance with existing law.

Plans, examination of, etc.

SEC. 7. That the said company shall submit in triplicate to the Secretary of War, for his examination, upon a convenient scale, a design and drawings of the bridge, piers, approaches and accessory works, and a map of the location, giving, for the space of at least two miles above and one mile below the proposed site, the topography of the banks of the river and the shore lines at high and low water, and this map shall be accompanied by another drawn on a scale of one inch to two hundred feet, giving, for a space of one-half mile above the proposed site and a quarter of a mile below, an accurate representation of the bottom of the river by contour lines two feet apart determined by accurate soundings, and also showing over the whole width of this part of the river the force and direction of the currents at low water, at high water, and at least one intermediate stage, by triangulated observations on suitable floats; and these maps shall also show the location of other bridges, coal tipples, cribs, and all other structures projecting into the river at bank-full stage, in the vicinity, and shall give such other information as the Secretary of War may require for a full and satisfactory understanding of the subject. Said maps and drawings shall be referred to the board of officers of the Corps of Engineers, United States Army, for examination and report, which board shall personally examine the site of the proposed bridge and shall hold a public session in the city of St. Louis, Missouri, to hear all objections thereto, of which public session due notice and invitation to be present shall be given to all interested parties by advertising, and such parties shall be allowed sufficient time for a full examination and consideration of the plans; and if said board of engineers reports that the location selected is unsuitable for a bridge, the bridge shall not be built at that location, or if said board reports that the plans presented are unfavorable to the interests of navigation at the site proposed the Secretary of War shall be authorized, on recommendation of said board, to refuse permission for the construction of a bridge at the proposed site until such changes in the design of the bridge or the location of its piers as may be deemed necessary shall have been made, and to require, in the same way, at the expense of the parties constructing such bridge, the construction of such dikes and other auxiliary struc-

Board to examine site, etc.

tures as may be needed for confining the flow of water to a permanent channel for a distance of not less than one mile above the bridge site for a proper distance below, but in no case shall there be a reduction in the width or headroom of channel or other spans, or in the arrangement and length of accessory works required by this Act, unless such reduction is made necessary by the physical characteristics of the river in the locality where the bridge is proposed, or is shown clearly to be not injurious to the interests of navigation; and the proposed bridge shall be a lawful structure only when built in accordance with the plans as recommended by the said board of engineers and approved by the Chief of Engineers, United States Army, and the Secretary of War, and while so managed and kept in repair as to offer at all times reasonable and proper means for the passage of rafts, steamboats, and other water craft under said bridge, and while all the requirements of this Act are observed.

Approval.

SEC. 8. That all persons, companies, or corporations owning, controlling, or operating the bridge authorized by this Act, shall maintain at their expense such lights and other signals on the bridge as may be required by the Light-House Board, as well as such other lights and signals as may be necessary for the security of navigation in the vicinity of the bridge; and shall also be required to maintain such indications of the stage of water and the headroom under the bridge as the Secretary of War may direct.

Lights.

SEC. 9. That all railroad companies desiring the use of any bridge constructed under this Act shall have, and be entitled to, equal rights and privileges relative to the passage of railway trains or cars over the same and over the approaches thereto, upon payment of a reasonable compensation for such use; and in case the parties interested shall fail to agree upon the sum or sums to be paid and upon the rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall, upon the application of either party, be determined by the circuit court of the United States in and for any district in which any portion of said bridge may be.

Rights of railroads to use.

SEC. 10. That such alterations and changes as may be required by the Secretary of War, in accordance with existing law, in the bridge constructed under the provisions of this Act, so as to preserve free and convenient navigation, shall be made under the direction of the Secretary of War at the expense of the persons, companies, or corporations owning, controlling, or operating said bridge; and the fact that said bridge was constructed under the supervision of the United States shall not be held to be a bar to the enforcement of this requirement.

Changes.

SEC. 11. That the bridge constructed under the authority of this Act shall be built under the general supervision of the Secretary of War, and no changes or alterations in plans shall be made during construction of said bridge or after its completion unless said changes or alterations conform to the provisions of this Act and are recommended by the Chief of Engineers and approved by the Secretary of War. That during the original construction of said bridge, or in carrying out any authorized changes or repairs of said bridge, a navigable channel sufficient to accommodate the commerce of the river shall be preserved at all times at the site thereof, and the waterway of the river shall not be obstructed to a greater extent than is absolutely necessary, and such lights and buoys shall be kept on all cofferdams, piles, and other structures as may be necessary for the security of navigation; and any temporary obstruction or closing of any channel in customary use shall not be commenced until after due notice to navigation; and all cofferdams, piles, and other structures used in the construction or repair of said bridge shall be removed within a reasonable time after the completion or repair of said bridge.

Secretary of War to supervise construction.

Changes.

Securing navigation during construction.

Amendment

SEC. 12. That the right to alter, amend, or repeal this Act is hereby expressly reserved, and the right to require, at the expense of the owners, the entire removal of any bridge constructed under the provisions of this Act whenever Congress shall decide that the public interests so require is also expressly reserved; and the United States shall not be liable for damages arising from the exercise of the rights thus expressly reserved.

Commencement and completion.

SEC. 13. That if the construction of the bridge hereby authorized shall not be commenced within one year and be completed within three years from the date of approval of this Act, then this Act shall be null and void, and all rights hereby conferred shall cease and determine.

Approved, January 26, 1901.

January 28, 1901.

CHAP. 183.—An Act To amend the Act entitled "An Act to amend the criminal laws of the District of Columbia," approved July eighth, eighteen hundred and ninety-eight.

District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section one of an Act entitled "An Act to amend the criminal laws of the District of Columbia," approved July eighth, eighteen hundred and ninety-eight, be, and the same is hereby, amended so that the same shall read:

Police court.
Security for appearance for trial.
Vol. 30, p. 724,
amended.

"That every person charged with an offense triable in the police court of the District of Columbia may give security for his appearance for trial or for further hearing either by giving bond to the satisfaction of the court or by depositing money as collateral security in such amount as the court, the assistant attorney for the United States, the special assistant attorney for the District of Columbia, or the lieutenant or acting lieutenant of police of the precinct in which the person is detained may determine with the clerk of the police court, or the lieutenant or acting lieutenant of police, or the station keeper of the police precinct within which such person may be apprehended. And whenever any sum of money shall be deposited as collateral security as hereby provided it shall remain, in contemplation of law, the property of the person depositing it until duly forfeited by the court; and when forfeited it shall be, in contemplation of law, the property of the United States of America or of the District of Columbia, according as the charge against the person depositing it is instituted on behalf of the said United States or the said District; and every person receiving any sum of money deposited as hereby provided shall be deemed in law the agent of the person depositing the same or of the said United States or the said District, as the case may be, for all purposes of properly preserving and accounting for such money. And all fines payable and paid under judgment of the said police court shall, upon their payment, immediately become, in contemplation of law, the property of the said United States or the said District, according to the charge upon which such fine may be adjudged; and the person receiving any such fine shall be deemed in law the agent of the said United States or the said District as aforesaid, as the case may be; and any person, being an agent as hereinbefore contemplated and defined, who shall wrongfully convert to his own use any money received by him as hereinbefore provided shall be deemed guilty of embezzlement, and upon conviction thereof be punished by a fine not exceeding five thousand dollars or by imprisonment not exceeding five years, or both: *Provided*, That nothing herein contained shall affect the ultimate rights under existing law of the Washington Humane Society, or the policeman's fund (by whatever name the same may be called or known), or the firemen's relief fund, of the District of Columbia, in or to any fines or forfeitures paid and collected in the said police court."

—amount.

—property in.

Fines.

—property in, etc.

—penalty for conversion, etc.

Proviso.
Rights of Washington Humane Society.
Policeman's fund.
Fireman's relief fund.

Approved, January 28, 1901.

CHAP. 184.—An Act To establish a branch soldiers' home at or near Johnson City, Washington County, Tennessee.

January 28, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Board of Managers of the Home for Disabled Volunteer Soldiers are hereby authorized and directed to locate a branch of the Home at Johnson City, Washington County, Tennessee, or within a radius of five miles thereof. The same shall not be located on a tract of land less than three hundred acres in extent.

Johnson City, Wash-
ington County, Tenn.
Branch Soldiers'
Home established at.

SEC. 2. That said branch home shall be located and the ground purchased (unless the same be donated) by said Board of Managers within three months, or as soon thereafter as practicable, from the approval of this Act.

Limit of time for
location.

SEC. 3. That within six months, or as soon thereafter as practicable, from the approval of this Act, the said Board of Managers shall commence the erection or purchase of a suitable building or buildings on the grounds so purchased for the use of said branch home. That said building or buildings shall be completed at as early a day as possible.

Erection of build-
ings.

SEC. 4. That the sum of two hundred and fifty thousand dollars is hereby appropriated for the purposes hereinbefore mentioned and the improvement of the grounds of said branch home.

Appropriation.

SEC. 5. That all honorably discharged soldiers and sailors who served in the war of the rebellion and the Spanish-American war, and the provisional army and the volunteer soldiers and sailors of the war of eighteen hundred and twelve and of the Mexican war, who are disabled by age, disease, or otherwise, and by reason of such disability are incapable of earning a living, shall be admitted into the Home for Disabled Volunteer Soldiers.

Who may be admit-
ted to Home.

Approved, January 28, 1901.

CHAP. 186.—An Act Extending the mining laws to saline lands.

January 31, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all unoccupied public lands of the United States containing salt springs, or deposits of salt in any form, and chiefly valuable therefor, are hereby declared to be subject to location and purchase under the provisions of the law relating to placer-mining claims: *Provided*, That the same person shall not locate or enter more than one claim hereunder.

Public lands.
Mining laws ex-
tended to saline lands.

Proviso.
Limit of entry.

Approved, January 31, 1901.

CHAP. 189.—An Act To amend the law establishing a port of delivery at Des Moines, Iowa.

February 1, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section two of an Act entitled "An Act establishing a port of delivery at Des Moines, Iowa," approved April seventh, eighteen hundred and ninety-two, be, and is hereby, amended by striking out after the word "port," in said section, the words "whose salary shall be the usual fees and commissions," so as to read as follows:

Des Moines, Iowa.
Surveyor of cus-
toms.
Vol. 27, p. 14.

"SEC. 2. That there shall be appointed a surveyor of customs, to reside at said port."

Approved, February 1, 1901.

February 1, 1901.

CHAP. 190.—An Act Providing for leaves of absence to certain employees of the Government.

Leaves of absence
allowed employees of
navy-yards, etc.

Provisos.
Pro rata leave.

Time when leave
shall be taken.

Deduction for sick-
ness.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That each and every employee of the navy-yards, gun factories, naval stations, and arsenals of the United States Government be, and is hereby, granted fifteen working days' leave of absence each year without forfeiture of pay during such leave: *Provided,* That it shall be lawful to allow pro rata leave only to those serving twelve consecutive months or more: *And provided further,* That in all cases the heads of divisions shall have discretion as to the time when the leave can best be allowed without detriment to the service, and that absence on account of sickness shall be deducted from the leave hereby granted.

Approved, February 1, 1901.

February 1, 1901.

CHAP. 191.—An Act To provide for the construction of a bridge by the Fargo, Duluth and Northwestern Railroad Company across the Red River of the North at Fargo, North Dakota.

Fargo, Duluth and
Northwestern Rail-
road may bridge Red
River of the North at
Fargo, N. Dak.

Secretary of War to
approve plans.

Provisos.
Elevation, spans,
etc.

Draw.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Fargo, Duluth and Northwestern Railroad Company, a corporation duly organized under the general incorporation laws of the State of North Dakota, its successors and assigns, is hereby authorized to construct and maintain a bridge across the Red River of the North at or near the city of Fargo, Cass County, North Dakota, and also to lay on and over said bridge a railway track or tracks for the passage of railway trains.

SEC. 2. That said bridge should be constructed and built without interference with the security and convenience of navigation of said river beyond what is necessary to carry into effect the rights and privileges hereby granted; and in order to secure that object the said corporation shall submit to the Secretary of War, for his examination and approval, a design and drawings of the bridge, and a map of the location, giving, for the space of one-half mile above and one-half mile below the proposed location, the topography of the banks of the river, the shore lines at high and low water, the direction and strength of the currents at all stages, and the soundings, accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be built: *Provided,* That if the said bridge shall be made with unbroken and continuous spans it shall not be of less elevation in any case than fifty feet above extreme high-water mark as understood at the point of location to the lowest part of the superstructure of the bridge, nor shall the spans of said bridge be less than three hundred feet in length in the clear; and the piers of said bridge shall be parallel with the current of said river and the bridge itself at right angles thereto, and the main span shall be over the main channel of the river and not less than three hundred feet in length in the clear: *And provided also,* That if any bridge built under this Act shall be constructed as a drawbridge the same shall be constructed as a pivot drawbridge, with a draw over the main channel of the river at an accessible and navigable point and with spans of not less than one hundred feet in length in the clear on each side of central or pivot pier of the draw, and the next adjoining span or spans to the draw shall not be less than one hundred feet, and the headroom under all river spans shall not be less than ten feet above local high-water mark, and the piers of said

bridge shall be built with the current of said river and the bridge itself at right angles thereto: *Provided also*, That said draw shall be opened promptly upon the reasonable signal for the passing of boats; and said company or corporation shall maintain, at its own expense, from sunset till sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe: *Provided also*, That said company shall, at its own expense, build and maintain, under direction and supervision of the Secretary of War, such wing dams and booms or other works necessary to maintain the channel within the draw spans of said bridge, and shall, at their own expense, maintain a depth of water through said draw spans not less than that now existing, as shown by the report of the War Department, at the point where said bridge may be located: *Provided also*, That all railway companies desiring to use said bridge shall have and be entitled to equal rights and privileges in the passage of the same, and in the use of the machinery and fixtures thereof, and of all the approaches thereto, under and upon such terms and conditions as shall be prescribed by the Secretary of War, upon hearing the allegations and proofs of the parties, in case they shall not agree.

—opening of.

Lights.
Maintenance of
channel within the
draw spans.Rights of railroads
to use.

SEC. 3. That the Secretary of War is hereby authorized and directed, upon receiving such plan and map and other information, and upon being satisfied that the bridge built upon such plan, with such accessory works, and at such locality, will conform to the prescribed conditions of this Act, to notify the company that he approves the same; and upon receiving such notification the said company may proceed to an erection of said bridge, conforming strictly to the approved plan and location; and should any change be made in the plan of the bridge or accessory works during the progress of the work thereon, such change shall be subject likewise to the approval of the Secretary of War; and if any bridge erected under said authority shall, in the opinion of the Secretary of War, obstruct such navigation, he is hereby authorized to cause such change or alteration of said bridge to be made as will effectually obviate such obstruction, and all such alterations shall be made and all such obstructions be removed at the expense of the said corporation; and in case of any litigation arising from any obstruction, or alleged obstruction, to the free navigation of said river, caused, or alleged to be caused, by said bridge, the case may be brought in any court of the United States of the State of North Dakota in which any portion of said bridge may be located: *Provided*, That nothing in this Act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers, or to exempt this bridge from the operation of the same: *Provided further*, That this bridge shall not be opened to traffic until all piling and other false work used in constructing the bridge shall have been wholly removed to the satisfaction of the Secretary of War.

Notice of approval
of plans.

Changes.

Litigation.

Provisos.
Existing law unaf-
fected.Removal of piling,
etc.Lawful structure
and post route.Freight, etc.,
charges.Government tele-
graph lines.

SEC. 4. That the said bridge and accessory works, when built and constructed under this Act, and according to the terms and limitations thereof, shall be lawful structures, and said bridge shall be recognized and known as a post route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for the transportation over the railroads or public highways leading to such bridge, and said bridge shall enjoy the rights and privileges of other post routes of the United States; and Congress reserves the right at any time to regulate by appropriate legislation the charges for freight and passengers over said bridge.

SEC. 5. That the United States shall have the right of way for such postal telegraph lines across said bridge as the Government may construct or control.

Commencement
and completion.

SEC. 6. That this Act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date of approval thereof.

Amendment.

SEC. 7. That Congress reserves the right to alter, amend, or repeal this Act at any time.

Approved. February 1, 1901.

February 2, 1901.

CHAP. 192.—An Act To increase the efficiency of the permanent military establishment of the United States.

Army.
Reorganization of.
R. S., sec. 1094, p. 202,
amended.
Composition.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the approval of this Act the Army of the United States, including the existing organizations, shall consist of fifteen regiments of cavalry, a corps of artillery, thirty regiments of infantry, one Lieutenant-General, six major-generals, fifteen brigadier-generals, an Adjutant-General's Department, an Inspector-General's Department, a Judge-Advocate-General's Department, a Quartermaster's Department, a Subsistence Department, a Medical Department, a Pay Department, a Corps of Engineers, an Ordnance Department, a Signal Corps, the officers of the Record and Pension Office, the chaplains, the officers and enlisted men of the Army on the retired list, the professors, corps of cadets, the army detachments and band at the United States Military Academy, Indian scouts as now authorized by law, and such other officers and enlisted men as may hereinafter be provided for: *Provided*, That when a vacancy shall occur through death, retirement, or other separation from active service in the office of storekeeper, now provided for by law in the Quartermaster's Department and Ordnance Department, respectively, said office shall cease to exist.

Proviso.
Termination of
office of storekeeper,
etc.

Cavalry.
Composition.
R. S., sec. 1102, p. 203,
amended.

Details.

Pay of squadron ad-
jutants, etc.

Band.
Composition of
troop.

Proviso.
Limit number of en-
listed men.

Artillery Corps.
R. S., sec. 1099, etc.,
p. 203, amended.

SEC. 2. That each regiment of cavalry shall consist of one colonel, one lieutenant-colonel, three majors, fifteen captains, fifteen first lieutenants, and fifteen second lieutenants; two veterinarians, one sergeant-major, one quartermaster-sergeant, one commissary-sergeant, three squadron sergeants-major, two color-sergeants with rank, pay, and allowances of squadron sergeant-major, one band, and twelve troops organized into three squadrons of four troops each. Of the officers herein provided, the captains and lieutenants not required for duty with the troops shall be available for detail as regimental and squadron staff officers and such other details as may be authorized by law or regulations. Squadron adjutants shall receive one thousand eight hundred dollars per annum and the allowances of first lieutenants; squadron quartermasters and commissaries shall receive one thousand six hundred dollars per annum and the allowances of second lieutenants. Each cavalry band shall be organized as now provided by law. Each troop of cavalry shall consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster-sergeant, six sergeants, six corporals, two cooks, two farriers and blacksmiths, one saddler, one wagoner, two trumpeters, and forty-three privates; the commissioned officers to be assigned from among those hereinbefore authorized: *Provided*, That the President, in his discretion, may increase the number of corporals in any troop of cavalry to eight, and the number of privates to seventy-six, but the total number of enlisted men authorized for the whole Army shall not at any time be exceeded.

SEC. 3. That the regimental organization of the artillery arm of the United States Army is hereby discontinued, and that arm is constituted and designated as the Artillery Corps. It shall be organized as hereinafter specified and shall belong to the line of the Army.

SEC. 4. That the Artillery Corps shall comprise two branches—the coast artillery and the field artillery. The coast artillery is defined as that portion charged with the care and use of the fixed and movable elements of land and coast fortifications, including the submarine mine and torpedo defenses; and the field artillery as that portion accompanying an army in the field, and including field and light artillery proper, horse artillery, siege artillery, mountain artillery, and also machine-gun batteries: *Provided*, That this shall not be construed to limit the authority of the Secretary of War to order coast artillery to any duty which the public service demands or to prevent the use of machine or other field guns by any other arm of the service under the direction of the Secretary of War.

"Coast artillery" defined.

—"field artillery."

Proviso.
Duties of coast artillery and use of machine-guns not restricted.

SEC. 5. That all officers of artillery shall be placed on one list, in respect to promotion, according to seniority in their several grades, and shall be assigned to coast or to field artillery according to their special aptitude for the respective services.

Assignment of officers to either branch according to aptitude.

SEC. 6. That the Artillery Corps shall consist of a Chief of Artillery, who shall be selected and detailed by the President from the colonels of artillery, to serve on the staff of the general officer commanding the Army; and whose duties shall be prescribed by the Secretary of War; fourteen colonels, one of whom shall be the Chief of Artillery; thirteen lieutenant-colonels, thirty-nine majors, one hundred and ninety-five captains, one hundred and ninety-five first lieutenants, one hundred and ninety-five second lieutenants; and the captains and lieutenants provided for in this section not required for duty with batteries or companies shall be available for duty as staff officers of the various artillery garrisons and such other details as may be authorized by law and regulations; twenty-one sergeants-major, with the rank, pay, and allowances of regimental sergeants-major of infantry; twenty-seven sergeants-major, with the rank, pay, and allowances of battalion sergeants-major of infantry; one electrician sergeant to each coast artillery post having electrical appliances; thirty batteries of field artillery, one hundred and twenty-six batteries of coast artillery, and ten bands organized as now authorized by law for artillery regiments: *Provided*, That the aggregate number of enlisted men for the artillery, as provided under this Act, shall not exceed eighteen thousand nine hundred and twenty, exclusive of electrician sergeants.

Composition of Corps.

Proviso.
Limit enlisted men.

SEC. 7. That each company of coast artillery shall be organized as is now prescribed by law for a battery of artillery: *Provided*, That the enlisted strength of any company may be fixed, under the direction of the Secretary of War, according to the requirements of the service to which it may be assigned: *And provided*, That first-class gunners shall receive two dollars a month, and second-class gunners one dollar per month in addition to their pay.

Coast artillery: organization.
Vol. 30, p. 978.
Proviso.
Determining strength of company.
Additional pay to gunners.

SEC. 8. That each battery of field artillery shall be organized as is now prescribed by law, and the enlisted strength thereof shall be fixed under the direction of the Secretary of War.

Field artillery: organization, etc.

SEC. 9. That the increase herein provided for the artillery shall be made as follows: Not less than twenty per centum before July first, nineteen hundred and one, and not less than twenty per centum each succeeding twelve months until the total number provided for shall have been attained. All vacancies created or caused by this Act shall be filled by promotion according to seniority in the artillery arm. Second lieutenants of infantry or cavalry may, in the discretion of the President, be transferred to the artillery arm, taking rank therein according to date of commission, and such transfers shall be subject to approval by a board of artillery officers appointed to pass upon the capacity of such officers for artillery service: *Provided*, That the increase of officers of artillery shall be only in proportion to the increase of men.

When increase to be made.

Vacancies, how filled.

Transfers from other arms.

Proviso.
Proportionate increase of officers.

Infantry.
R. S., sec. 1107, p. 204,
amended.
Composition.

Details.

Pay battalion adjutants, etc.

Band; organization.

Proviso.
Limit enlisted men.

Corps of Engineers.
Composition.
R. S., sec. 1151, p. 208,
amended.
Vol. 30, pp. 652, 979.

Proviso.
Limit enlisted men.

Pay battalion adjutants, etc.

Chaplains, rank, etc.

Provisos.
Examination, etc.

Post chaplain abolished.
R. S., sec. 1094, p. 202,
amended.

Assignment, etc., of chaplains.

—transportation.

SEC. 10. That each regiment of infantry shall consist of one colonel, one lieutenant-colonel, three majors, fifteen captains, fifteen first lieutenants, and fifteen second lieutenants; one sergeant-major, one quartermaster-sergeant, one commissary-sergeant, three battalion sergeants-major, two color sergeants, with rank, pay, and allowances of battalion sergeants-major, one band, and twelve companies, organized into three battalions of four companies each. Of the officers herein provided, the captains and lieutenants not required for duty with the companies shall be available for detail as regimental and battalion staff officers and such other details as may be authorized by law or regulations. Battalion adjutants shall receive one thousand eight hundred dollars per annum and the allowances of first lieutenants, mounted; battalion quartermasters and commissaries shall receive one thousand six hundred dollars per annum and the allowances of second lieutenants, mounted. Each infantry band shall be organized as now provided by law. Each infantry company shall consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster-sergeant, four sergeants, six corporals, two cooks, two musicians, one artificer, and forty-eight privates, the commissioned officers to be assigned from those hereinbefore authorized: *Provided*, That the President, in his discretion, may increase the number of sergeants in any company of infantry to six, the number of corporals to ten, and the number of privates to one hundred and twenty-seven, but the total number of enlisted men authorized for the whole Army shall not, at any time, be exceeded.

SEC. 11. That the enlisted force of the Corps of Engineers shall consist of one band and three battalions of engineers. The engineers band shall be organized as now provided by law for bands of infantry regiments. Each battalion of engineers shall consist of one sergeant-major, one quartermaster-sergeant, and four companies. Each company of engineers shall consist of one first sergeant, one quartermaster-sergeant, with the rank, pay, and allowances of sergeant, eight sergeants, ten corporals, two musicians, two cooks, thirty-eight first-class and thirty-eight second-class privates: *Provided*, That the President may, in his discretion, increase the number of sergeants in any company of engineers to twelve, the number of corporals to eighteen, the number of first-class privates to sixty-four, and the number of second-class privates to sixty-four, but the total number of enlisted men authorized for the whole Army shall not, at any time, be exceeded: *And provided*, That officers detailed from the Corps of Engineers to serve as battalion adjutants and battalion quartermasters and commissaries shall, while so serving, receive the pay and allowances herein authorized for battalion staff officers of infantry regiments.

SEC. 12. That the President is authorized to appoint, by and with the advice and consent of the Senate, chaplains in the Army, at the rate of one for each regiment of cavalry and infantry in the United States service and twelve for the corps of artillery, with the rank, pay, and allowances of captains of infantry: *Provided*, That no person shall be appointed a chaplain in the Regular Army who shall have passed the age of forty years, nor until he shall have established his fitness as required by existing law: *And provided*, That the office of post chaplain is abolished, and the officers now holding commissions as chaplains, or who may hereafter be appointed chaplains, shall be assigned to regiments or to the corps of artillery. Chaplains may be assigned to such stations as the Secretary of War shall direct, and they may be transferred, as chaplains, from one branch of the service or from one regiment to another by the Secretary of War, without further commission. When serving in the field, chaplains shall be furnished with necessary means of transportation by the Quartermaster's Department.

SEC. 13. That the Adjutant-General's Department shall consist of one Adjutant-General with the rank of major-general, and when a vacancy shall occur in the office of Adjutant-General on the expiration of the service of the present incumbent, by retirement or otherwise, the Adjutant-General shall thereafter have the rank and pay of a brigadier-general, five assistant adjutants-general with the rank of colonel, seven assistant adjutants-general with the rank of lieutenant-colonel, and fifteen assistant adjutants-general with the rank of major: *Provided*, That all vacancies created or caused by this section shall, as far as possible, be filled by promotion according to seniority of officers of the Adjutant-General's Department.

Adjutant-General's
Department.
Organization, etc.
R. S., sec. 1123, p. 206,
amended.

Proviso.
Vacancies, how
filled.

SEC. 14. That the Inspector-General's Department shall consist of one Inspector-General with the rank of brigadier-general, four inspectors-general with the rank of colonel, four inspectors-general with the rank of lieutenant-colonel, and eight inspectors-general with the rank of major: *Provided*, That all vacancies created or caused by this section shall be filled, as far as possible, by promotion according to seniority of officers of the Inspector-General's Department.

Inspector-General's
Department.
Organization, etc.

Proviso.
Vacancies, how
filled.

SEC. 15. That the Judge-Advocate-General's Department shall consist of one Judge-Advocate-General with the rank of brigadier-general, two judge-advocates with the rank of colonel, three judge-advocates with the rank of lieutenant-colonel, six judge-advocates with the rank of major, and for each geographical department or tactical division of troops not provided with a judge-advocate from the list of officers holding permanent commissions in the Judge-Advocate-General's Department one acting judge-advocate with the rank, pay, and allowances of captain, mounted. Promotions to vacancies above the grade of major, created or caused by this Act, shall be made, according to seniority, from officers now holding commission in the Judge-Advocate-General's Department. Vacancies created or caused by this Act in the grade of major may be filled by appointment of officers holding commissions as judge-advocate of volunteers since April twenty-first, eighteen hundred and ninety-eight. Vacancies which may occur thereafter in the grade of major in the Judge-Advocate-General's Department shall be filled by the appointment of officers of the line, or of persons who have satisfactorily served as judge-advocates of volunteers since April twenty-first, eighteen hundred and ninety-eight, or of persons from civil life who at date of appointment are not over thirty-five years of age and who shall pass a satisfactory examination to be prescribed by the Secretary of War.

Judge-Advocate-
General's Depart-
ment.
Organization.

Vacancies above
grade of major, how
filled, etc.

Acting judge-advocates provided for herein shall be detailed from officers of the grades of captain or first lieutenant of the line of the Army who while so serving shall continue to hold their commissions in the arm of the service to which they permanently belong. Upon completion of a tour of duty not exceeding four years they shall be returned to the arm in which commissioned, and shall not be again detailed until they shall have completed two years' duty with the arm of the service in which commissioned.

Detail as acting
judge-advocate.

SEC. 16. That the Quartermaster's Department shall consist of one Quartermaster-General with the rank of brigadier-general, six assistant quartermasters-general with the rank of colonel, nine deputy quartermasters-general with the rank of lieutenant-colonel, twenty quartermasters with the rank of major, sixty quartermasters with the rank of captain, mounted; the military storekeeper now provided for by law, and one hundred and fifty post quartermaster-sergeants: *Provided*, That all vacancies in the grade of colonel, lieutenant-colonel, and major created or caused by this section shall be filled by promotion according to seniority, as now prescribed by law. That to fill original vacancies in the grade of captain created by this Act in the

Quartermaster's De-
partment.
Organization.

Provisos.
Vacancies, how
filled.

—original.

Temporary continu-
ance of certain volun-
teer officers.

—limit.

Subsistence Depart-
ment.
Organization.

Post commissary-
sergeants.

Proviso.
Vacancies, how
filled,
—original.

Medical Depart-
ment.
Organization.

Proviso.
Vacancies, how
filled.

Computation of serv-
ice as surgeon req-
uisite to grade of
captain.

—relative rank unaf-
fected, etc.

Contract surgeons
in emergencies.

Temporary, for Phil-
ippine service.

—discharge.

Pay of certain assist-
ant surgeons.
Vol. 30, p. 980.

Contract dental sur-
geons authorized.

Quartermaster's Department the President is authorized to appoint officers of volunteers commissioned in the Quartermaster's Department since April twenty-first, eighteen hundred and ninety-eight: *Provided further*, That the President is authorized to continue in service, during the present emergency, for duty in the Philippine Islands and on transports, twenty-four captains and assistant quartermasters of volunteers. This authority shall extend only for the period when their services shall be absolutely necessary.

SEC. 17. That the Subsistence Department shall consist of one Commissary-General with the rank of brigadier-general, three assistant commissaries-general with the rank of colonel, four deputy commissaries-general with the rank of lieutenant-colonel, nine commissaries with the rank of major, twenty-seven commissaries with the rank of captain, mounted, and the number of commissary-sergeants now authorized by law, who shall hereafter be known as post commissary-sergeants: *Provided*, That all vacancies in the grades of colonel, lieutenant-colonel, and major, created or caused by this section, shall be filled by promotion, according to seniority, as now prescribed by law. That to fill original vacancies in the grade of captain, created by this Act, in the Subsistence Department, the President is authorized to appoint officers of volunteers commissioned in the Subsistence Department since April twenty-first, eighteen hundred and ninety-eight.

SEC. 18. That the Medical Department shall consist of one Surgeon-General with the rank of brigadier-general, eight assistant surgeons-general with the rank of colonel, twelve deputy surgeons-general with the rank of lieutenant-colonel, sixty surgeons with the rank of major, two hundred and forty assistant surgeons with the rank of captain or first lieutenant, the Hospital Corps, as now authorized by law, and the Nurse Corps: *Provided*, That all vacancies in the grades of colonel, lieutenant-colonel, and major created or caused by this section shall be filled by promotion according to seniority, subject to the examination now prescribed by law: *And provided*, That the period during which any assistant surgeon shall have served as a surgeon or assistant surgeon in the Volunteer Army during the war with Spain or since shall be counted as a portion of the five years' service required to entitle him to rank of captain: *And provided also*, That nothing in this section shall affect the relative rank for promotion of any assistant surgeon now in the service, or who may be hereafter appointed therein, as determined by the date of his appointment or commission and as fixed in accordance with existing law and regulations: *Provided further*, That in emergencies the Surgeon-General of the Army, with the approval of the Secretary of War, may appoint as many contract surgeons as may be necessary, at a compensation not to exceed one hundred and fifty dollars per month. That on or after the passage of this Act the President may appoint for duty in the Philippine Islands, fifty surgeons of volunteers with the rank and pay of major, and one hundred and fifty assistant surgeons of volunteers with the rank and pay of captain, mounted, for a period of two years: *Provided*, That so many of these volunteer medical officers as are not required shall be honorably discharged the service whenever in the opinion of the Secretary of War their services are no longer necessary: *Provided further*, That assistant surgeons in the Volunteer Army of the United States commissioned by the President as captains, in accordance with the provisions of an Act for increasing the efficiency of the Army of the United States, and for other purposes, approved March second, eighteen hundred and ninety-nine, shall be entitled to the pay of a captain, mounted, from the date of their acceptance of such commission, as prescribed by law: *Provided*, That the Surgeon-General of the Army, with the approval of the Secretary of War, be, and he is hereby, authorized to employ dental surgeons to serve the officers and enlisted men of the Regu-

lar and Volunteer Army, in the proportion of not to exceed one for every one thousand of said Army, and not exceeding thirty in all. Said dental surgeons shall be employed as contract dental surgeons under the terms and conditions applicable to army contract surgeons, and shall be graduates of standard medical or dental colleges, trained in the several branches of dentistry, of good moral and professional character, and shall pass a satisfactory professional examination: *Provided*, That three of the number of dental surgeons to be employed shall be first appointed by the Surgeon-General, with the approval of the Secretary of War, with reference to their fitness for assignment, under the direction of the Surgeon-General, to the special service of conducting the examinations and supervising the operations of the others; and for such special service an extra compensation of sixty dollars a month will be allowed: *Provided further*, That dental college graduates now employed in the Hospital Corps who have been detailed for a period of not less than twelve months to render dental service to the Army and who are shown by the reports of their superior officers to have rendered such service satisfactorily may be appointed contract dental surgeons without examination: *Provided*, That the Secretary of War be authorized to appoint in the Hospital Corps, in addition to the two hundred hospital stewards now allowed by law, one hundred hospital stewards: *Provided*, That men who have served as hospital stewards of volunteer regiments or acted in that capacity during and since the Spanish-American war for more than six months may be appointed hospital stewards in the Regular Army: *And provided further*, That all men so appointed shall be of good moral character and shall have passed a satisfactory mental and physical examination.

—limit, etc.

—board of, to examine others.

—exempted from examination.

Additional hospital stewards authorized.

—serving in Spanish war may be appointed.

—examination.

Nurse Corps (female).
Organization.*Proviso*.
Appointment, examination, etc.

Transportation.

Pay, etc.

Veterinarians.

SEC. 19. That the Nurse Corps (female) shall consist of one Superintendent, to be appointed by the Secretary of War, who shall be a graduate of a hospital training school having a course of instruction of not less than two years, whose term of office may be terminated at his discretion, whose compensation shall be one thousand eight hundred dollars per annum, and of as many chief nurses, nurses, and reserve nurses as may be needed. Reserve nurses may be assigned to active duty when the emergency of the service demands, but shall receive no compensation except when on such duty: *Provided*, That all nurses in the Nurse Corps shall be appointed or removed by the Surgeon-General, with the approval of the Secretary of War; that they shall be graduates of hospital training schools, and shall have passed a satisfactory professional, moral, mental, and physical examination: *And provided*, That the Superintendent and nurses shall receive transportation and necessary expenses when traveling under orders; that the pay and allowances of nurses, and of reserve nurses, when on active service, shall be forty dollars per month when on duty in the United States and fifty dollars per month when without the limits of the United States. They shall be entitled to quarters, subsistence, and medical attendance during illness, and they may be granted leaves of absence for thirty days, with pay, for each calendar year; and, when serving as chief nurses, their pay may be increased by authority of the Secretary of War, such increase not to exceed twenty-five dollars per month. Payments to the Nurse Corps shall be made by the Pay Department.

SEC. 20. That the grade of veterinarian of the second class in cavalry regiments, United States Army, is hereby abolished, and hereafter the two veterinarians authorized for each cavalry regiment and the one veterinarian authorized for each artillery regiment shall receive the pay and allowances of second lieutenants, mounted. Such number of veterinarians as the Secretary of War may authorize shall be employed to attend animals pertaining to the quartermaster's or other departments not directly connected with the cavalry and artillery regiments, at a compensation not exceeding one hundred dollars per month.

Pay Department.
Organization.

Proviso.
Vacancies, etc.

Appointments to
grade of major.

—captain.

Limit paymasters
not to be exceeded.

Corps of Engineers.
Organization, etc.

Proviso.
Appointment of
Chief.
Vacancies, how
filled.

—by transfer.

Ordnance Depart-
ment.
Organization.

Vacancies, how
filled.

Signal Corps.
Organization.

Provisos.
Vacancies, how
filled.

Temporary service
in Philippines.

—limit.

Record and Pension
Office, War Depart-
ment.

SEC. 21. That the Pay Department shall consist of one Paymaster-General with the rank of brigadier-general, three assistant paymasters-general with the rank of colonel, four deputy paymasters-general with the rank of lieutenant-colonel, twenty paymasters with the rank of major, and twenty-five paymasters with the rank of captain, mounted: *Provided*, That all vacancies in the grade of colonel and lieutenant-colonel created or caused by this section shall be filled by promotion according to seniority, as now prescribed by law, and no more appointments to the grade of major and paymaster shall be made until the number of majors and paymasters is reduced below twenty: *And provided*, That persons who have served in the Volunteer Army since April twenty-first, eighteen hundred and ninety-eight, as additional paymasters may be appointed to positions in the grade of captain, created by this section. So long as there remain surplus majors an equal number of vacancies shall be held in the grade of captain, so that the total number of paymasters authorized by this section shall not be exceeded at any time.

SEC. 22. That the Corps of Engineers shall consist of one Chief of Engineers with the rank of brigadier-general, seven colonels, fourteen lieutenant-colonels, twenty-eight majors, forty captains, forty first lieutenants, and thirty second lieutenants. The enlisted force provided in section eleven of this Act and the officers serving therewith shall constitute a part of the line of the Army: *Provided*, That the Chief of Engineers shall be selected as now provided by law, and hereafter vacancies in the Corps of Engineers in all other grades above that of second lieutenant shall be filled, as far as possible, by promotion according to seniority from the Corps of Engineers: *And provided also*, That vacancies remaining in the grades of first and second lieutenant may be filled by transfer of officers of the Regular Army, subject to such professional examination as may be approved by the Secretary of War: Vacancies in the grade of second lieutenant not filled by transfer shall be left for future promotions from the corps of cadets at the United States Military Academy.

SEC. 23. That the Ordnance Department shall consist of one Chief of Ordnance with the rank of brigadier-general, four colonels, six lieutenant-colonels, twelve majors, twenty-four captains, and twenty-four first lieutenants, the ordnance storekeeper, and the enlisted men, including ordnance sergeants, as now authorized by law. All vacancies created or caused by this section shall, as far as possible, be filled by promotion according to seniority as now prescribed by law.

SEC. 24. That the Signal Corps shall consist of one Chief Signal Officer with the rank of brigadier-general, one colonel, one lieutenant-colonel, four majors, fourteen captains, fourteen first lieutenants, eighty first-class sergeants, one hundred and twenty sergeants, one hundred and fifty corporals, two hundred and fifty first-class privates, one hundred and fifty second-class privates, and ten cooks: *Provided*, That vacancies created or caused by this section shall be filled by promotion of officers of the Signal Corps according to seniority, as now provided by law. Vacancies remaining after such promotions may be filled by appointment of persons who have served in the Volunteer Signal Corps since April twenty-first, eighteen hundred and ninety-eight: *Provided*, That the President is authorized to continue in service during the present emergency, for duty in the Philippine Islands, five volunteer signal officers with the rank of first lieutenant and five volunteer signal officers with the rank of second lieutenant. This authority shall extend only for the period when their services may be absolutely necessary.

SEC. 25. That the officers of the Record and Pension Office of the War Department shall be a chief of said office with the rank of brigadier-general and an assistant chief of said office with the rank of major:

Provided, That any person appointed to be Chief of the Record and Pension Office after the passage of this Act shall have the rank of colonel.

Rank of Chief, etc.

SEC. 26. That so long as there remain any officers holding permanent appointments in the Adjutant-General's Department, the Inspector-General's Department, the Quartermaster's Department, the Subsistence Department, the Pay Department, the Ordnance Department, and the Signal Corps, including those appointed to original vacancies in the grades of captain and first lieutenant under the provisions of sections sixteen, seventeen, twenty-one, and twenty-four of this Act, they shall be promoted according to seniority in the several grades, as now provided by law, and nothing herein contained shall be deemed to apply to vacancies which can be filled by such promotions or to the periods for which the officers so promoted shall hold their appointments, and when any vacancy, except that of the chief of the department or corps, shall occur, which can not be filled by promotion as provided in this section, it shall be filled by detail from the line of the Army, and no more permanent appointments shall be made in those departments or corps after the original vacancies created by this Act shall have been filled. Such details shall be made from the grade in which the vacancies exist, under such system of examination as the President may from time to time prescribe.

Permanent appointments, staff departments to be promoted according to seniority.

—future vacancies to be filled by detail, after examination.

All officers so detailed shall serve for a period of four years, at the expiration of which time they shall return to duty with the line, and officers below the rank of lieutenant-colonel shall not again be eligible for selection in any staff department until they shall have served two years with the line.

—return to line after four years, etc.

That when vacancies shall occur in the position of chief of any staff corps or department the President may appoint to such vacancies, by and with the advice and consent of the Senate, officers of the Army at large not below the rank of lieutenant-colonel, and who shall hold office for terms of four years. When a vacancy in the position of chief of any staff corps or department is filled by the appointment of an officer below the rank now provided by law for said office, said chief shall, while so serving, have the same rank, pay, and allowances now provided for the chief of such corps or department. And any officer now holding office in any corps or department who shall hereafter serve as chief of a staff corps or department and shall subsequently be retired, shall be retired with the rank, pay, and allowances authorized by law for the retirement of such corps or department chief: *Provided*, That so long as there remain in service officers of any staff corps or department holding permanent appointments, the chief of such staff corps or department shall be selected from the officers so remaining therein.

Chief of staff corps or department vacancies, how filled.

—rank of incumbent.

Proviso.
Permanent appointments.

SEC. 27. That each position vacated by officers of the line, transferred to any department of the staff for tours of service under this Act, shall be filled by promotion in the line until the total number detailed equals the number authorized for duty in each staff department. Thereafter vacancies caused by details from the line to the staff shall be filled by officers returning from tours of staff duty. If under the operation of this Act the number of officers returned to any particular arm of the service at any time exceeds the number authorized by law in any grade, promotions to that grade shall cease until the number has been reduced to that authorized.

Vacancies caused by details from line to staff, how filled.

SEC. 28. That vacancies in the grade of field officers and captain, created by this Act, in the cavalry, artillery, and infantry shall be filled by promotion according to seniority in each branch, respectively. Vacancies existing after the promotions have been made shall be provided for as follows: A sufficient number shall be reserved in the grade of second lieutenant for the next graduating class at the United States Military Academy.

Vacancies in grade of field officers and captain created by this act, how filled.

—after promotions made, how filled.

Persons not over forty years of age who shall have at any time served as volunteers subsequent to April twenty-first, eighteen hundred and ninety-eight, may be ordered before boards of officers for such examination as may be prescribed by the Secretary of War, and those who establish their fitness before these examining boards may be appointed to the grades of first or second lieutenant in the Regular Army, taking rank in the respective grades according to seniority as determined by length of prior commissioned service; but no person appointed under the provisions of this section shall be placed above another in the same grade with longer commissioned service, and nothing herein contained shall change the relative rank of officers heretofore commissioned in the Regular Army.

Appointment of enlisted men as second lieutenants authorized.

Enlisted men of the Regular Army or volunteers may be appointed second lieutenants in the Regular Army to vacancies created by this Act, provided that they shall have served one year, under the same conditions now authorized by law for enlisted men of the Regular Army.

Excessive enlistment to supply trained recruits to outside regiments authorized.

SEC. 29. That to fill vacancies occurring from time to time in the several organizations serving without the limits of the United States with trained men, the President is authorized to enlist recruits in numbers equal to four per centum in excess of the total strength authorized for such organizations.

Limit of time for maximum strength.

SEC. 30. That the President is authorized to maintain the enlisted force of the several organizations of the Army at their maximum strength as fixed by this Act during the present exigencies of the service, or until such time as Congress may hereafter otherwise direct:

Proviso. Honorable discharge on account of dependent parent.

Provided, That in the event of the enlistment of a soldier in the Army for the period required by law, and after the expiration of one year of service, should either of his parents die, leaving the other solely dependent upon the soldier for support, such soldier may, upon his own application, be honorably discharged from the service of the United States upon due proof being made of such condition to the Secretary of War.

Detail of enlisted men for recruiting.

SEC. 31. That the Secretary of War is authorized to detach from the Army at large such number of enlisted men as may be necessary to perform duty at the various recruiting stations, and while performing such duty one member of each party shall have the rank, pay, and allowances of sergeant, and one the rank, pay, and allowances of corporal of the arm of the service to which they respectively belong.

Provisional promotion of officer pending examination.

SEC. 32. That when the exigencies of the service of any officer who would be entitled to promotion upon examination require him to remain absent from any place where an examining board could be convened, the President is hereby authorized to promote such officer, subject to examination, and the examination shall take place as soon thereafter as practicable. If upon examination the officer be found disqualified for promotion, he shall, upon the approval of the proceedings by the Secretary of War, be treated in the same manner as if he had been examined prior to promotion.

Appointment authorized of two brigadier-generals for retirement.

SEC. 33. The President of the United States is hereby authorized to select from the brigadier-generals of volunteers two volunteer officers, without regard to age, and, by and with the advice and consent of the Senate, appoint them brigadier-generals, United States Army, for the purpose of placing them on the retired list.

-major-general.

And the President is also hereby authorized to select from the retired list of the Army an officer not above the rank of brigadier-general who may have distinguished himself during the war with Spain, in command of a separate army, and to appoint, by and with the advice and consent of the Senate, the officer so selected to be major-general, United States Army, with the pay and allowances established by law for officers of that grade on the retired list.

SEC. 34. That all officers who have served during the war with Spain, or since, as officers of the Regular or Volunteer Army of the United States, and have been honorably discharged from the service by resignation or otherwise, shall be entitled to bear the official title and, upon occasions of ceremony, to wear the uniform of the highest grade they have held by brevet or other commission in the regular or volunteer service.

Officers honorably discharged may wear uniform of highest commission held, etc.

SEC. 35. That the Secretary of War be, and he is hereby, authorized and directed to cause preliminary examinations and surveys to be made for the purpose of selecting four sites with a view to the establishment of permanent camp grounds for instruction of troops of the Regular Army and National Guard, with estimates of the cost of the sites and their equipment with all modern appliances, and for this purpose is authorized to detail such officers of the Army as may be necessary to carry on the preliminary work; and the sum of ten thousand dollars is hereby appropriated for the necessary expense of such work, to be disbursed under the direction of the Secretary of War: *Provided*, That the Secretary of War shall report to Congress the result of such examination and surveys, and no contract for said sites shall be made nor any obligation incurred until Congress shall approve such selections and appropriate the money therefor.

Surveys, etc., for sites for instruction camps authorized.

Provided.
—report.

SEC. 36. That when in his opinion the conditions in the Philippine Islands justify such action the President is authorized to enlist natives of those islands for service in the Army, to be organized as scouts, with such officers as he shall deem necessary for their proper control, or as troops or companies, as authorized by this Act, for the Regular Army. The President is further authorized, in his discretion, to form companies, organized as are companies of the Regular Army, in squadrons or battalions, with officers and noncommissioned officers corresponding to similar organizations in the cavalry and infantry arms. The total number of enlisted men in said native organizations shall not exceed twelve thousand, and the total enlisted force of the line of the Army, together with such native force, shall not exceed at any one time one hundred thousand.

Enlistments of Philippine natives.

—companies, etc.

The majors to command the squadrons and battalions shall be selected by the President from captains of the line of the Regular Army, and while so serving they shall have the rank, pay, and allowances of the grade of major. The captains of the troops or companies shall be selected by the President from first lieutenants of the line of the Regular Army, and while so serving they shall have the rank, pay, and allowances of captain of the arm to which assigned. The squadron and battalion staff officers, and first and second lieutenants of companies, may be selected from the noncommissioned officers or enlisted men of the Regular Army of not less than two years' service, or from officers or noncommissioned officers or enlisted men serving, or who have served, in the volunteers subsequent to April twenty-first, eighteen hundred and ninety-eight, and officers of those grades shall be given provisional appointments for periods of four years each, and no such appointments shall be continued for a second or subsequent term unless the officer's conduct shall have been satisfactory in every respect. The pay and allowances of provisional officers of native organizations shall be those authorized for officers of like grades in the Regular Army. The pay, rations, and clothing allowances to be authorized for the enlisted men shall be fixed by the Secretary of War, and shall not exceed those authorized for the Regular Army.

Officers.

—pay, etc.

When, in the opinion of the President, natives of the Philippine Islands shall, by their services and character, show fitness for command, the President is authorized to make provisional appointments to the grades of second and first lieutenants from such natives, who, when so appointed, shall have the pay and allowances to be fixed by the Sec-

Native officers authorized.

retary of War, not exceeding those of corresponding grades of the Regular Army.

Porto Rico.
Regiment of natives
authorized.

SEC. 37. That the President is authorized to organize and maintain one provisional regiment of not exceeding three battalions of infantry, for service in Porto Rico, the enlisted strength thereof to be composed of natives of that island as far as practicable. The regiment shall be organized as to numbers as authorized for infantry regiments of the Regular Army. The pay, rations, and clothing allowances to be authorized for the enlisted men shall be fixed by the Secretary of War, and shall not exceed those authorized for the Regular Army. The field officers shall be selected from officers of the next lower grades in the Regular Army and shall, while so serving in the higher grade, have the rank, pay, and allowances thereof. The company and regimental and battalion staff officers shall be appointed by the President. The President may, in his discretion, continue with their own consent the volunteer officers and enlisted men of the Porto Rico regiment, whose terms of service expire by law July first, nineteen hundred and one. Enlistments for the Porto Rico regiment shall be made for periods of three years, unless sooner discharged. The regiment shall be continued in service until further directed by Congress.

Sale of intoxicants
in post exchanges,
etc., prohibited.

SEC. 38. The sale of or dealing in, beer, wine or any intoxicating liquors by any person in any post exchange or canteen or army transport or upon any premises used for military purposes by the United States, is hereby prohibited. The Secretary of War is hereby directed to carry the provisions of this section into full force and effect.

Existing Regular
Army commissions
unimpaired.

SEC. 39. That nothing in this Act shall be held or construed so as to discharge any officer from the Regular Army or to deprive him of the commission which he now holds therein.

Army ration; Presi-
dent may prescribe
components, etc.

SEC. 40. That the President be, and he is hereby, authorized to prescribe the kinds and quantities of the component articles of the army ration, and to direct the issue of substitutive equivalent articles in place of any such components whenever, in his opinion, economy and a due regard to the health and comfort of the troops may so require.

Badges, service
Spanish war, etc., may
be worn, etc.

SEC. 41. That the distinctive badges adopted by military societies of men "who served in the armies and navies of the United States during the Spanish-American war and the incident insurrection in the Philippines" may be worn upon all occasions of ceremony by officers and men of the Army and Navy of the United States who are members of said organizations in their own right.

Repeal.

SEC. 42. That all laws and parts of laws inconsistent with the provisions of this Act be, and the same are hereby, repealed.

Approved, February 2, 1901.

February 4, 1901.

CHAP. 193.—An Act Providing for the construction of a steam revenue cutter for service in the harbor of Boston, Massachusetts.

Boston, Mass.
Purchase of revenue
cutter authorized for
port of.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he hereby is, authorized to purchase or build a suitable vessel to be used as a revenue cutter of the third class at the port of Boston, Massachusetts: *Provided,* That the cost of said vessel shall not exceed the sum of fifty thousand dollars.

Proviso.
Limit of cost.

Approved, February 4, 1901.

CHAP. 194.—An Act To establish a lobster hatchery in the State of Maine.

February 4, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Commissioner of Fish and Fisheries is hereby authorized and directed to construct and equip a lobster hatchery upon the coast of Maine, the cost of establishing the same, including the purchase of land and water rights, not to exceed the sum of ten thousand dollars.

Approved, February 4, 1901.

Lobster hatchery on Maine coast authorized.

CHAP. 195.—An Act To amend section thirty-two hundred and fifty-five of the Revised Statutes of the United States, concerning the distilling of brandy from fruits.

February 4, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section thirty-two hundred and fifty-five of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"Sec. 3255. The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may exempt distillers of brandy made exclusively from apples, peaches, grapes, pears, pine-apples, oranges, apricots, berries, prunes, figs, or cherries from any provision of this title relating to the manufacture of spirits, except as to the tax thereon, when in his judgment it may seem expedient to do so."

Approved, February 4, 1901.

Distilled spirits. R. S. sec. 3255, p. 627, amended.

Certain exemptions to distillers of fruit brandy authorized.

CHAP. 199.—An Act To amend an Act entitled "An Act to incorporate the Masonic Mutual Relief Association of the District of Columbia."

February 5, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to incorporate the Masonic Mutual Relief Association of the District of Columbia," approved March third, eighteen hundred and sixty-nine, as amended by the Act entitled "An Act to amend an Act entitled 'An Act to incorporate the Masonic Mutual Relief Association of the District of Columbia,' approved March third, eighteen hundred and sixty-nine," approved February twentieth, eighteen hundred and ninety-three, be amended by striking out sections six and seven of said Act and substituting for the fifth section of said Act the following:

SEC. 5. That the said board of directors may be increased from time to time to a number equal to the number, for the time being, of Masonic lodges in the District of Columbia, and the said board shall be capable of taking and holding the funds, property, and effects of said corporation, which funds, property, or effects shall never be divided among the members of the said society or corporation, but shall descend to their successors, duly elected in the manner heretofore specified, for the promotion of the principles of the said corporation and the benevolent purposes of the society which they represent; but this provision shall not prevent the said board of directors from carrying out the principles of the society or corporation, namely, the immediate payment to the widow, orphans, heir, assignee, or legatee of a deceased member as many dollars as there are members in good standing on the books of the corporation, not exceeding one thousand dollars, or the amount specified in the certificate of membership held by said member: *Provided, however,* That no certificate of membership shall be issued by said corporation for an amount exceeding two thousand dollars.

Approved, February 5, 1901.

District of Columbia. Masonic Mutual Relief Association. Vol. 15, p. 335.

Vol. 27, p. 464.

Powers of directors.

Payments to widow, etc., of deceased members.

—limit.

Proviso. Limit amount of certificate of membership.

February 5, 1901.

CHAP. 200.—An Act Extending the time for the commencement and completion of the bridge across the Missouri River at or near Oacoma, South Dakota.

Time extended to Chicago, Sioux Falls and Pacific Railway to bridge Missouri River at Oacoma, S. Dak.
Vol. 30, p. 805.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time for the commencement of the bridge across the Missouri River at or near the village of Oacoma, in the State of South Dakota, authorized by the Act of Congress entitled "An Act to authorize the construction of a bridge at or near Oacoma, South Dakota," approved January twenty-eighth, eighteen hundred and ninety-nine, be, and the same is hereby, extended to January twenty-eighth, nineteen hundred and two, and the time for the completion of said bridge be, and the same is hereby, extended to January twenty-eighth, nineteen hundred and four

Approved, February 5, 1901.

February 6, 1901.

CHAP. 217.—An Act Amending the Act of August fifteenth, eighteen hundred and ninety-four, entitled "An Act making appropriations for current and contingent expenses of the Indian Department and fulfilling treaties and stipulations with various Indian tribes for the fiscal year ending June thirtieth, eighteen hundred and ninety-five," and for other purposes.

Allotments of land to Indians.
Vol. 28, p. 305, amended.

Actions for allotments alleged to be unlawfully denied.

Judgments.

Lands excepted.

Proviso.
Appeal.

Service of petition.

Appearance by district attorney, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That that portion of the Act of August fifteenth, eighteen hundred and ninety-four, found on page three hundred and five of Twenty-eighth Statutes at Large, be amended so as to read as follows:

"That all persons who are in whole or in part of Indian blood or descent who are entitled to an allotment of land under any law of Congress, or who claim to be so entitled to land under any allotment Act or under any grant made by Congress, or who claim to have been unlawfully denied or excluded from any allotment or any parcel of land to which they claim to be lawfully entitled by virtue of any Act of Congress, may commence and prosecute or defend any action, suit, or proceeding in relation to their right thereto in the proper circuit court of the United States; and said circuit courts are hereby given jurisdiction to try and determine any action, suit, or proceeding arising within their respective jurisdictions involving the right of any person, in whole or in part of Indian blood or descent, to any allotment of land under any law or treaty (and in said suit the parties thereto shall be the claimant as plaintiff and the United States as party defendant); and the judgment or decree of any such court in favor of any claimant to an allotment of land shall have the same effect, when properly certified to the Secretary of the Interior, as if such allotment had been allowed and approved by him, but this provision shall not apply to any lands now held by either of the Five Civilized Tribes, nor to any of the lands within the Quapaw Indian Agency: *Provided*, That the right of appeal shall be allowed to either party as in other cases.

"**SEC. 2.** That the plaintiff shall cause a copy of his petition filed under the preceding section to be served upon the district attorney of the United States in the district wherein suit is brought, and shall mail a copy of same, by registered letter, to the Attorney-General of the United States, and shall thereupon cause to be filed with the clerk of the court wherein suit is instituted an affidavit of such service and the mailing of such letter. It shall be the duty of the district attorney upon whom service of petition is made as aforesaid to appear and defend the interests of the Government in the suit, and within sixty days after the service of petition upon him, unless the time should be extended by order of the court made in the case to file a plea, answer, or demurrer on the part of the Government, and to file a notice of any counterclaim, set-off, claim for damages, or other demand or defense

whatsoever of the Government in the premises: *Provided*, That should the district attorney neglect or refuse to file the plea, answer, demurrer, or defense, as required, the plaintiff may proceed with the case under such rules as the court may adopt in the premises; but the plaintiff shall not have judgment or decree for his claim, or any part thereof, unless he shall establish the same by proof satisfactory to the court."

Proviso.
—failure of, to plead.

Plaintiff to establish claim.

Approved, February 6, 1901.

CHAP. 218.—An Act To reincorporate and preserve all the corporate franchises and property rights of the de facto corporation known as the German Orphan Asylum Association of the District of Columbia.

February 6, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Jacob Jose, Louis Kettler, William Kettler, John Walter, Frederick Imhoff, Charles G. Rogier, Charles Graff, Jacob J. Appieh, George J. Seufferle, George Breitbarth, Christian Heurich, Werner Koch, John A. Griesbauer, William H. Veerhoff, Clement A. Didden, George Bessler, John F. Schneider, and Otto Wehner, the present board of directors of the said de facto corporation, and their present associate members and successors, be, and they are hereby, created a body politic and corporate by the name of German Orphan Asylum Association of the District of Columbia, with all the powers, franchises, and privileges, and for the purposes set forth in the original Act of incorporation, executed September twentieth, eighteen hundred and seventy-nine, and recorded October eleventh, eighteen hundred and seventy-nine, in liber numbered three, folio sixty-two et sequentes, Acts of incorporation, in the office of the recorder of deeds for the District of Columbia: *Provided, however*, That the term of said corporation shall be, and hereby is, made perpetual.

District of Columbia.
German Orphan Asylum Association reincorporated.

Proviso.
Term of incorporation perpetual.

SEC. 2. That all lawful acts done and all lawful engagements entered into by the said German Orphan Asylum Association of the District of Columbia, while acting as a corporation de facto, are hereby declared to be valid, and that all property rights acquired by the said German Orphan Asylum Association of the District of Columbia and belonging to it while a corporation de jure, and all property right acquired by it while acting as a corporation de facto, are hereby confirmed unto the German Orphan Asylum Association of the District of Columbia by this Act incorporated, which shall hereupon succeed to all the rights and liabilities of the said German Orphan Asylum Association of the District of Columbia the body corporate de jure and de facto, saving, however, to all persons and corporations all rights and rights of action against the said original corporation and the said corporation de facto.

Acts of de facto corporation validated, etc.

SEC. 3. That the said German Orphan Asylum Association of the District of Columbia by this Act incorporated is hereby authorized, if such be deemed necessary, to institute in the supreme court of the District of Columbia, proceedings in equity, by bill against all persons and corporations who may set up any claim to any of the property rights of the said original corporation or de facto corporation by this Act vested in the corporation created hereby for the purpose of determining finally the rights of any such adverse claims and of having its right and title to all such property rights finally affirmed by the decree of said court: *Provided, however*, That nothing in this Act shall be held in any wise to disturb or affect any reserved lien which the United States may have under existing law upon any of the property of the said original corporation or the said de facto corporation.

Authority to sue, etc.

Proviso.
Lien of United States.

SEC. 4. Congress hereby reserves the right to alter, amend, or repeal this Act.

Amendment.

Approved, February 6, 1901.

February 6, 1901.

CHAP. 219.—An Act To enable the directors of Providence Hospital to increase the accommodations of that institution.

District of Columbia.
Providence Hospital
authorized to increase
accommodations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of obtaining the amount of money necessary to construct additional buildings for hospital purposes on square seven hundred and sixty-four in the City of Washington, District of Columbia, the directors of the Providence Hospital are hereby authorized to raise by mortgage or other incumbrance on the real estate in said square a sum not to exceed two hundred thousand dollars, which said incumbrance shall be a first lien on said real estate; and the said corporation is hereby authorized to hold real estate in the said square without limitation as to value: *Provided,* That all proceedings under this Act shall be approved by the Attorney-General of the United States.

Proviso.
Approval.

Approved, February 6, 1901.

February 8, 1901.

CHAP. 342.—An Act For the payment of travel allowances, on discharge from the Volunteer Army, to certain officers and enlisted men who reentered the military service of the United States in the Philippine Islands.

Army.
Travel allowance on
reenlistment in Thirty-sixth or Thirty-seventh Volunteer Infantry, or Eleventh Cavalry.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any officer of Volunteers, and any enlisted man of either Regulars or Volunteers, who was discharged in the Philippine Islands and there reentered the service, through commission or enlistment, in the Thirty-sixth or Thirty-seventh Regiments United States Volunteer Infantry, or in the Eleventh Regiment United States Volunteer Cavalry, shall, when discharged, except by way of punishment for an offense, receive for travel allowances, from the place of his discharge to the place in the United States of his last preceding appointment or enlistment, four cents per mile: *Provided,* That for sea travel, on discharge, from or between our island possessions actual expenses only shall be paid to officers, and transportation and subsistence only shall be furnished enlisted men: *Provided further,* That officers and enlisted men discharged in the United States under the provisions of this Act shall not be entitled to transportation or travel allowance back to the Philippine Islands.

Provisos.
Allowance for sea travel.

No travel allowance back to Philippines on muster out in United States.

Approved, February 8, 1901.

February 8, 1901.

CHAP. 343.—An Act To supplement and amend the Act entitled "An Act to incorporate the North River Bridge Company and to authorize the construction of a bridge and approaches at New York City across the Hudson River, to regulate commerce in and over such bridge between the States of New York and New Jersey, and to establish such bridge a military and post road," approved July eleventh, eighteen hundred and ninety.

North River Bridge Company's bridge across Hudson River at New York.
Time extended for completion.
Vol. 26, p. 268.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section two of the Act entitled "An Act to incorporate the North River Bridge Company and to authorize the construction of a bridge and approaches at New York City across the Hudson River, to regulate commerce in and over such bridge between the States of New York and New Jersey, and to establish such bridge a military and post road," be, and the same is hereby, so supplemented and amended as to extend the time for the completion of the construction of the bridge by the said Act authorized until the first day of January, in the year of our Lord nineteen hundred and twelve.

Approved, February 8, 1901.

CHAP. 344.—An Act Permitting the building of two dams across the Savannah River above the city of Augusta in the State of Georgia.

February 8, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to Twin City Power Company, a corporation organized under the laws of the State of South Carolina, its successors or assigns, to construct, erect, and maintain a dam across the Savannah River at or near where Dortons Creek, in the county of Edgefield, State of South Carolina, empties into the Savannah River, and all works incident thereto in the utilization of the power thereby developed; and also a dam across the said river at or near the southern end of Prices Island in said river, and about five miles from the mouth of Dortons Creek, and all works incident thereto in the utilization of the power thereby developed: *Provided*, That each of the dams constructed shall be provided with an accessible lock of such capacity as may be prescribed by the Secretary of War: *Provided also*, That the plans for the construction and maintenance of said dams and appurtenant works shall be submitted to and approved by the Chief of Engineers and the Secretary of War before the commencement of the construction of such dam or dams, and that the said Twin City Power Company shall not deviate from such plans after such approval, either before or after completion of the same, unless the modification of said plans shall have previously been submitted to and received the approval of the Chief of Engineers and of the Secretary of War: *Provided further*, That in case any litigation arises from the building of said dam or dams, the maintaining of the same, or from the obstruction of said river by the said dam or dams or appurtenant works, cases may be tried in the proper courts as now provided for that purpose in the States of South Carolina and Georgia, and the courts of the United States.

Twin City Power Company may dam Savannah River at Dortons Creek, S. C.

—also at Prices Island, etc.

Provisos.
Locks.

Secretary of War to approve plans, etc.

Litigation.

SEC. 2. That the right to amend or repeal this Act is hereby expressly reserved: *And provided further*, That suitable fishways shall be constructed and maintained at said dams by said company, its successors and assigns, as may be required from time to time by the United States Fish Commissioner.

Amendment.

Proviso.
Fishways.

SEC. 3. That this Act shall be null and void unless one of the said dams herein authorized shall be completed within five years from the passage of this Act, and unless both dams shall be completed within the same time the rights and privileges hereby granted shall cease and be determined so far as pertains to the incomplete dam: *And provided further*, That such dam or dams shall be constructed in such manner as not to injure or diminish the water power of any person or company having a dam or hydraulic works already constructed: *And provided further*, That before the construction of either of said dams compensation shall be made to any person or company whose lands may be taken or overflowed in the construction or maintenance of such dam or dams, in accordance with the laws of the State where said lands may be situate.

Completion.

Provisos.
No injury to existing hydraulic works.

Damages.

Approved, February 8, 1901.

CHAP. 345.—An Act To authorize the construction and to maintain a dam and wagon bridge across Twelve-Mile Bayou, in the parish of Caddo, in the State of Louisiana.

February 8, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Shreveport Water Works Company, of the city of Shreveport, Louisiana, is hereby authorized to construct and maintain a dam and wagon bridge across

Shreveport Water Works Company may dam, etc., Twelve-Mile Bayou, La.

Proviso.
Secretary of War to
approve plans.

Amendment.
Completion.

Twelve-Mile Bayou, in the parish of Caddo, in said State, and to connect said Twelve-Mile Bayou with Cross Bayou by means of a canal: *Provided*, That the plans and location of such structures shall be submitted to the Secretary of War for his approval, and until the said plans and location are approved by him the work herein authorized shall not be commenced or built.

Congress reserves the right to alter, amend, or repeal this Act, and that the said dam and wagon bridge shall be completed within three years after the passage of this Act.

Approved, February 8, 1901.

February 8, 1901.

CHAP. 346.—An Act Granting to Keokuk and Hamilton Water Power Company right to construct and maintain wing dam, canal, and power station in the Mississippi River in Hancock County, Illinois.

Keokuk and Hamilton Water Power Company may dam, etc., Mississippi River in Hancock County, Ill.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the assent of Congress is hereby given to the Keokuk and Hamilton Water Power Company, a corporation created and organized under the laws of the State of Illinois, its successors and assigns, to erect, construct, operate, and maintain a canal along the east bank of the Mississippi River, between Nauvoo and Hamilton, in Hancock County, in the State of Illinois, to erect, construct, operate, and maintain a power station thereon, and to project, erect, construct, operate, and maintain a wing dam five hundred feet into the river from the head of the said canal, and to make such other dams and improvements as may be necessary within said limits for the development of water power and the generation, use, and transmission therefrom of electric energy and power at, in, and upon the Des Moines Rapids of the Mississippi River: *Provided*, That the construction hereby authorized do not in any way interfere with the interests of navigation: *And provided further*, That until the plans and location of the works herein authorized, so far as they affect the interests of navigation, have been approved by the Secretary of War the canal or other improvements shall not be commenced or built.

Provisos.
Existing low-water
channel Des Moines
Rapids, etc.

Approval of plans.

Commencement
and completion.

Amendment.

SEC. 2. That this Act shall be null and void if actual construction of the works herein authorized be not commenced within three years and completed within six years from the date hereof.

SEC. 3. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, February 8, 1901.

February 8, 1901.

CHAP. 347.—An Act To authorize the Kingston Bridge and Terminal Railway Company to construct a bridge across the Clinch River at Kingston, Tennessee.

Kingston Bridge and Terminal Railway may bridge Clinch River at Kingston, Tenn.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Kingston Bridge and Terminal Railway Company, in the State of Tennessee, in its corporate capacity, is hereby authorized and empowered to construct and maintain a bridge over and across the Clinch River, at a point suitable to the interests of navigation, at or near the town of Kingston, so as to connect said town of Kingston with the opposite or north bank of said river.

Unobstructed navigation.

Draw.

SEC. 2. That said bridge shall be so constructed that a reasonably free and unobstructed passageway may be secured to all water craft navigating said river at the point aforesaid; and if said bridge shall be

constructed as a drawbridge, the draw shall be opened promptly, upon reasonable signal, for the passage of boats and vessels; and whatever kind of bridge is constructed, the owners thereof shall maintain, at their own expense, from sunset to sunrise, such lights or other signals thereon as the Light-House Board shall prescribe.

Lights.

SEC. 3. That said bridge shall not be built or commenced until the plans and location of the same shall have been approved by the Secretary of War; and no change shall be made in its construction, and no alteration of it shall be made after its construction, unless such change or alteration shall, in like manner, receive the approval of the Secretary of War. And any changes in said bridge which the Secretary of War may at any time order in the interest of navigation shall be promptly made by the said company at its own expense.

Approval of plans, etc.

SEC. 4. That the Secretary of War, upon receiving the design, drawings, and specifications of said bridge, and a map of the location, and such other information as he may call for, and upon being satisfied that the bridge when built according to such designs and drawings will be in accordance with the requirements of this Act and will not unreasonably obstruct the navigation of said river, be, and is hereby, authorized and directed to approve said design, drawings, and specifications, and to so notify said Kingston Bridge and Terminal Railway Company; and upon receiving such notification the said Kingston Bridge and Terminal Railway Company may proceed to construct said bridge, conforming strictly to the approved design, drawings, and specifications.

—notification, etc.

SEC. 5. That any bridge built under this Act and according to its limitations shall be a lawful structure, and shall be recognized and known as a post route, upon which the mails, troops, and munitions of war of the United States shall be transmitted free of charge, and the United States shall have the right of way for a postal telegraph across said bridge: *Provided*, That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same, and over the approaches thereto, upon payment of a reasonable compensation for such use; and in case of any disagreement between the parties in regard to the terms of such use or the sums to be paid, all matters at issue shall be determined by the Secretary of War upon hearing the allegations and proofs submitted to him.

Lawful structure and post route.

Postal telegraph.

Proviso.
Rights of railroads to use.

SEC. 6. That the right is hereby expressly reserved to alter, amend, or repeal this Act.

Amendment.

SEC. 7. That this Act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date hereof.

Commencement and completion.

Approved, February 8, 1901.

CHAP. 348.—An Act For the establishment of a beacon light on Hambrook Bar, Choptank River, Maryland, and for other purposes.

February 8, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to have established a beacon light on Hambrook Bar, Choptank River, Maryland, and beacon range lights to guide into the harbor of Cambridge, Maryland, at a cost not to exceed ten thousand dollars.

Hambrook Bar,
Choptank River, Md.,
beacon light authorized at.

Approved, February 8, 1901.

February 11, 1901.

CHAP. 350.—An Act Providing for allotments of lands in severalty to the Indians of the La Pointe or Bad River Reservation, in the State of Wisconsin.

Allotments authorized to Indians of La Pointe or Bad River Reservation, Wis.

Vol. 10, p. 1109.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That with the consent of the Chippewa Indians of Lake Superior, located on the Bad River Reservation, in the State of Wisconsin, to be obtained in such manner as the Secretary of the Interior may direct, the President may allot to each Indian now living and residing on said reservation and entitled to so reside, and who has not heretofore received an allotment, not exceeding eighty acres of land, such allotments to be subject in all respects, except as to the age and condition of the allottee, to the provisions of the third article of the treaty with the Chippewas of Lake Superior and the Mississippi, concluded September thirtieth, eighteen hundred and fifty-four.

Approved, February 11, 1901.

February 11, 1901.

CHAP. 351.—An Act To extend the privileges of the seventh section of the immediate transportation Act to Saginaw, Michigan.

Saginaw, Mich.
Immediate transportation privileges extended to.
Vol. 21, p. 174.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the privileges of the seventh section of the Act approved June tenth, eighteen hundred and eighty, governing the immediate transportation of dutiable merchandise without appraisement be, and they are hereby, extended to Saginaw, Michigan.

Approved, February 11, 1901.

February 11, 1901.

CHAP. 352.—An Act To authorize advances from the Treasury of the United States for the support of the government of the District of Columbia.

District of Columbia.
Advancements for expenses on requisition of Commissioners authorized.

Providos.

Street extensions.
Ante, p. 665.

Reimbursement for advances.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That until and including June thirtieth, nineteen hundred and two, the Secretary of the Treasury is authorized and directed to advance on the requisition of the Commissioners of the District of Columbia, made in the manner now prescribed by law, out of any moneys in the Treasury of the United States not otherwise appropriated, such sums as may be necessary from time to time to meet the general expenses of said District, as provided by Congress, and to reimburse the Treasury for the portion of said advances payable by the District of Columbia out of the taxes and revenues collected for the support of the government thereof: *Provided*, That nothing contained herein, nor in the Act of June sixth, nineteen hundred, entitled "An Act to regulate the collection of taxes in the District of Columbia," shall be so construed as to require the United States to bear any part of the cost of street extensions, and all advances heretofore or hereafter made for this purpose by the Secretary of the Treasury shall be repaid in full from the revenues of the District of Columbia: *Provided*, That all advances made under this Act and under the said Act of June sixth, nineteen hundred, not reimbursed to the Treasury of the United States on or before June thirtieth, nineteen hundred and two, shall be reimbursed to the Treasury of the United States out of the revenues of the District of Columbia beginning July first, nineteen hundred and two, in four equal annual installments with interest at the rate of two per centum per annum, except in cases where the terms of the appropriation under which such advances are made shall expressly provide for payment jointly by the United States and the District of Columbia.

Approved, February 11, 1901.

February 12, 1901.

CHAP. 353.—An Act To provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railroad Company, in the city of Washington, District of Columbia, and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Baltimore and Potomac Railroad Company be, and it is hereby, empowered, authorized, and required to revise, change, and improve the alignment and grade of its railroad, and to relocate parts thereof within the city of Washington, in the District of Columbia, as hereinafter provided, to wit:

District of Columbia.
Baltimore and Potomac Railroad.
Elimination of grade crossing, etc., directed.

Beginning at a point in its present tunnel under Virginia avenue near the intersection of Eleventh street southeast, and extending thence by a continuation of said tunnel, with a width sufficient for not less than two nor more than four tracks, along and under Virginia avenue to the west side of Second street southeast; thence in the open, with a width sufficient for four main tracks, along what would be Virginia avenue if extended through reservation seventeen, now called Garfield Park, to another section of Virginia avenue as now opened at South Capitol street; thence along said last-mentioned section of Virginia avenue to a connection with its present four main tracks and right of way near Delaware avenue; thence continuing said four tracks along and on said Virginia avenue and Maryland avenue to the Potomac River; and also from points on said last-described line, that is to say, from east of Sixth street southwest; thence by a curved line with three tracks crossing over Sixth street southwest, Maryland avenue, and B street southwest, to and upon that portion of the Mall hereinafter described; and from a point west of Seventh street southwest by a curved line, with three tracks over Seventh street southwest, Maryland avenue, and B street southwest, to and upon said portion of said Mall, with such grade, and at such elevations, with reference to the streets of said city, and on such locations as are shown on plans and profiles prepared by said railroad company, and approved by the Commissioners of the District of Columbia, and as hereinafter specified; it being the purpose of this Act that the said railroad shall be located under Sixth street southeast, Fifth street southeast, Fourth street southeast, Third street southeast, and Second street southeast, in a tunnel as aforesaid; that New Jersey avenue shall be carried over said railroad on an iron or steel bridge; and that said railroad shall be carried over South Capitol street, Delaware avenue, First street southwest, Second street southwest, Third street southwest, Four-and-a-half street southwest, Sixth street southwest, Seventh street southwest, Maryland avenue, and B street southwest, and that Ninth street southwest, Tenth street southwest, Eleventh street southwest, and Twelfth street southwest shall be carried over said railroad on iron or steel bridges. The railroad shall also be carried over Water street southwest.

Relocation of tracks, etc.

REMOVAL OF TRACKS FROM SIXTH, K, AND CANAL STREETS.

SEC. 2. That the said Baltimore and Potomac Railroad Company be, and it is hereby, required to remove its present eastern connection between its passenger station and its line on Virginia avenue via Sixth street, including all tracks on Sixth street, and its western connection via Maryland avenue, and to change and relocate its tracks connecting with the new terminus contemplated by this Act, in the manner authorized and provided by the preceding section hereof, and as shown on the plans and profiles in said section referred to, and also shall remove its tracks from K street and Canal street, east of New Jersey avenue southeast; and said tracks which are to be abandoned shall be removed within sixty days after the new track is ready for use, and the roadway of said Sixth street between B street south and B street north

Removal of tracks from Sixth, K, and Canal streets.

shall be provided with a modern pavement at the expense of said railroad company, to the satisfaction of the Commissioners of the District of Columbia.

Station building.

STATION BUILDING.

—location.

Arch passageway.
West Capitol street.

Cost, etc., of station
building.

Proviso.
No freight depot,
etc., on Mall.

SEC. 3. That in order to accommodate the increasing passenger, mail, express, and other traffic in the city of Washington the said Baltimore and Potomac Railroad Company shall have and be possessed of the right, which is hereby granted and conferred, to occupy and use, on the conditions hereinafter mentioned, that portion of the Mall lying between B street southwest and B street northwest as the southerly line of said B street northwest is hereinafter defined, and between the west line of Sixth street and a line drawn parallel therewith and three hundred and forty feet west thereof, and to erect and maintain thereon a station building and appurtenances, train sheds, and tracks and sidings in connection therewith suitable and adequate for the convenient accommodation of said traffic; and the said Baltimore and Potomac Railroad Company shall, in connection with its occupation and use of the portion of the Mall hereby granted, locate, construct, and maintain beneath its tracks and structures on the line of West Capitol street, as shown on the city maps, a substantial arch or arches not less than two hundred feet in width, as a public passageway for vehicular and pedestrian traffic (as shall be approved by the Commissioners of the District of Columbia), which shall be so constructed as to afford roadways and sidewalks; and the said company shall also pave the said passageways at the time of their construction to the satisfaction of the Commissioners of the District of Columbia, but thereafter the maintenance of the pavement and roadways shall devolve upon the said District of Columbia. The station building to be erected on the Mall shall cost not less than one million five hundred thousand dollars, inclusive of the car sheds, which shall be of ornamental or monumental character, and shall be designed, so far as practicable, so as not to impair the appearance of the Mall; the plans thereof to be approved by the Secretary of War: *Provided*, That upon the lands on the Mall hereby granted to the use of the Baltimore and Potomac Railroad Company no freight depot, warehouse, or other structure, except such as is necessary to its use as the site of a passenger station, shall be erected; and that no tracks, except such as are necessary to the service of such passenger station, shall be laid or operated on said land.

TEMPORARY TRACKS.

Authority to lay
temporary tracks.

SEC. 4. That if it should at any time be deemed necessary or advisable, in the construction of the works herein authorized, to lay temporary tracks on any street or avenue to accommodate the business of the Baltimore and Potomac Railroad Company pending the completion of such works, the said company may lay such temporary tracks, subject to the approval and under the direction of the Commissioners of the District of Columbia, and shall remove the same and restore every such street or avenue to its former condition, to the satisfaction of said Commissioners, within sixty days after the time fixed for the completion of the works herein authorized.

REMOVAL OF FISH COMMISSION BUILDING.

Fish Commission
building.
—removal of.

—rebuilding.

SEC. 5. That the United States Fish Commission building and appurtenances, now located on that part of the Mall hereby granted to said Baltimore and Potomac Railroad Company, shall be removed therefrom and rebuilt on the said Mall west of the portion thereof so granted to said railroad company, under the directions of, and according to plans approved by, the Chief of Engineers of the United States Army;

and the cost of such removal and rebuilding shall be defrayed by the said Baltimore and Potomac Railroad Company to an amount not exceeding forty thousand dollars: *Provided*, That the expense of such removal and rebuilding in excess of forty thousand dollars shall be paid by the United States.

—expense of; limit.

Proviso.
—United States liable for excess.

RETAINING WALLS.

SEC. 6. That in elevating or depressing its tracks, as hereinbefore authorized, the said railroad company is hereby required to support the sides of all embankments and excavations made in the streets wherein the same are located with suitable retaining walls of stone. These walls, in cases of excavation, shall be carried to a height of four feet above the revised grades of said streets, or shall be provided with suitable iron railings. The space to be occupied and used by the said railroad company where its tracks are depressed on Maryland avenue shall not exceed fifty-eight feet between the inside faces of the parallel retaining walls, measured at the level of the said tracks, as shown on said plans and profiles.

Retaining walls for embankments, etc.

Space occupied on Maryland avenue.

STREETS TO BE VACATED.

SEC. 7. That to enable said Baltimore and Potomac Railroad Company to effect the revision, change, and improvement in the alignment and grade of its railroad, and the relocation of parts thereof as authorized and contemplated by this Act, the following-named streets and crossings in said city of Washington shall be, upon the completion of the work herein authorized, completely vacated and abandoned for public use, namely:

Streets to be vacated.

Canal street, as located and shown on the city maps, between South Capitol street and New Jersey avenue.

G street southeast and H street southeast, between South Capitol street and New Jersey avenue.

I street southeast, between First and South Capitol streets.

Virginia avenue, on the south side of the said railroad, between Second street and Four-and-a-half street southwest, and on the north side of the said railroad between Four-and-a-half street and Seventh street southwest.

Maryland avenue, on the south side of said railroad, between Ninth and Tenth streets southwest.

Maryland avenue, between Twelfth and Fourteenth streets southwest; and in consideration of, and in connection with, the vacation of said portion of Maryland avenue between Twelfth and Fourteenth streets southwest, the said railroad company shall acquire and dedicate to the District of Columbia the necessary property to increase the present width of D street southwest, between Twelfth and Fourteenth streets southwest, thirty feet on the south side thereof.

Thirteenth and Thirteen-and-a-half streets, between D and Water streets southwest, and

E street southwest, between Twelfth street southwest and Water street.

The following-named streets are hereby vacated and abandoned, namely:

F street southwest and E street southwest, where they cross the said railroad;

D street southwest, between Four-and-a-half and Sixth streets southwest;

C street southwest, between Sixth and Seventh streets southwest: *Provided, however*, That nothing herein contained shall be construed to prohibit the public authorities from entering upon vacated and abandoned streets and avenues for the purpose of locating, construct-

Proviso.
Repair of sewers, etc., in vacated streets permitted.

ing, maintaining, or repairing therein sewers, water mains, gas mains, conduits, or other underground construction necessary for the public comfort, convenience, or health: *And provided further*, That no portion of any street shall be closed under authority of this Act until said railroad company shall have secured control of the property abutting upon said portion to be closed, it being the intent hereof that no property owner shall be deprived of egress from or ingress to his property.

CHANGES IN GRADE; WIDENING B STREET.

Commissioners may change grades.

Widening B street.

The Commissioners of the District of Columbia are hereby authorized and directed to make all such changes in the lines and grades of any street or streets in said city as may be reasonably required or deemed necessary or advisable in connection with the revision, change, improvement, and partial relocation of said railroad by this Act contemplated, and particularly are authorized and directed to widen B street northwest, on its southerly side, between Sixth and Seventh streets; so as to conform to the southerly line of said street as it now exists west of Seventh street, and to widen Seventh street on its easterly side between B street northwest and the northerly line of West Capitol street, as shown on the city maps, as follows: For a distance of one hundred and thirty feet south from the southerly line of said B street northwest, when widened as herein authorized, to a width of two hundred and twenty feet, and for the residue of the distance to the northerly line of West Capitol street to a width not exceeding one hundred and thirty feet.

GARFIELD PARK.

Use of part of Garfield Park authorized.

SEC. 8. That in consideration of and in connection with the changes and improvements to be made in the said railroad by the Baltimore and Potomac Railroad Company, in conformity with the requirements of this Act, the said railroad company shall have and be possessed of the right and privilege, which are hereby expressly granted and conferred, to occupy and use, for tracks and other corporate purposes, all that portion of reservation seventeen, now known as Garfield Park, which lies to the southward of its main tracks when located as authorized by this Act, as well as that portion thereof which shall be occupied by said main tracks as located on said plans and profiles; and also the like right and privilege to occupy and use, for similar purposes, the parts or portions of the several streets and crossings which are by this Act vacated and abandoned.

DIVISION OF COSTS.

Division of cost of improvements.

SEC. 9. That the entire cost and expenses of the revision, changes, relocations, and improvements of and in said railroad, as authorized and required by the preceding sections of this Act, and of all structures connected therewith or incidental thereto, shall be borne, paid, and defrayed in manner following, to wit: The said Baltimore and Potomac Railroad Company shall bear, pay, and defray all cost and expense of the relocations, elevation, and depression of its tracks within the limits of its right of way as are authorized and required by this Act, including the construction of so much of the bridges conveying streets over its tracks, right of way, and other property as shall be within the limits thereof, and the reconstruction within such limits of the streets which shall be carried beneath the same, the cost and expense of removing its tracks from Sixth street north of Virginia avenue, and from K street and Canal street, and the restoration of such parts of said streets for the uses of the public, and the cost and expense of constructing and maintaining the arch or arches for passageways underneath its said tracks located on the Mall, as well as the

original cost of paving the roadways and sidewalks to be located within the said passageways. All other costs, expenses, and damages resulting from, incidental to, or connected with the revisions, changes, and improvements in alignment and grades of said railroad, or the relocations thereof by this Act required and authorized, and from changes in the grades of the streets or the railroad, and the lawful operation of the said railroad upon the location and structures contemplated and required by this Act, and whether to property owners affected thereby or otherwise, as well as the cost and expense of all street approaches to said company's tracks and right of way, whether overhead by means of bridges or under grade, shall be borne, paid, and defrayed in manner following, to wit: Fifty per centum thereof by the United States and the remaining fifty per centum thereof by the District of Columbia, which last-mentioned fifty per centum shall be levied and assessed upon the taxable property and privileges in said District other than the property of the United States and of the District of Columbia.

All work within the limits of the said railroad company's right of way, including the bridges within said limits, shall be done by said railroad company to the satisfaction and approval of the Commissioners of the District of Columbia, who are authorized to exercise such supervision over the same as may be necessary to secure the proper construction and maintenance of the said work. And all work which is without the limits of the right of way of said railroad company shall be done by the District of Columbia.

Approval of work, etc.

PROPERTY TO BE ACQUIRED BY PURCHASE OR CONDEMNATION.

SEC. 10. That to enable the Baltimore and Potomac Railroad Company to effectuate the purposes contemplated and authorized by this Act, the said company be, and they are hereby, authorized and empowered to acquire, either by purchase or condemnation, as hereinafter provided, and, when so acquired, to use the same for tracks and other corporate purposes, and make all such improvements thereon and thereto as may be deemed necessary, the following properties, to wit: All of squares four hundred and sixty-two, four hundred and sixty-three, four hundred and sixty-three south, and four hundred and ninety-three; and also as much land as may be required for tracks and other corporate purposes which lies to the south of the present main tracks of the company between South Capitol and First streets southeast and north of the northerly line of M street: *Provided, however,* That if land shall be acquired south of the present railroad yards and between South Capitol and First streets southeast as in this section authorized the said railroad company shall, when so required by the Commissioners of the District of Columbia, make adequate and suitable provision for carrying such streets as may intersect the same across the tracks which shall be located thereon by overhead bridges in a manner satisfactory to the said Commissioners: *Provided further,* That the cost and expense of raising grades of streets and all approaches to such bridges shall be borne and defrayed by the District of Columbia and the United States, as hereinbefore provided.

Property to be acquired by purchase or condemnation.

Provided.
Land acquired south of present yards, etc.

Expenses, etc.

In case the said Baltimore and Potomac Railroad Company can not, for any reason, agree with the owner or owners for the purchase, use, or occupation of any of the land it is authorized to acquire by purchase or condemnation, then the same may be acquired by the said company in the same manner and by the same procedure as are provided by sections six hundred and forty-eight to six hundred and sixty-three, both inclusive, of the Revised Statutes, relating to the District of Columbia: *Provided,* That in every case in which an assessment of the damages or an award shall have been returned by the appraisers

Acquiring land by appraisal.

R. S. D. C., secs. 648 to 663, pp. 78, 79.

Provided.
—right of entry on deposit of award.

Sidings for manufacturing, etc., authorized.

—no grade crossing to be created, etc.

Squares 267, 270, etc.

the company, upon paying into court the amount so assessed or awarded, may enter upon and take possession of the land and property covered thereby irrespective of whether exceptions to said assessment or award shall be filed or not, and the subsequent proceedings shall not interfere with or affect such possession, but shall only affect the amount of the compensation to be paid. And it shall be lawful for said Baltimore and Potomac Railroad Company to extend and construct, from time to time, branch tracks or sidings from the lines of railroad authorized by this Act into any lot or lots adjacent to any street or avenue along which said lines of railroad are located, upon the application of the owner or owners of such lot or lots, to enable such owners to use their property for the purposes of coal, wood, or lumber yards, manufactories, warehouses, and other business enterprises: *Provided, however*, That no grade crossing of any street or avenue within the city of Washington shall be thereby created, but such connecting tracks shall be carried across such street or avenue in such manner as not to obstruct the free use thereof, and the plans of such connecting tracks shall in every case be first filed with and approved by the Commissioners of the District of Columbia: *Provided further*, That as to square southeast of square two hundred and sixty-seven and square two hundred and seventy the Southern Railway Company (a railroad corporation of the State of Virginia, whose trains now move and are expected to continue to move to and from Washington over the tracks of the said Baltimore and Potomac Railroad Company and Washington Southern Railroad Company under agreements existing or hereafter to be made with the last-named companies granting the necessary right therefor) and its successors shall have the same rights of acquisition by purchase or condemnation, to be exercised under the same conditions, as are in this Act provided for the acquisition of additional land by the Baltimore and Potomac Railroad Company; and such squares when so acquired may be used by said Southern Railway Company and its successors to accommodate the handling and delivery of local freight traffic and for its other corporate purposes in the District of Columbia.

LONG BRIDGE.

Long Bridge. Railroad to substitute new railroad bridge for.

SEC. 11. That inasmuch as the present Long Bridge over the Potomac River is inadequate for the accommodation of the largely increased railroad and vehicular traffic, is in a measure obstructive of navigation, and needs to be reconstructed, the Baltimore and Potomac Railroad Company is hereby directed and required to remove the present Long Bridge across the Potomac River, and, in accordance with plans to be approved by the Secretary of War, to build on practically the same line a new bridge in lieu thereof, said new bridge to be for railroad purposes only and to be adapted for two or more railway tracks, the Long Bridge to be removed and the new bridge constructed within four years from the date of the passage of this Act. The said Baltimore and Potomac Railroad Company shall remove the Long Bridge and shall build, maintain, and keep in repair said new bridge at its own cost and expense, and shall maintain an efficient draw in said new bridge, operating the same so as not to unnecessarily impede the free navigation of the Potomac River at any hour of the day or night, and shall give other railroad companies the right to pass over said bridge upon such reasonable terms as may be agreed upon between the companies or prescribed by Congress.

PASSENGER BRIDGE.

New passenger bridge authorized.

SEC. 12. That the Secretary of War be, and he is hereby, authorized to enter into a contract with the Baltimore and Potomac Railroad Company or any other party to construct within two years after the passage

of this Act, at a point not less than five hundred feet above the site of the present Long Bridge, a new and substantial bridge for highway travel, of iron or steel, resting upon masonry piers and provided with suitable approaches, and with a sufficient draw, all in accordance with plans and specifications to be approved by the Secretary of War; and there is hereby appropriated (one-half out of the revenues of the District of Columbia and one-half out of any money in the Treasury not otherwise appropriated) the sum of five hundred and sixty-eight thousand dollars, or so much thereof as may be necessary, to be paid from time to time, as the construction of the said bridge progresses, by the Secretary of War, under such regulations as he shall prescribe.

The said bridge shall be for highway traffic, and all street railroads chartered or that may hereafter be chartered by Congress shall have the right to cross said bridge on such terms as may be prescribed by Congress: *Provided*, That the Washington, Alexandria and Mount Vernon Railway Company now using the Long Bridge shall be permitted, with the approval of the Commissioners of the District of Columbia, to change its location so as to cross the highway bridge herein provided for; all plans for such change to be approved by the Commissioners of the District of Columbia and the Chief of Engineers of the United States Army: *And provided further*, That a standard underground electric system of street car propulsion shall be installed by said company on the park highway leading to said bridge, and no dynamo furnishing power to this portion of the road shall be in any manner connected with the ground, and that the cost of asphalt paving between the tracks and two feet outside thereof shall be paid by said company. Each street railway company using said bridge shall pay in addition to other taxes as by its charter provided, one-half of one cent for each and every passenger carried across said bridge.

Street railroads may cross bridge, etc.

Provided, Mount Vernon railway may relocate, etc.

—motive power, etc.

Passenger tax.

PLANS TO BE SUBMITTED TO DISTRICT COMMISSIONERS.

SEC. 13. That before any portion of the work herein described shall be authorized plans and profiles of the entire work, except such as relate to the new bridges authorized by sections eleven and twelve, in accordance with the provisions herein contained, shall be prepared by the said Baltimore and Potomac Railroad Company and shall be submitted for approval to the Commissioners of the District of Columbia. Duly authenticated copies of said plans and profiles shall, after approval, be filed with the Commissioners aforesaid, and all work shall be done in accordance with them and shall be completed within five years from the date of the passage of this Act. The company shall also deposit with the collector of taxes of the District of Columbia such sums of money as the Commissioners of said District may reasonably require to cover the cost of District inspection.

Commissioners to approve plans.

Completion of work.

Deposit for cost of inspection.

TAXATION.

SEC. 14. That the property occupied by the Baltimore and Potomac Railroad Company under authority of this Act, together with the improvements which may be put thereon, shall be subject to tax by the District of Columbia the same as other property in the District of Columbia: *Provided*, That no assessment, valuation, or tax shall be made, laid, or levied on the Baltimore and Potomac Railroad Company on account of any bridges, tunnels, elevated tracks, or subway which shall be located, constructed, or maintained under the authority of this Act, and forming part of said railroad, in excess of that which would or could be lawfully made, laid, or levied if said railroad was wholly located and constructed on the surface of the ground; it being the true intent and meaning hereof that any such bridges, tunnels, elevated tracks, or subway forming a part of said railroad shall be assessed and

Company's property taxable.

Provided, —qualification.

valued for purposes of taxation and taxed on the same basis as any other equal portion of railroad situated within the said District of Columbia not constructed on, in, through, or upon any such bridges, tunnels, elevated tracks, or subway.

RIGHTS OF SUCCESSION.

Rights of succession. SEC. 15. That all the provisions of this Act, including all rights, powers, and privileges granted to, or duties imposed upon, said Baltimore and Potomac Railroad Company, shall accrue to and devolve upon its successors and assigns; and in case the said Baltimore and Potomac Railroad Company, its capital stock, properties, corporate rights, powers, privileges, immunities, and franchises, shall be merged into or consolidated with the Philadelphia, Wilmington and Baltimore Railroad Company, or any other railroad corporation, to which the assent of Congress is hereby given, then and in that event the company which shall, by such merger or consolidation, so acquire the same shall be invested with and possessed of all the rights, powers, property, and privileges of said Baltimore and Potomac Railroad Company within the District of Columbia, as well those granted by this Act as those heretofore existing, and shall have and exercise all the necessary rights, powers, and franchises respecting the same as fully as they would have been possessed and exercisable by said Baltimore and Potomac Railroad Company.

REPEAL OF CONFLICTING ACTS.

Repeal SEC. 16. That all laws or parts of laws inconsistent herewith be, and they are hereby, repealed.

RESERVED RIGHTS OF CONGRESS.

Amendment SEC. 17. That Congress reserves the right to alter, amend, or repeal this Act.
Approved, February 12, 1901.

February 12, 1901.

CHAP. 354.—An Act To provide for eliminating certain grade crossings of railroads in the District of Columbia, to require and authorize the construction of new terminals and tracks for the Baltimore and Ohio Railroad Company in the city of Washington, and for other purposes.

District of Columbia.
Baltimore and Ohio
Railroad.
Elimination of grade
crossings, construc-
tion of new terminals,
etc.

Location of new ter-
minals and tracks.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Baltimore and Ohio Railroad Company, and the terminal company incorporated as provided in this Act, be, and each of them is hereby, empowered and authorized to locate, construct, maintain, and operate new terminals and new lines of railroad to accommodate the traffic of the said Baltimore and Ohio Railroad Company, in connection with its Washington Branch Railroad and Metropolitan Branch Railroad within the District of Columbia and in the city of Washington, as hereinafter provided. The said new terminals and terminal tracks shall occupy the streets, avenues, public reservations, and property belonging to the United States, and such of the lands and property belonging to others as may be acquired by either of said companies, situate and lying within the area bounded as follows, to wit: Beginning at the intersection of the south line of H street north and a line forty feet from the east building line of Delaware avenue and parallel thereto; thence along said line parallel to the easterly building line of Delaware avenue and forty feet therefrom to the west line of First street east; thence by said west line of

First street east to the north line of C street north; thence by said north line of C street north to the east line of North Capitol street; thence north by said east line of North Capitol street to the south line of Massachusetts avenue; thence by a straight line to the intersection of the west line of First street east and the south line of H street north; thence to the point of beginning, or so much of this area as may be found to be necessary for proper terminal facilities and agreed upon between the Baltimore and Ohio Railroad Company and the Commissioners of the District of Columbia: *Provided*, That no portion of any street shall be closed under authority of this Act until said railroad company shall have secured control of the property abutting upon said portion to be closed, it being the intent hereof that no property owner shall be deprived of egress from or ingress to his property.

Proviso.
Access to private property not to be impaired.

The main lines of railroad connecting said new terminals and terminal tracks with the present lines of railroad of said Washington Branch and said Metropolitan Branch shall be located as follows: From the south side of H street said lines shall run by a masonry viaduct of width sufficient for five tracks, but not exceeding in width eighty feet, with such turn-outs and sidings to adjoining property as may at any time hereafter be constructed under the authority of this Act, northerly along the middle of Delaware avenue to the north line of M street; thence northerly still in Delaware avenue, with five main tracks, but with the right to locate and construct sidings in Delaware avenue to and into adjoining property, including all of square numbered seven hundred and forty-eight, and crossing Florida avenue overhead by means of a two-span plate-girder bridge, or by masonry arches, to the north side of Florida avenue; thence by diverging lines crossing over New York avenue by means of a two-span plate-girder bridge or bridges over the same, or by masonry arches; the one line, with two or more tracks, by the most practicable route in a general northeasterly direction, to a point of connection with the present tracks of the Washington Branch Railroad north of Winthrop Heights Station, and the other line, with two or more tracks, in a northerly direction by the most practicable route, to a point of connection with the present tracks of the said Metropolitan Branch Railroad at or near Rhode Island avenue extended.

Location of connecting lines between terminals and present lines.

SEC. 2. That said companies be, and each of them is hereby, authorized and empowered to locate, construct, maintain, and operate, outside of the city limits and south of V street, yard tracks, switches, roundhouses, shops, and other structures necessary or proper for the accommodation of locomotives and cars for the conduct of its business or for the purposes of a freight yard; and also to locate, build, maintain, and operate, beyond the city limits, a branch track or "Y" for the passage of trains directly to and fro between the Metropolitan Branch and the Washington Branch without entering the city: *Provided*, That said roundhouses and shops shall be located within said "Y" as far eastwardly as in the judgment of the Commissioners of the District of Columbia it is practicable.

Location of roundhouses, etc.

branch track or "Y"

SEC. 3. That to accomplish the purposes of this Act the following-named streets in the subdivision of Eckington east of the right of way of the Metropolitan Branch of the Baltimore and Ohio Railroad Company shall be completely vacated and abandoned by the public and closed to public use, namely: Q, R, Third between New York avenue and Florida avenue, Fourth, Fifth, and Randolph streets; S and Seaton streets west of Sixth street; and Sixth street south of U street and Seventh street between New York avenue and Brentwood road shall not be opened. The Brentwood road shall also be closed between S street and Florida avenue. New York avenue and Florida avenue shall be carried under said railroad, as provided in the first section of this Act. T and V streets shall be carried under by a subway, or over the Metropolitan Branch Railroad by a bridge or viaduct. Between

Streets to be vacated, etc.

Elevated tracks.

the north line of M street and the south line of G street all the tracks hereinbefore authorized shall be elevated and carried on a masonry viaduct, which said viaduct shall be so constructed with arches or bridges as to permit each and every intersecting street or avenue in the city to be passed and continued under the same through arched openings or spaces of sufficient clearance to permit the free and unobstructed use of said streets and avenues, in the form and manner and of the dimensions shown and indicated on the plan and profiles agreed upon between the said Baltimore and Ohio Railroad Company and the Commissioners of the District of Columbia, and now on file in the office of the Engineer Commissioner: *Provided*, That M street may be crossed by a metal bridge instead of a masonry arch, if desired, in order to avoid any change in the grade of said street.

Proviso.
Metal bridge on M street.

Vacated streets in city.

The following-named streets within the city limits shall be completely vacated, abandoned, and closed, namely: N street, between second street east and Third street east, and Delaware avenue shall be closed and abandoned between the south line of Florida avenue and the north line of M street; E street between First street and North Capitol street; D street between First street and North Capitol street, and Delaware avenue between F street and C street, it being the intention of this Act that all streets, avenues, ways, and alleys within the area to be occupied and used for terminals and terminal tracks, as shown on said plan filed in the office of the Engineer Commissioner, shall be completely vacated, abandoned, and closed, and the use thereof and of any public reservation or street spaces of the United States within said area be granted to the said railroad company or terminal company constructing such terminals for the purposes of the same, except that Massachusetts avenue and F street shall be carried under said terminals by means of arches, in accordance with plans approved by the Commissioners of the District of Columbia.

Authority to close streets, etc.

The Commissioners of the District of Columbia are hereby authorized and directed to cause all streets, avenues, ways, and alleys to be closed, as provided in this Act and in accordance with the intent thereof; and also to make such changes in the existing lines and grades of any street, avenue, or way as may be reasonably required, deemed necessary, or advisable in the construction of the works hereby authorized.

That such portions of the structures carrying T and V streets over and under the tracks of the Baltimore and Ohio Railroad Company as lie within the limits of the right of way of said company shall be built and paid for by said company; and that so much of the change of grade at M street and Florida avenue as may be necessary to carry said highways under the line of the railroad within the limits of the right of way of said company shall be paid for by the railroad company. The approaches, however, to said T street, V street, Florida avenue, and M street, and all of the work not within the right of way at said points shall be made and constructed by and under the supervision of the Commissioners of the District of Columbia and paid for from funds available for the purpose.

Location of fire engine house.

SEC. 4. That the Baltimore and Ohio Railroad Company shall, before taking possession of the ground now owned by the United States in square six hundred and eighty-three, secure and convey to the United States a tract of ground containing not less than twenty-one thousand square feet, which location shall be subject to the approval of the Commissioners of the District of Columbia and the Sergeant-at-Arms of the United States Senate, and locate thereon a fire-engine house at a cost of not less than thirty thousand dollars and stables at a cost of not less than fifteen thousand dollars; or, if said company prefers, it may have the said buildings erected by the Commissioners of the District of Columbia by depositing the amounts stated above with the said

Commissioners and Sergeant-at-Arms, respectively, and when such buildings have been accepted by the District of Columbia and the Sergeant-at-Arms of the Senate, respectively, or the amounts necessary for their construction deposited as aforesaid, it shall have authority to remove said structures on the ground aforesaid. And the Baltimore and Ohio Railroad Company shall have the right to condemn such land in the city as is hereinbefore required, and for said purposes the provisions of section eleven of this Act are hereby made applicable to the provisions of this section.

SEC. 5. That in addition to the main or terminal station or depot, to be located as hereinbefore provided, the Baltimore and Ohio Railroad Company, or the terminal company incorporated as provided in this Act, may from time to time hereafter construct, establish, and maintain such additional stations or depots, for passengers or freight, as the company may deem necessary or useful in the conduct of its business, or for the accommodation of the freight and passenger traffic passing over the lines of railroad authorized by this Act, at such point or points within said District as the Commissioners of the District of Columbia shall approve: *Provided*, That no such station or depot within the city limits shall be located east of Second street east, and west of North Capitol street, and it shall be lawful for either of said companies to acquire, by gift, purchase, or condemnation, any land adjacent to any street or avenue along or upon which the lines of railroad and works hereby authorized shall be located, and hold and improve the same in such manner as it may deem necessary or beneficial to accommodate or promote the traffic on said railroad, and to extend and construct tracks of railroad into and upon any lands so acquired and connect the same with the tracks on such adjacent street or avenue: *Provided, however*, That no grade crossing of any street or avenue within the city of Washington shall be thereby created, but such connecting tracks shall be elevated and carried over the portion of such street or avenue crossed in such manner as not to obstruct the free use thereof, and the plans of such connecting tracks and elevated structure shall in every case be first filed with and approved by the Commissioners of the District of Columbia. And it shall be lawful for said companies, or either of them, subject to the same conditions and restrictions, to extend and construct, from time to time, branch tracks or sidings from the lines of railroad authorized by this Act into any lot or lots adjacent to any street or avenue along which said lines of railroad are located, upon the application of the owner or owners of such lot or lots, to enable such owners to use their property for the purposes of coal, wood, or lumber yards, manufactories, warehouses, and other business enterprises.

SEC. 6. That if it should at any time be deemed necessary or advisable in the construction of the works hereby authorized to lay temporary tracks on any street or avenue to accommodate the business of the Baltimore and Ohio Railroad Company pending the completion of such works, the said company may lay such temporary tracks, subject to the approval and under the direction of the Commissioners of the District of Columbia, and shall remove the same and restore every such street or avenue to its former condition, to the satisfaction of such Commissioners, within sixty days after the time fixed for the completion of the works hereby authorized.

SEC. 7. That it is the intention of this Act that the location and construction of the new terminals, terminal tracks, viaduct, and railroad lines hereby authorized within the city of Washington shall be substantially in accordance with the plans agreed upon by and between the Commissioners of the District of Columbia and the Baltimore and Ohio Railroad Company, which plans, with the accompanying drawings, maps, and tracings, signed by the Commissioners and by the

Location of additional passenger, etc., stations.

Proviso.
—qualification.

Adjacent land may be acquired.

—extension of tracts on.

—no grade crossing to be created, etc.

Sidings for manufactories, etc.

Temporary tracks authorized.

Plans.

chief engineer of such railroad company, are filed in the office of the Engineer Commissioner of said District; but that the company constructing said works shall be authorized to make such minor changes or modifications of or departures from said plans, drawings, maps, and tracings as it may reasonably require or deem necessary, advisable, or advantageous and as the Commissioners shall approve and agree to; and in case of any change or modification of or departure from the present plans the Baltimore and Ohio Railroad Company shall submit the new plans to the said Commissioners for their approval, and shall file duly authenticated copies of said plans, after approval, with the Commissioners.

Approval of construction. All work of construction authorized by this Act which shall affect in any way the existing streets or avenues of the city or District not hereby abandoned and closed shall be done to the satisfaction and subject to the approval of the Commissioners of the District of Columbia, who are authorized to exercise such supervision over the same as may be necessary to secure the proper construction and maintenance thereof.

Deposit for inspection. The company shall also deposit with the collector of taxes of the District of Columbia such sums of money as the Commissioners of said District may reasonably require to cover the cost of District inspection.

Completion of work. SEC. 8. That of the works hereby authorized the viaduct and main lines of railroad thereon and extending therefrom to their points of connection with the Washington Branch Railroad and Metropolitan Branch Railroad, respectively, shall be completed, and said new terminals shall be ready for occupancy, within five years from the date of the passage of this Act.

Removal of present tracks. From and after the expiration of five years from the date of the passage of this Act all rights of the Baltimore and Ohio Railroad Company to maintain and operate the present tracks of its Washington Branch Railroad within the limits of the city of Washington, and the present tracks of its Metropolitan Branch Railroad south of the northern line of New York avenue, also extending from the north line of New York avenue to the north line of Q street, and west of the east line of Third street to said north line of New York avenue, shall cease and determine; and the said railroad company shall thereupon, within such reasonable time as the Commissioners of the District of Columbia shall prescribe, remove all such tracks and structures connected therewith from the streets, avenues, public reservations, or other property of the United States on all the lines to be abandoned as aforesaid. Said Baltimore and Ohio Railroad Company shall also immediately execute, acknowledge, and deliver to the Commissioners of the District of Columbia a deed, in due form of law, granting, conveying, assigning, and transferring to the United States of America all the estates, right, title, and interest that it, the said Baltimore and Ohio Railroad Company, has in, to, or out of the lands included within the limits of the roadway or right of way of the Washington Branch Railroad of said company from the west line of Second street to Winthrop Heights station and of the Metropolitan Branch for the continuation of Third street from Q street south to New York avenue, of an even width as north of Q street, subject, however, as to so much of said lands as lie north of Florida avenue and outside of the limits of the city of Washington, to the continued maintenance and use of the present tracks of said railroad company thereon, for the purpose of reaching its yard and roundhouse at Trinidad, until its new yard in or near Eckington and its roundhouse, authorized by this Act, shall be ready for use, but not exceeding six years from the date of the passage of this Act; said company, however, to have the right to remove its tracks and structures from the lands so granted within sixty days after the expiration of its right to maintain and use its tracks thereon.

Company to deed to United States right of way, etc., of Washington Branch Railroad, etc.

In consideration of the surrender by the Baltimore and Ohio Railroad Company, under the requirements of this Act, of its rights under the several Acts of Congress heretofore passed, and under its several contracts with the municipal authorities of the city of Washington authorized by said Acts of Congress, and in consideration of the large expenditures required for the construction of the new terminals, viaduct, and connecting railroads, as required by this Act, to avoid all grade crossings of streets and avenues within the city of Washington, and, further, in consideration of the grant and conveyance to the United States of the lands included within the limits of the roadway and right of way of the Washington Branch Railroad, which can be used for a street or avenue for the public benefit, the sum of one million five hundred thousand dollars, to be paid to said railroad company toward the cost of the construction of said elevated terminals, viaduct, and structures within the city of Washington, shall be, and is hereby, appropriated, one half to be paid out of any money in the Treasury of the United States not otherwise appropriated, the other half to be paid out of the revenues of the District of Columbia. The sum so appropriated shall be paid upon presentation of a certificate by the Commissioners of the District of Columbia that the said viaduct has been completed as required by this Act.

Appropriation for
payment to company

In order to provide for the one half of said amount chargeable to the District of Columbia, the Commissioners thereof shall, on the first day of July following the passage of this Act, and annually thereafter, pay over to the Treasurer of the United States, out of the revenues of the District of Columbia, the sum of one hundred and fifty thousand dollars, to be invested by the said Treasurer in interest-bearing bonds of the United States or the District of Columbia, until the full sum of seven hundred and fifty thousand dollars, as provided herein, shall have been paid.

Payment of half
chargeable against
the District.

SEC. 9. That the property occupied by the Baltimore and Ohio Railroad Company, or by the proposed terminal company, under authority of this Act, together with the improvements which may be put thereon, shall be subject to tax by the District of Columbia the same as other property in the District of Columbia: *Provided*, That no assessment, valuation, or tax shall be made or levied on the railroad or terminals located, constructed, or maintained under the authority of this Act in excess of that which would or could be lawfully made, laid, or levied if said railroad and terminals were so located, constructed, and maintained without the use of bridges, viaducts, retaining walls, and other structures necessary or properly employed to elevate the same as required by this Act, it being the true intent and meaning hereof that the railroad and terminals hereby authorized shall be assessed and valued for purposes of taxation and taxed on the same basis as if the same were not constructed and maintained by means of such bridges, viaducts, retaining walls, and other structures.

Property taxable.

Proviso.
—basis of taxation.

SEC. 10. That if, for the purpose of constructing and owning the terminals, viaduct, railroads, depots, stations, and other works authorized by this Act, or any part thereof, the Baltimore and Ohio Railroad Company shall deem it expedient or advisable that a terminal company in its interest be created and organized in the District of Columbia, the said Baltimore and Ohio Railroad Company, or some person thereto authorized on its behalf by resolution of its president and directors, together with other persons not less than seven in number, of whom a majority shall be residents of the District of Columbia, shall cause a certificate of incorporation to be executed and recorded in accordance with the provisions of the general incorporation Act of Congress for the District of Columbia relating to railroad companies, being sections six hundred and eighteen to six hundred and seventy-six, both

Organization of
terminal company in
District.

R. S. D. C., secs. 618-676, pp. 74, etc.
Capital stock.

Powers of corporation, etc.

inclusive, of the Revised Statutes relating to the District of Columbia, with such capital stock, not to exceed five million dollars fully paid up, and under such corporate name as may be set forth in such certificate. The corporation so formed shall be vested with all the authority, rights, and privileges granted by said general Act, but the Baltimore and Ohio Railroad Company, or such persons as it may designate by resolution of its president and directors, shall be entitled to subscribe for and hold all the stock of said corporation, without advertisement or allotment, as provided in said sections six hundred and twenty-one and six hundred and twenty-two of said Revised Statutes. Said corporation shall also be vested with and enjoy all the authorities, rights, and privileges herein granted, so far as the same are applicable to or exercisable in its undertaking, as set forth in its said certificate of incorporation, and it shall be bound by all the limitations and provisions of this Act. Said corporation shall have the further powers to contract with the Baltimore and Ohio Railroad Company for the use or operation of its railroad and works by the last-named company, or for the lease of the same, on such terms as may be agreed upon between the two companies, and shall also have the right and power, exercisable at any time, to sell and convey all its railroad, works, and property to the said Baltimore and Ohio Railroad Company in consideration of the latter company assuming all its debts and liabilities and agreeing to repay to every stockholder the amount of money actually paid in on the stock held by him.

On the execution, delivery, and recording of the deed of conveyance, pursuant to and in consummation of such sale, the said terminal company shall ipso facto be dissolved and its corporate existence shall cease.

In the event, however, that the said terminal company shall not be organized under the provisions of this Act then the privileges, powers, and duties herein conferred and imposed shall devolve exclusively upon the Baltimore and Ohio Railroad Company.

Acquiring land for terminals, etc.

R. S. D. C., secs. 648-663, pp. 78, 79.

Proviso.

Right of entry on deposit of appraisers' award.

SEC. 11. That the Baltimore and Ohio Railroad Company and the terminal company incorporated as herein provided shall be authorized and empowered, from time to time, to take, acquire, and hold, in fee simple, all lands and property required for the terminals, stations, yards, railroad facilities, and other works authorized by this Act, either by purchase or by condemnation, as provided in sections six hundred and forty-eight to six hundred and sixty-three, both inclusive, of the Revised Statutes, relating to the District of Columbia: *Provided*, That in every case in which an assessment of damages or an award shall have been returned by the appraisers, the company upon paying into court the amount so assessed or awarded, may enter upon and take possession of the lands and property covered thereby, irrespective of whether exceptions to said assessment or award shall be filed or not, and the subsequent proceedings shall not interfere with or affect such possession, but shall only affect the amount of the compensation to be paid.

Line outside city limits authorized.

SEC. 12. That the Baltimore and Ohio Railroad Company and the Terminal Company, incorporated as provided in this Act, be, and they are hereby, authorized and empowered to locate, construct, maintain, and operate outside of the limits of the city of Washington a line of railroad with one or more tracks extending from a connection with the Washington Branch Railroad and with the railroad authorized by the foregoing sections of this Act north of Winthrop Heights station by such route as the company may select as most practicable, and be approved by the Commissioners of the District of Columbia, to a connection with the Baltimore and Potomac Railroad and with the said Baltimore and Ohio Railroad Company's Shepherds branch at or near Benning station; and in the location, construction, maintenance, and

operation of the line of railroad authorized by this section the said companies may exercise all the authorities, rights, privileges, and franchises by this Act conferred upon and vested in them in respect of the lines of railroad authorized by the foregoing sections of this Act, outside of the limits of the city of Washington: *Provided*, That whenever in the construction of said line of railroad it shall be found necessary to cross any existing public highway of the District of Columbia the company shall submit to and file with the Commissioners of the District of Columbia proper plans showing the intended crossing, shall obtain the approval of the same by the said Commissioners, and shall construct such crossing only in conformity with such approved plan. Every such highway crossing shall be either over or under grade where practicable without increasing the grades on said railroad or causing unreasonable expense in construction; and for the purpose of avoiding grade crossings the Commissioners of the District of Columbia shall be fully authorized and empowered to change the grade of any such public highway so as to pass the same over or under said railroad, and to deflect or divert any such highway so as to pass over or under said railroad at a different point of crossing, and to close so much of the said highway as is abandoned; and the company shall acquire, by purchase or condemnation, at its own expense, all lands required to relocate such highways, and shall pay the cost of all new construction or work required to restore any such highway raised, depressed, deflected, or relocated as above provided, all of which construction and work shall be done to the satisfaction and subject to the approval of the said Commissioners.

Proviso.
—highway crossings;
approval of plans.

—relocating high-
ways.

SEC. 13. That all existing laws or parts of laws inconsistent with the provisions of this Act are hereby repealed to the extent to which they are so inconsistent, but to no further or other extent.

Repeal.

SEC. 14. That Congress reserves the right to alter, amend, or repeal this Act.

Amendment.

Approved, February 12, 1901.

CHAP. 355.—An Act To divide Kentucky into two judicial districts.

February 12, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section five hundred and thirty-one of the Revised Statutes is hereby amended by striking therefrom the word "Kentucky."

Kentucky divided
into two judicial dis-
tricts.
R. S. sec. 531, p. 89
amended.
Eastern district, of
what composed.

SEC. 2. That the State of Kentucky is divided into two judicial districts, which shall be called the eastern and western judicial districts of the State of Kentucky. The eastern district includes the counties of Carroll, Trimble, Henry, Shelby, Anderson, Mercer, Boyle, Gallatin, Boone, Kenton, Campbell, Pendleton, Grant, Owen, Franklin, Bourbon, Scott, Woodford, Fayette, Jessamine, Garrard, Madison, Lincoln, Rockcastle, Pulaski, Wayne, Whitley, Bell, Knox, Harlan, Laurel, Clay, Leslie, Letcher, Perry, Owsley, Jackson, Estill, Lee, Breathitt, Knott, Pike, Floyd, Magoffin, Martin, Johnson, Lawrence, Boyd, Greenup, Carter, Elliott, Morgan, Wolfe, Powell, Menifee, Clark, Montgomery, Bath, Rowan, Lewis, Fleming, Mason, Bracken, Robertson, Nicholas, Harrison, with the waters thereof. The western district includes the residue of said State of Kentucky, with the waters thereof.

—western.

SEC. 3. That the district judge of the judicial district of Kentucky as heretofore constituted, and in office at the time this Act takes effect, shall be the district judge for the western judicial district of Kentucky as constituted by this Act. That the clerk of the circuit court and the clerk of the district court in said judicial district of Kentucky as heretofore constituted, and in office at the time this Act takes effect,

Existing officers to
act.

shall be the clerks of the circuit and district courts of the western judicial district of Kentucky, respectively, as hereby constituted, until their successors, respectively, shall be appointed and qualified. The district attorney, assistant district attorneys, marshal, deputy marshals, deputy clerks, and referees in bankruptcy resident in said western judicial district of Kentucky as constituted by this Act shall, within their respective jurisdictions in said western judicial district, continue in office and continue to be such officers in such western district until the expiration of their respective terms of office as heretofore fixed by law, or until their successors shall be duly appointed and qualified.

Appointment of
judge for eastern dis-
trict.

SEC. 4. That the President of the United States, by and with the advice and consent of the Senate, shall appoint a district judge for the eastern judicial district of Kentucky, who shall possess and exercise all the powers conferred by existing law upon the judges of the district courts of the United States, and who shall, as to all business and proceedings arising in said eastern judicial district as hereby constituted or transferred thereto, succeed to and possess the same powers and perform the same duties within the said eastern judicial district as are now possessed by and performed by the district judge for the district of Kentucky.

--marshal and dis-
trict attorney.

SEC. 5. That the President of the United States, by and with the advice and consent of the Senate, shall appoint a marshal and district attorney for the said eastern judicial district of Kentucky as hereby constituted, who shall, within their respective jurisdictions, possess and exercise all the powers conferred by existing law upon the marshals and district attorneys of the United States, respectively.

Other offices to
cease, etc.

SEC. 6. That all other officers residing within the eastern judicial district of the State of Kentucky, as hereby constituted, shall cease to be such officers when their successors are appointed and qualified.

Vacancies, how
filled.

SEC. 7. That the office of marshal and district attorney in each of said districts, deputy marshals and assistant district attorneys, and all other officers authorized by law and made necessary by the creation of said two districts and the provisions of this Act, and all vacancies created thereby in either of said districts as constituted by this Act, shall be filled in the manner provided by existing law. The salaries, pay, fees, and allowances of the judges, district attorneys, marshals, clerks, and other officers in said districts, until changed under the provisions of existing law, shall be the same, respectively, as now fixed by law for such officers in the judicial district of Kentucky as heretofore constituted.

Existing salaries un-
changed.

Pending cases trans-
ferred to eastern dis-
trict.

SEC. 8. That all causes and proceedings of every name and nature, civil and criminal, now pending in the courts of the judicial district of Kentucky as heretofore constituted whereof the courts of the eastern judicial district of Kentucky as hereby constituted would have had jurisdiction if said district and the courts thereof had been constituted when said causes or proceedings were instituted, shall be, and are hereby, transferred to and the same shall be proceeded with in the eastern judicial district of Kentucky as hereby constituted, and jurisdiction thereof is hereby transferred to and vested in the courts of said eastern judicial district, and the records and proceedings therein and relating to said proceedings and causes shall be certified and transferred thereto; and all causes and proceedings of every name and nature, civil and criminal, now pending in the courts of the judicial district of Kentucky as heretofore constituted whereof the courts of the western judicial district of Kentucky as hereby constituted would have had jurisdiction if said district and the courts thereof had been constituted when said causes or proceedings were instituted shall be, and are hereby, transferred to and the same shall be proceeded with in the western judicial district of Kentucky as hereby constituted, and jurisdiction thereof is hereby transferred to and vested in the courts of said

--western.

western judicial district, and the records and proceedings therein and relating to said proceedings and causes shall be certified and transferred thereto: *Provided*, That all motions and causes submitted, and all causes and proceedings, both civil and criminal, including proceedings in bankruptcy, now pending in said judicial district of Kentucky as heretofore constituted in which the evidence has been taken in whole or in part before the present district judge of the judicial district of Kentucky as heretofore constituted, or taken in whole or in part and submitted and passed upon by the said district judge, shall be proceeded with and disposed of in said western judicial district of Kentucky as constituted by this Act.

Proviso.
Submitted cases,
etc., before present
judge to be disposed
of in western district.

SEC. 9. That the regular terms of the circuit and district courts of the United States for the western district of Kentucky shall be held at the following times and places, namely: At Louisville, beginning on the second Monday in March and the second Monday in October in each year; at Owensboro, beginning on the fourth Monday in November and the first Monday in May in each year; at Paducah, beginning on the third Monday in April and the third Monday in November in each year; at Bowling Green, beginning on the third Monday in May and the second Monday in December in each year.

Terms of court.
—western district.

That the regular terms of the circuit and district courts of the United States for the eastern district of Kentucky shall be held at the following times and places, namely: At Frankfort, beginning on the second Monday in March and the fourth Monday in September in each year; at Covington, beginning on the first Monday in April and the third Monday in October in each year; at Richmond, beginning on the fourth Monday in April and the second Monday in November in each year; at London, beginning on the second Monday in May and the fourth Monday in November in each year, and at such other times and places as may hereafter be provided by law.

—eastern district.

SEC. 10. That the terms of said courts shall not be limited to any particular number of days nor shall it be necessary to adjourn by reason of the intervention of a term elsewhere; but the court intervening may be adjourned until the business of the court in session is concluded.

Length of term.

SEC. 11. That nothing in this Act shall be construed to repeal section five hundred and seventy-eight of the Revised Statutes or the Act of August eighth, eighteen hundred and eighty-eight, entitled "An Act to provide for holding terms of the circuit and district courts of the United States for the district of Kentucky at Owensboro, in said district, and for other purposes."

Monthly adjourn-
ments for trial of
criminal cases.
R. S., sec. 578, p. 102.
Vol. 25, p. 389.

SEC. 12. That all prosecutions for crimes or offenses hereafter committed in either of said districts shall be cognizable within the district in which committed, and all prosecutions for crimes or offenses committed before the passage of this Act in which indictments have not been found or proceedings instituted shall be cognizable within the district as hereby constituted in which such crimes or offenses were committed.

Jurisdiction of
crimes.

SEC. 13. That all laws and parts of laws, so far as inconsistent with the provisions of this Act, are hereby repealed.

Repeal.

SEC. 14. That this Act shall take effect on the first day of July, nineteen hundred and one.

Effect.

Approved, February 12, 1901.

CHAP. 356.—An Act To authorize the purchase of a steam launch for use in the customs collection district of Galveston, Texas.

February 12, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to purchase, after procuring

Galveston, Tex.
Steam launch au-
thorized for use at.

bids in accordance with the provisions of law appertaining thereto, at an expense not to exceed in the aggregate the sum of three thousand dollars, payable out of any money in the Treasury not otherwise appropriated, a steam launch suitable for use in the customs collection district of Galveston, Texas.

Approved, February 12, 1901.

February 12, 1901.

CHAP. 357.—An Act To authorize the Chattahoochee and Gulf Railroad Company, of Alabama, to construct a bridge across the Choctawhatchee River, a navigable stream in Geneva County, Alabama.

Chattahoochee and Gulf Railroad may bridge Choctawhatchee River near Geneva, Ala.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Chattahoochee and Gulf Railroad Company, of Alabama, be, and is hereby, authorized to construct and maintain and operate a bridge across the Choctawhatchee River, a navigable stream, in the county of Geneva, State of Alabama; said bridge to be located about eleven miles from the town of Geneva in said county.

Secretary of War to approve plans.

SEC. 2. That said bridge shall be built and located under and subject to such regulations for the security of navigation as the Secretary of War may prescribe; and to secure that object the said The Chattahoochee and Gulf Railroad Company, of Alabama, shall submit for his examination designs and drawings of the bridge, and maps of the location, giving, for the space of one-half mile above and one-half mile below the proposed location, the topography of the banks of the river, the shore lines at high and low water, the direction and strength of the currents, and the soundings, accurately showing the bed of the river, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject, and until the said plans and location are approved by him the bridge shall not be commenced or built; and should any change be made in said bridge, before or after completion, such changes shall be likewise subject to the approval of the Secretary of War.

Aids to navigation.

Lights.

Changes.

SEC. 3. That said bridge shall be kept and managed so as to offer reasonable and proper means for the passage of vessels and craft through or under the same; and for the safety of vessels passing at night there shall be displayed on said bridge at night, from sunset to sunrise, at the expense of the owners thereof, such lights or other signals as the Light-House Board may prescribe. And any changes in said bridge which the Secretary of War may at any time deem necessary, and order in the interests of navigation, shall be made by the owners thereof at their own expense.

Rights of railroads to use.

SEC. 4. That all railroad companies desiring the use of the bridge authorized by this Act shall have and be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same and over the approaches thereto upon the payment of a reasonable compensation for such use; and in case the owner or owners of said bridge and the several railroad companies, or any one of them, desiring such use shall fail to agree upon the sum or sums to be paid, and upon rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proof of the parties; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies.

Lawful structure and post route.

SEC. 5. That the bridge constructed, maintained, and operated under this Act and according to its limitations shall be a lawful structure, and shall be recognized and known as a post route, upon which also no higher charge shall be made for the transportation over the same of

the mails, the troops, and the munitions of war of the United States than the rate per mile paid for transportation of said mails, troops, and munitions over the railroads and public highways leading to said bridge; and the United States shall have the right of way for postal, telegraph, and telephone purposes over said bridge.

Postal telegraph,
etc.

SEC. 6. That this Act shall be null and void if actual construction of the said bridge be not commenced in one year and completed in three years from the date hereof.

Commencement and
completion.

SEC. 7. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

Approved, February 12, 1901.

CHAP. 358.—An Act Authorizing the Mount Carmel Development Company to draw water from Wabash River at Grand Rapids, Wabash County, Illinois.

February 12, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Mount Carmel Development Company, a corporation chartered by the State of Illinois as of the date of October twenty-sixth, nineteen hundred, be, and the same is hereby, authorized and empowered to draw, by canal, flume, or race, from the pool of the Grand Rapids dam of the Wabash River, in the county of Wabash and State of Illinois, such supply of water as may be necessary or required for the purposes of said corporation during the continuance of said corporation: *Provided,* That such withdrawal of water shall not be so great as to be detrimental to the navigation of said Wabash River, and shall be under the direction and control of the Secretary of War: *And provided further,* That the said corporation shall submit detailed plans, showing the location and method of construction of said canal, flume, or race, to the Secretary of War for approval; and until he shall approve the same the work hereby authorized shall not be commenced.

Mount Carmel Development Company may draw water from Wabash River at Grand Rapids, Ill.

Provisos.
—control of supply,
etc.

Secretary of War to approve plans.

Approved, February 12, 1901.

CHAP. 359.—An Act Authorizing the establishment of a first-order light at or near Hillsboro Point, Florida.

February 12, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized to establish a first-order light at or near Hillsboro Point, Florida, at a cost not exceeding ninety thousand dollars.

Hillsboro Point, Fla.
Establishment of a
light authorized at.

Approved, February 12, 1901.

CHAP. 360.—An Act Granting permission to the Indians on the Grand Portage Indian Reservation, in the State of Minnesota, to cut and dispose of the timber on their several allotments on said reservation.

February 12, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Indians on the Grand Portage Indian Reservation, in the State of Minnesota, shall be, and they are hereby, permitted to cut and dispose of the timber on their several allotments, under such rules and regulations as may be prescribed by the Secretary of the Interior.

Grand Portage Reservation, Minn.
Indians may cut
timber on their allotments, etc.

Approved, February 12, 1901.

February 12, 1901.

CHAP. 361.—An Act To authorize Arizona Water Company to construct power plant on Pima Indian Reservation in Maricopa County, Arizona.

Arizona Water Com-
pany may erect power
plant on Pima Indian
Reservation, Ariz.

Proviso.
Damages.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Arizona Water Company, its successors and assigns, be, and it hereby is, authorized to erect, construct, maintain, and operate a water-power plant at the place on the Indian reservation set apart for the Pima and Maricopa Indians by Executive order dated June fourteenth, eighteen hundred and seventy-nine, in the County of Maricopa, Territory of Arizona, where the Arizona Canal, by means of a crosscut canal, drops a portion of the water back into the Salt River theretofore taken out by its dam and head gate. Said Arizona Water Company, its successors or assigns, is also authorized to erect, construct, and maintain the necessary poles and wires for the purpose of transmitting across said reservation, at the most practicable and convenient route, the electricity to be generated by such power plant: *Provided, however,* That said Arizona Water Company, its successors or assigns, shall at all times save and protect all persons on said Indian reservation from any and all damages which may be caused by the erection and maintenance of said power plant, pole line, and wires used in connection therewith.

Approved, February 12, 1901.

February 12, 1901.

CHAP. 362.—An Act To authorize the construction of a bridge across Rock River, Illinois.

Moline and Peoria
Railway may bridge
Rock River, Ill.

—location.

Secretary of War to
approve plans.

Aids to navigation.

Lights.

Changes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Moline and Peoria Railway Company, a corporation duly incorporated under the laws of the State of Illinois, its successors and assigns, be, and is hereby, authorized to construct and maintain, at a point suitable to the interests of navigation, a bridge for the passage of railroad traffic across Rock River, in section seventeen, township seventeen, range one, from Rock Island County to the opposite shore of said river, in Henry County, in the State of Illinois. That said bridge shall be built across said river, following the course of the main channel; that the location and plan or manner of constructing said bridge shall be subject to the approval of the Secretary of War, and until decided by him to be such as will not materially affect the interests of navigation, said bridge shall not be built. And there shall be submitted to the Secretary of War, for his examination and approval, a design and drawing of the proposed bridge, and a map of the location, giving the topography of the banks of the river, the shore line at high and low water, the direction and strength of the currents at all stages, and the soundings accurately showing the bed of the stream, the location of any other bridge, and all other information required; and should any change be made in the plan of said bridge during the progress of construction such change shall be subject to the approval of the Secretary of War. And the said structure shall at all time be so kept and managed, and be provided with such guard fences, sheer booms, and other structures as to offer reasonable and proper means for the passage of vessels and other floating crafts through or under said structure; and for the safety of vessels passing at night there shall be displayed on said bridge, from the hours of sunset to sunrise, such lights as may be prescribed by the Light-House Board; and the said structure shall be changed at the cost and the expense of the owners thereof, from time to time, as the Secretary of War may direct, so as to preserve the free and convenient navigation of said river.

SEC. 2. That said bridge shall be constructed with unbroken and continuous spans, and the main span shall be over the main navigable channel of the river, and shall give a clear width of waterway not less than one hundred and sixty-five feet, and shall give clear headroom the full length of said span of not less in any case than thirty-six feet above extreme high-water mark, as understood at the point of location. The remaining spans shall each give a clear width of waterway not less than one hundred and twenty-five feet, and a clear headroom not less in any case than seven feet between extreme high-water mark and the lower chords of the superstructure. Said bridge shall be constructed at right angles to and its piers parallel with the current of the river.

Spans, etc.

SEC. 3. That this Act shall be null and void if actual construction of the bridge herein authorized be not commenced within twelve months and completed within three years from the date of the passage hereof.

Commencement and completion.

SEC. 4. That the bridge built under this Act, and subject to its limitations, shall be a lawful structure, and shall be known and recognized as a post route, upon which also no higher charge shall be made for the transportation over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for transportation of said mails, troops, and munitions over the railroads and public highways leading to said bridge; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies, and the United States shall have the right of way across said bridge and its approaches for postal-telegraph purposes: *Provided*, That all railroad companies desiring the use of the bridge authorized by this Act shall have and be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same and over the approaches thereto upon the payment of a reasonable compensation for such use; and in case the owner or owners of said bridge and the several railroad companies, or any one of them, desiring such use shall fail to agree upon the sum or sums to be paid, and upon rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies.

Lawful structure and post route.

Telegraph, etc., lines.

Proviso. Right of railroads to use.

SEC. 5. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

Approved, February 12, 1901.

CHAP. 363.—An Act Making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June thirtieth, nineteen hundred and two, and for other purposes.

February 12, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of pensions for the fiscal year ending June thirtieth, nineteen hundred and two, and for other purposes, namely:

Pensions appropriations.

For army and navy pensions, as follows: For invalids, widows, minor children, and dependent relatives, army nurses, and all other pensioners who are now borne on the rolls, or who may hereafter be placed thereon under the provisions of any and all Acts of Congress, one hundred and forty-four million dollars: *Provided*, That the appropriation aforesaid for navy pensions shall be paid from the income of the navy pension fund, so far as the same shall be sufficient for that pur-

Invalid, etc., pensions.

Provisos. Navy pensions.

Accounts.	pose: <i>Provided further</i> , That the amount expended under each of the above items shall be accounted for separately.
Examining surgeons.	For fees and expenses of examining surgeons, for services rendered within the fiscal year nineteen hundred and two, seven hundred thousand dollars. And each member of each examining board shall, as now authorized by law, receive the sum of two dollars for the examination of each applicant whenever five or a less number shall be examined on any one day, and one dollar for the examination of each additional applicant on such day: <i>Provided</i> , That if twenty or more applicants appear on one day, no fewer than twenty shall, if practicable, be examined on said day, and that if fewer examinations be then made, twenty or more having appeared, then there shall be paid for the first examinations made on the next examination day the fee of one dollar only until twenty examinations shall have been made:
—fees, etc.	<i>Provided further</i> , That no fee shall be paid to any member of an examining board unless personally present and assisting in the examination of applicant: <i>And provided further</i> , That the report of such examining surgeons shall specifically state the rating which in their judgment the applicant is entitled to, and the report of such examining surgeons shall specifically and accurately set forth the physical condition of the applicant, each and every existing disability being fully and carefully described. The reports of the special examiners of the Bureau of Pensions shall be open to inspection and copy by the applicant or his attorney, under such rules and regulations as the Secretary of the Interior may prescribe.
<i>Provisos.</i> Examinations.	
No fee unless service rendered.	
Reports to state rating, etc.	
—to be open to examination.	
Agents' salaries.	For salaries of eighteen agents for the payment of pensions, at four thousand dollars each, seventy-two thousand dollars.
Clerk hire. <i>Proviso.</i> Apportionment.	For clerk hire, four hundred and thirty thousand dollars: <i>Provided</i> , That the amount of clerk hire for each agency shall be apportioned as nearly as practicable in proportion to the number of pensioners paid at each agency, and the salaries paid shall be subject to the approval of the Secretary of the Interior.
Rents.	For rents, twelve thousand four hundred and eighty dollars.
Stationery, etc.	For stationery and other necessary expenses, including fuel and lights, thirty thousand seven hundred and fifty dollars.
	Approved, February 12, 1901.

February 12, 1901.

CHAP. 364.—An Act To authorize Jefferson County, Arkansas, to construct and maintain a free bridge across the Arkansas River within five miles of Pine Bluff Jefferson County, Arkansas.

Jefferson County, Ark., may bridge Arkansas River, Ark.	<i>Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled</i> , That the county of Jefferson, in the State of Arkansas, be, and is hereby, authorized to construct and maintain a road bridge for the free passage of wagons, vehicles, and pedestrians across the Arkansas River at such point as may be selected by such county and approved by the Secretary of War, within the boundary lines of Jefferson County, Arkansas, and within five miles of the city of Pine Bluff, in said county, said bridge to be so constructed as not to obstruct the navigation of said river and to be provided with a suitable draw: <i>Provided</i> , That any bridge constructed under this Act and according to its limitations shall be a lawful structure, and shall be known and recognized as a post route, upon which, also, no higher charge shall be made for the transportation over the same of the mail, the troops, and munitions of war of the United States than the rate per mile paid for transportation over railroads or public highways leading to the said bridge; and the United States shall have the right of way for a postal telegraph across said bridge.
—location, etc.	
<i>Proviso.</i> Lawful structure and post route.	
Postal telegraph.	

SEC. 2. That the bridge authorized to be constructed under this Act shall be located and built under and subject to such regulations for the security of the navigation of said river as the Secretary of War shall prescribe; and the said county shall submit to the Secretary of War, for his examination and approval, a design and drawing of the proposed bridge and a map of the location, giving for the distance of one mile above and one-half mile below the proposed location the topography of the banks of the river, the shore line at high and low water, the direction and strength of the currents, and the soundings, accurately showing the bed of the stream, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War no work upon the bridge shall be commenced; and should any change be made in the plan of said bridge during the progress of construction, or after completion, such change shall be subject to the approval of the Secretary of War.

Secretary of War to approve plans, etc.

—changes.

SEC. 3. That Congress reserves the right to alter, amend, or repeal this Act at any time; and if at any time navigation of said river shall in any manner be obstructed or impaired by the said bridge, the Secretary of War shall have authority, and it shall be his duty, to require the said county to alter and change the said bridge, at its own expense, in such manner as may be proper to secure free and complete navigation without impediment; and he may require the said county to build and maintain, at its own expense, such dikes, wing dams, booms, or other works, as in his opinion may be necessary to maintain the channel of the river within the drawspans of the bridge.

Amendment.
Alterations, etc.

SEC. 4. That the draw provided for the bridge herein authorized to be constructed shall be opened promptly, upon reasonable signal, for the passing of boats, which said county shall maintain at its own expense; and the said county shall maintain on said bridge from sunset to sunrise, at its own expense, such lights or other signals as the Light-House Board may prescribe; and if actual construction of the bridge herein authorized shall not be commenced within one year from the passage of this Act and be completed within three years from same date, the rights and privileges hereby granted shall cease and be determined.

Draw.

Lights.

Commencement and completion.

Approved, February 12, 1901.

CHAP. 365.—An Act Providing for the construction of a bridge across the Yalobusha River, in Grenada County, State of Mississippi.

February 12, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the board of supervisors of Grenada County, State of Mississippi, be, and is hereby, authorized to construct and maintain a highway bridge and approaches thereto across the Yalobusha River at or near the center of southeast quarter of section eight, township twenty-two, range three east, just at the mouth of Martins Creek, in Grenada County, State of Mississippi, and about twelve miles west and below the city of Grenada.

Grenada County may bridge Yalobusha River, Miss.

—location.

SEC. 2. That the said bridge shall be located and built subject to such regulations for the security of navigation as the Secretary of War may prescribe; and to secure that object the said board of supervisors shall submit for his examination a design and drawing of the proposed bridge and a map of its location; and until the said plan and location shall be approved by him the bridge shall not be commenced or built; and should any change be made in said bridge, either before or after completion, such change shall likewise be subject to the approval of the Secretary of War.

Secretary of War to approve plans.

Aids to navigation.	SEC. 3. That said bridge shall be so kept and managed as to offer reasonable and proper means for the passage of boats and other craft through or under the same; and for the safety of vessels passing at night there shall be displayed on said bridge from sunset to sunrise such signal lights or other signals as the Light-House Board may prescribe. And any changes in the said bridge which the Secretary of War may at any time deem necessary and order in the interests of navigation shall be made by the said board of supervisors thereof at the expense of said Grenada County.
Lights.	
Changes.	
Lawful structure and post route.	SEC. 4. That any bridge constructed under this Act shall be a legal structure and shall be known as a post road, over which no higher charge shall be made for the transportation of mails, troops, and munitions of war, or other property of the United States over the same than the rate per mile charged for their transportation over the railways of, and public highways leading to, said bridge. The United States shall also have the right of way over said bridge for postal telegraph purposes.
Postal telegraph.	
Commencement and completion.	
Amendment.	SEC. 5. That this Act shall be null and void if the actual construction of said bridge shall not be commenced within one year and completed within three years after the date hereof.
	SEC. 6. That the right to alter, amend, or repeal this Act is hereby expressly reserved.
	Approved, February 12, 1901.

February 13, 1901.

CHAP. 370.—An Act To provide for the entry of lands formerly in the Lower Brule Indian Reservation, South Dakota.

Lower Brule Indian Reservation, S. Dak.
Certain lands in, opened to settlement.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all lands in that portion of the Lower Brule Indian Reservation, in the State of South Dakota, ceded to the United States by the Act of March fourth, eighteen hundred and ninety-eight, and ratified by the Act of March third, eighteen hundred and ninety-nine, are hereby opened to settlement and entry under the public land laws of the United States, including the homestead laws.

Approved, February 13, 1901.

February 15, 1901.

CHAP. 371.—An Act For the establishment of a beacon light near Grubbs Landing, Delaware River, Delaware.

Grubbs Landing, Delaware River, Del.
Beacon light authorized at.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to have established a beacon light near Grubbs Landing, Delaware River, Delaware, at a cost not to exceed eight thousand dollars.

Approved, February 15, 1901.

February 15, 1901.

CHAP. 372.—An Act Relating to rights of way through certain parks, reservations, and other public lands.

Public lands.
Rights of way through reservations, etc., authorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and hereby is, authorized and empowered, under general regulations to be fixed by him, to permit the use of rights of way through the public lands, forest and other reservations of the United States, and the Yosemite, Sequoia, and General Grant national parks,

California, for electrical plants, poles, and lines for the generation and distribution of electrical power, and for telephone and telegraph purposes, and for canals, ditches, pipes and pipe lines, flumes, tunnels, or other water conduits, and for water plants, dams, and reservoirs used to promote irrigation or mining or quarrying, or the manufacturing or cutting of timber or lumber, or the supplying of water for domestic, public, or any other beneficial uses to the extent of the ground occupied by such canals, ditches, flumes, tunnels, reservoirs, or other water conduits or water plants, or electrical or other works permitted hereunder, and not to exceed fifty feet on each side of the marginal limits thereof, or not to exceed fifty feet on each side of the center line of such pipes and pipe lines, electrical, telegraph, and telephone lines and poles, by any citizen, association, or corporation of the United States, where it is intended by such to exercise the use permitted hereunder or any one or more of the purposes herein named: *Provided*, That such permits shall be allowed within or through any of said parks or any forest, military, Indian, or other reservation only upon the approval of the chief officer of the Department under whose supervision such park or reservation falls and upon a finding by him that the same is not incompatible with the public interest: *Provided further*, That all permits given hereunder for telegraph and telephone purposes shall be subject to the provision of title sixty-five of the Revised Statutes of the United States, and amendments thereto, regulating rights of way for telegraph companies over the public domain: *And provided further*, That any permission given by the Secretary of the Interior under the provisions of this Act may be revoked by him or his successor in his discretion, and shall not be held to confer any right, or easement, or interest in, to, or over any public land, reservation, or park.

—width, etc.

Provisos.
Approval of permit.Telegraph, etc., permits.
R. S., sec. 5263, etc., p. 1019.

Revocation of permit.

Approved, February 15, 1901.

CHAP. 373.—An Act To extend the privileges provided by an Act entitled "An Act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," approved June tenth, eighteen hundred and eighty, as amended.

February 15, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the privileges of immediate transportation as provided by an Act entitled "An Act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," approved June tenth, eighteen hundred and eighty, as amended by an Act entitled "An Act to amend an Act entitled 'An Act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes,'" approved February twenty-third, eighteen hundred and eighty-seven, be, and the same are hereby, extended to the port of Honolulu, Territory of Hawaii.

Honolulu, Hawaii.
Immediate transportation privileges extended to.
Vol. 21, p. 174.

Approved, February 15, 1901.

CHAP. 374.—An Act To authorize the United New Jersey Railroad and Canal Company and the Philadelphia and Trenton Railroad Company, or their successors, to construct and maintain a bridge across the Delaware River.

February 15, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United New Jersey Railroad and Canal Company, a corporation existing under the laws of the State of New Jersey, and the Philadelphia and Trenton Railroad Company, a corporation existing under the laws of the State of Pennsylvania, or their successors, be, and they are hereby, authorized to

United New Jersey Railroad and Canal Company, etc., may bridge Delaware River at Trenton, N. J., etc.

construct, maintain, and operate a railroad bridge, with as many tracks as they shall deem necessary for railroad traffic, across the Delaware River between a point in or near the city of Trenton, in the State of New Jersey, and a point in or near the borough of Morrisville, in the county of Bucks and State of Pennsylvania.

Secretary of War to approve plans, etc.

SEC. 2. That the bridge authorized to be constructed under this Act shall be located and built under and subject to such requirements for the security of navigation of said river as the Secretary of War shall prescribe, and to secure that object the railroad company shall submit to the Secretary of War for his examination and approval a design and drawing of the bridge and a map of the location, giving for the space of one mile the depth and current of the river at all points and the location of any other bridge or bridges, together with all other information touching said bridge and river as may be deemed requisite by the Secretary of War to determine whether said bridge when built will conform to the provisions of this Act and cause no serious obstruction to the navigation of the river or injuriously affect the flow of water.

Notification of approval, etc.

SEC. 3. That the Secretary of War is hereby authorized and directed, upon receiving said plan and map and upon being satisfied that a bridge built on such plan and at said locality will conform to the provisions of this Act and cause no serious obstruction to the navigation of the river or injuriously affect the flow of water, to notify the said company that he approves the same, and upon receiving such notification the said company may proceed to the erection of said bridge, conforming strictly to the approved plan and location; but until the Secretary of War shall approve the plan and location of the said bridge and notify the said companies of the same in writing the bridge shall not be built or commenced; and should any change be made in the plan of the bridge during the progress of the work thereon or after completion such change shall be subject likewise to the approval of the Secretary of War.

Lawful structure and post route.

SEC. 4. That any bridge constructed under this Act shall be a legal structure and shall be known as a post road, over which no higher charge shall be made for the transportation of mails, troops, and munitions of war, or other property of the United States over the same than the rate per mile charged for their transportation over the railways of and public highways leading to said bridge. The United States shall also have the right of way over said bridge for postal-telegraph purposes.

Postal telegraph.

No obstruction to navigation.

SEC. 5. That the said bridge shall be so kept and managed at all times as not to interfere with the passage of vessels, barges, or rafts both by day and by night, and there shall be displayed on said bridge by the owners thereof, from sunset to sunrise, such lights or other signals as the Light-House Board may prescribe.

Lights.

Commencement and completion.

SEC. 6. That this Act shall be null and void unless the bridge herein authorized shall be commenced within one year and completed within three years from the date hereof.

Amendment.

SEC. 7. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, February 15, 1901.

February 18, 1901.

CHAP. 377.—An Act Amending the Act providing for the appointment of a Mississippi River Commission, and so forth, approved June twenty-eighth, eighteen hundred and seventy-nine.

Mississippi River Commission.
Vol. 21, p. 38 amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an Act entitled "An Act to provide for the appointment of a Mississippi River Commission, for the improvement of said river from the Head of the Passes near its

mouth to its head waters," approved June twenty-eighth, eighteen hundred and seventy-nine, be amended by adding thereto the following section:

"SEC. 8. That the headquarters and general offices of said commission shall be located at some city or town on the Mississippi River, to be designated by the Secretary of War, and the meetings of the commission except such as are held on Government boats during the time of the semiannual inspection trips of the commission shall be held at said headquarters and general offices, the times of said meetings to be fixed by the president of the commission, who shall cause due notice of such meetings to be given members of the commission and the public."

Approved, February 18, 1901.

Offices of commission.

—meetings

CHAP. 378.—An Act To authorize the Glassport Bridge Company to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania.

February 18, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Glassport Bridge Company, a corporation organized under the laws of the State of Pennsylvania, is hereby authorized to construct, maintain, and operate a bridge across the Monongahela River between a point on the eastern side of said river at or near Ninth street, in the borough of Port Vue, in the county of Allegheny, and a point on the western side of said river in the township of Jefferson, in said county, at or near the public road known as the River road, between Dravosburg and West Elizabeth. The said bridge, when built in accordance with the requirements of this Act, shall be a legal structure, and may be used for either or both railroad purposes or as a highway for the passage of persons, vehicles, and passenger cars.

Glassport Bridge Company may bridge Monongahela River.

—location.

Lawful structure, etc.

SEC. 2. That the bridge authorized to be constructed under this Act shall be located and built under and subject to such requirements for the security of navigation of said river as the Secretary of War shall prescribe, and to secure that object the railroad company shall submit to the Secretary of War, for his examination and approval, a design and drawing for the bridge, and a map of the location, giving for the space of one mile the depth and current of the river at all points, and the location of any other bridge or bridges, together with all other information touching said bridge and river as may be requisite for the Secretary of War to determine whether said bridge, when built, will conform to the provisions of this Act and cause no serious obstruction to the navigation of the river or injuriously affect the flow of water.

Secretary of War to approve plans.

SEC. 3. That the Secretary of War is hereby authorized and directed, upon receiving said plan and map, and upon being satisfied that a bridge built upon said plan and at said location will conform to the provisions of this Act and cause no serious obstruction to the navigation of the river or injuriously affect the flow of water, to notify the said company that he approves the same, and upon receiving said notification the said company may proceed to the erection of the said bridge, conforming strictly to the approved plan and location; and until the Secretary of War shall approve the plan and location of the said bridge and notify the said company, in writing, a bridge shall not be built or commenced; and should any change be made in the plan of the bridge during the progress of the work thereon, or after completion, such change shall be subject likewise to the approval of the Secretary of War. And any changes in said bridge which the Secretary of War may at any time deem necessary, and order in the interests of navigation, shall be made by the owners thereof at their own expense.

Notification of approval, etc.

Changes.

SEC. 4. That said bridge, at the option of the said Glassport Bridge Company, may be so constructed that the same can be used for the

Uses of bridge.

Toll.

Proviso.
Rights of railroads
to use.

Post route.

Postal telegraph.

Lights, etc.

Commencement and
completion.

Amendment.

passage of wagons and vehicles of all kinds, and passenger cars, and for the transit of animals and foot passengers over the same, and also, in addition to these purposes, may be used for railroad purposes; and the company maintaining the same shall have the right to charge such reasonable rates for toll as bridge companies are authorized to collect under the laws of the State of Pennsylvania: *Provided*, That if said bridge shall be constructed for railroad purposes, all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railroad trains or cars over the same upon the payment of a reasonable compensation for such use, and in case the owner or owners of said bridge and the several railroad companies, or any one of them, desiring such use shall fail to agree upon the sum or sums to be paid, and upon the rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties.

SEC. 5. That any bridge constructed under this Act shall be known as a post road, over which no higher charge shall be made for the transportation of mails, troops, and munitions of war, or other property of the United States, than the rate per mile charged for their transportation over the public highways leading to said bridge. The United States shall also have the right of way over said bridge for postal-telegraph purposes.

SEC. 6. That the said bridge shall be so kept and managed at all times as not to interfere with the passage of vessels, barges, or rafts, both by day and by night, and there shall be displayed on said bridge by the owners thereof, from sunset to sunrise, such lights or other signals as the Light-House Board may prescribe.

SEC. 7. That this Act shall be null and void if actual construction of the bridge herein authorized be not commenced in one year and completed within three years from the date hereof.

SEC. 8. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, February 18, 1901.

February 18, 1901.

CHAP. 379.—An Act To put in force in the Indian Territory certain provisions of the laws of Arkansas relating to corporations, and to make said provisions applicable to said Territory.

Indian Territory.
Certain provisions
of Arkansas laws as
to corporations made
applicable in.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section five hundred and four and the succeeding sections down to and including section five hundred and nine, section nine hundred and sixty, and the succeeding sections down to and including section one thousand and thirty-five, of the laws of Arkansas, as published in eighteen hundred and eighty-four in the volume known as Mansfield's Digest of the Statutes of Arkansas be, and the same are hereby, extended over and put in force in the Indian Territory, so far as they may be applicable and not in conflict with any law of Congress applicable to said Territory heretofore passed.

Substitution of
terms.

SEC. 2. That wherever in said sections the word "county" occurs there shall be substituted therefor the words "judicial district," and where the words "county court" occur the words "United States courts" shall be substituted therefor; wherever the words "State" or "State of Arkansas" occur there shall be substituted therefor the words "Indian Territory;" wherever the words "secretary of state" occur there shall be substituted therefor the words "clerk of the United States court of appeals for the Indian Territory," and said clerk shall be entitled to the same fees and compensation for his services rendered under this Act that the secretary of state in Arkansas is

entitled to receive for like services, and shall retain the same as compensation for his services under this Act; wherever the words "clerk of the county" occur there shall be substituted therefor the words "clerk of the judicial district," and said clerk shall be entitled to the same fees and compensation for his services rendered under this Act that county clerks are entitled to receive for like services, and shall retain the same as compensation for his services under this Act; wherever the words "general assembly" occur there shall be substituted therefor the words "Congress of the United States;" and where the words "vest in the State" occur in section one thousand and thirty-five there shall be substituted therefor the words "vest in the United States": *Provided*, That companies may be incorporated under the provisions of this Act to construct, own, and operate electric railroads, telephone and telegraph lines in the Indian Territory.

Proviso.
Electric railroads,
etc.

SEC. 3. That foreign incorporations may be authorized to do business in the Indian Territory, under such limitations and restrictions as may be prescribed by law; and as to contracts made and business done in the Indian Territory, they shall be subject to the same regulations, limitations, and liabilities, and shall exercise no other or greater powers, privileges, or franchises than may be exercised by like corporations organized under the provisions of sections one and two of this Act.

Foreign corporations.
Organization of;
powers, etc.

SEC. 4. That before any foreign corporation shall begin to carry on business in the Indian Territory it shall, by its certificate, under the hand of the president and seal of such company, filed in the office of the clerk of the United States court of appeals for the Indian Territory, designate an agent, who shall reside where the United States court of appeals for the Indian Territory is held, upon whom service of summons and other process may be made. Such certificate shall also state the principal place of business of such corporation in the Indian Territory. Service upon such agent shall be sufficient to give jurisdiction over such corporation to any of the United States courts for the Indian Territory. If any such agent shall be removed, resign, die, or remove from the Indian Territory, or otherwise become incapable of acting as such agent, it shall be the duty of such corporation to appoint immediately another agent in his place, as hereinbefore provided.

Corporation certificate.

—designation of resident agent, etc.

SEC. 5. That if any foreign corporation shall fail to comply with the provisions of the foregoing sections, all its contracts with citizens and residents of the Indian Territory shall be void as to the corporation, and no United States court in the Indian Territory shall enforce the same in favor of the corporation.

—penalty for non-compliance.

SEC. 6. That corporations doing business in the Indian Territory at the time of the passage of this Act are given ninety days in which to comply with section four in order to avoid the penalty of section five.

Limit of time to designate resident agent, etc.

SEC. 7. That the clerk of the United States court of appeals for the Indian Territory shall charge and receive for services imposed upon him by the provisions of this Act the same fees allowed officers of the State of Arkansas for like services under the laws of that State.

Fees.

SEC. 8. That any bank or trust company now or hereafter organized under the laws of Arkansas or any other State may transact such business in the Indian Territory as is authorized by its charter, and that is not inconsistent with the laws in force in the Indian Territory, and may loan money and contract for the payment of the same at a rate of interest not to exceed the sum of eight per centum per annum, and a like rate for a period less than a year: *Provided*, That the lawful interest in said Territory shall be six per centum when no rate of interest is agreed upon, but in no case shall the interest exceed eight per centum per annum.

Banks and trust companies; powers, etc.

Proviso.
Legal interest in territory.

SEC. 9. That the United States courts in the Indian Territory shall have and exercise, in reference to all corporations created under this

Jurisdiction United States courts.

Act, the same powers and jurisdiction as may be exercised in the State of Arkansas by the courts of that State over corporations created therein under the provisions of any law in force in that State relating to corporations.

Approved, February 18, 1901.

February 18, 1901.

CHAP. 380.—An Act To confirm in trust to the city of Alluquerque, in the Territory of New Mexico, the town of Albuquerque Grant, and for other purposes.

Albuquerque, N. Mex.
Release to, of Albuquerque Grant.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby released and quitclaimed unto the city of Albuquerque, New Mexico, all the right, claim, title, and interest which the United States has, or may claim to have, to the land or any part thereof which was in eighteen hundred and eighty-three surveyed under the direction of the surveyor-general for New Mexico as the town of Albuquerque Grant, the survey having been approved by the said surveyor-general on the twenty-eighth day of November, eighteen hundred and eighty-three, and including four Spanish leagues; and all the right, title, claim, and interest of the United States in and to the said premises embraced in the said grant is hereby vested in the city of Albuquerque in trust for the benefit of all persons claiming title to their individual holdings of real estate at the time of the acquisition of New Mexico under the treaty of Guadalupe Hidalgo and their successors in interest, or who have been in open adverse possession for the period of ten years prior to the passage of this Act: *Provided*, That there is reserved from this grant and quitclaim all lands and buildings now occupied by the United States as an Indian school, or for other public purposes; and also reserving therefrom any private land grants that may have been, or may hereafter be, confirmed by the Court of Private Land Claims or other authority of the United States.

Proviso.
Reservation from release.

Deeds of quitclaim to claimants to be executed.

SEC. 2. That it is hereby made the duty of the mayor and clerk of said city, and of their successors in office, to execute proper deeds of quitclaim to the persons entitled thereto under this Act for their respective holdings of real estate upon such claimants applying therefor and presenting proper deeds for the signatures of such officers, without any expense to said applicants, and such deeds, when executed, shall be taken in all courts and places as a relinquishment of any claim or title to the lands herein described on the part of the United States: *Provided*, That such deeds shall not be made to persons where titles are in controversy in the courts until such courts shall have adjudicated the same, when deeds shall be made to the persons adjudged to be the owners: *Provided further*, That if, within the limits of the land hereby relinquished, there be any tract or tracts not held in private ownership, the title shall be vested in the city of Albuquerque in trust for the use and benefit of the public schools of each of the districts where such lands are severally situated.

Provisos.
—contested titles.

Lands for benefit of public schools.

Approved. February 18, 1901.

February 18, 1901.

CHAP. 381.—An Act Authorizing the Indiana, Illinois and Iowa Railroad Company to construct and maintain a bridge across Saint Joseph River at or near the city of Saint Joseph, Michigan.

Indiana, Illinois and Iowa Railroad may bridge St. Joseph River at St. Joseph, Mich.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Indiana, Illinois and Iowa Railroad Company, a corporation created and existing under and by virtue of the laws of the State of Illinois, be, and is hereby

authorized to construct and maintain a railway bridge across Saint Joseph River at a point suitable to the interests of navigation, at or near the city of Saint Joseph, in the State of Michigan.

SEC. 2. That said bridge built under this Act and subject to its limitations shall be a lawful structure and shall be recognized and known as a post route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and munition of war of the United States than the rate per mile paid for the transportation over the railroad or public highways leading to the said bridge, and shall enjoy the rights and privileges of other post roads in the United States; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies, and the United States shall have the right of way across said bridge and its approaches for postal telegraph purposes: *Provided*, That the bridge herein authorized to be constructed shall be so kept and managed by the company owning or operating it as to afford proper ways and means for the passage through or under it of vessels, barges, or rafts at all times, both by day and by night; and there shall be displayed on said bridge, from sunset to sunrise, such lights and signals as the Light-House Board shall prescribe.

Lawful structure and post route.

Postal telegraph, etc.

Proviso.
Aids to navigation.

Lights.

SEC. 3. That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains over the same and the approaches thereto upon payment of a reasonable compensation for such use; or, in case of disagreement, upon such terms and conditions as shall be prescribed by the Secretary of War upon hearing the allegations and proofs of the parties in interest.

Rights of railroads to use.

SEC. 4. That the bridge authorized to be constructed under this Act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe, and to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawings of said bridge and a map of the location giving for the space of one mile above and one mile below the proposed location of the bridge the topography of the banks of the river, with shore lines at high and low water, the direction and strength of the currents at all stages, and the soundings, accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plans and location of the bridge are approved by the Secretary of War the bridge shall not be built; and should any change be made in the plan of the said bridge during the process of construction, such change shall be subject to the approval of the Secretary of War, and said structure shall be changed at the cost and expense of the owners thereof from time to time, as the Secretary of War may direct, so as to preserve the free and convenient navigation of said river.

Secretary of War to approve plans.

Changes.

SEC. 5. That this Act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date hereof.

Commencement and completion.

SEC. 6. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

Approved, February 18, 1901.

February 19, 1901.

CHAP. 382.—An Act To constitute a new division of the eastern judicial district of Texas, and to provide for the holding of terms of court at Sherman, Texas, and for the appointment of a clerk for said court, and for other purposes.

Texas eastern judicial district.
New division of, constituted.

Terms of court at Sherman.

Counties detached from northern added to eastern district.

Return of process, etc.

Proviso.
Pending suits unaffected.

Clerks' office at Sherman.

Repeal.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the counties of Grayson, Cooke, Montague, Collin, and Denton shall constitute a division of the eastern judicial district of Texas.

SEC. 2. That terms of the circuit and district courts of the United States for the said eastern district of Texas shall be held twice in each year at the city of Sherman, and that, until otherwise provided by law, the judges of said courts shall fix the times at which said court shall be held at Sherman, of which they shall make publication and give due notice.

SEC. 3. That the counties of Cooke, Denton, Montague, and Collin are hereby detached from the northern judicial district of Texas and attached to the eastern judicial district of Texas.

SEC. 4. That all civil process issued against persons resident in the said counties of Grayson, Cooke, Montague, Denton, and Collin, and cognizable before the United States courts, shall be made returnable to the courts respectively to be held at the city of Sherman; and all prosecutions for offenses committed in either of said counties shall be tried in the appropriate United States courts at the city of Sherman: *Provided,* That no process issued or prosecution commenced or suit instituted before the passage of this Act shall be in any way affected by the provisions hereof.

SEC. 5. That the clerks of the circuit and district courts of said district shall maintain an office, in charge of themselves or a deputy, at the said city of Sherman, which shall be kept open at all times for the transaction of the business of said division.

SEC. 6. That so much of all Acts or parts of Acts as are in conflict herewith are hereby repealed.

Approved, February 19, 1901.

February 20, 1901.

CHAP. 383.—An Act To extend the privileges of the seventh section of the immediate transportation Act to New Bedford, Massachusetts.

New Bedford, Mass.
Granted immediate transportation privileges.
Vol. 21, p. 174.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the privileges of the seventh section of the Act approved June tenth, eighteen hundred and eighty, governing the immediate transportation of dutiable merchandise without appraisement, be, and they are hereby, extended to the port of New Bedford, Massachusetts.

Approved, February 20, 1901.

February 20, 1901.

CHAP. 384.—An Act To establish a light and fog station at Point Dume, Los Angeles County, California.

Point Dume, Cal.
Light station, etc., established at.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be established at Point Dume, Los Angeles County, California, a suitable light and fog-signal station, at a cost not to exceed sixty-three thousand dollars.

Approved, February 20, 1901.

CHAP. 385.—An Act To extend the privileges provided by an Act entitled "An Act to amend the statutes in relation to the immediate transportation of dutiable goods, and 'or other purposes," approved June tenth, eighteen hundred and eighty, as amended.

February 20, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the privileges of immediate transportation as provided by an Act entitled "An Act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," approved June tenth, eighteen hundred and eighty, as amended by an Act entitled "An Act to amend an Act entitled 'An Act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes,'" approved February twenty-third, eighteen hundred and eighty-seven, be, and the same are hereby, extended to the port of Milwaukee, State of Wisconsin.

Milwaukee, Wis.
Granted immediate
transportation privi-
leges.
Vol. 21, p. 174.
Vol. 24, p. 411.

Approved, February 20, 1901.

CHAP. 386.—An Act To amend section forty-four hundred and seventy-two of the Revised Statutes so as to permit the transportation by steam vessels of gasoline and other products of petroleum when carried by motor vehicles (commonly known as automobiles) when used as source of motive power.

February 20, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section forty-four hundred and seventy-two of the Revised Statutes be amended by adding thereto at the end of said section the following:

Nothing in the foregoing or following sections of this Act shall prohibit the transportation by steam vessels of gasoline or any of the products of petroleum when carried by motor vehicles (commonly known as automobiles) using the same as a source of motive power: *Provided, however,* That all fire, if any, in such vehicles or automobiles be extinguished before entering the said vessel, and that the same be not relighted until after said vehicle shall have left the same: *Provided, further,* That any owner, master, agent, or other person having charge of passenger steam vessels shall have the right to refuse to transport automobile vehicles the tanks of which contain gasoline, naphtha, or other dangerous burning fluids.

Steam passenger
vessels.
Gasoline, etc., as
motive power of au-
tomobiles excepted
from provision pro-
hibiting transporta-
tion of explosives.
R. S., sec. 4472, p.
865, amended.

Provisos.
Fire to be extin-
guished.

Vessels may refuse
transportation.

Approved, February 20, 1901.

CHAP. 461.—An Act Regulating assessments for water mains in the District of Columbia.

February 21, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter, whenever a water main or mains shall be laid in the District of Columbia, the water-main assessment or tax therefor authorized by law shall be assessed within thirty days after such water main or mains shall have been laid, and the owner or owners affected by this assessment or tax shall be notified that the same has been assessed, by a notice which shall be served upon the owner of the lot or parcel of land to be assessed if he or she be a resident of the District of Columbia and his or her residence known. If the owner be a nonresident, or his or her residence unknown, the notice shall be served on his or her agent or tenant. The service of such notice where the owner or his or her agent or tenant resides in the District of Columbia shall be either personal or by leaving the same with some person of suitable age at the residence or place of business of such owner, agent, or tenant; and return of such service, stating the manner thereof, shall be made in

District of Columbia.
Assessments for wa-
ter mains.

—when made.

—notice.

—service.

Notice where no agent, etc.	writing and filed in the office of the Commissioners of the District of Columbia. If there be no agent or tenant known to said Commissioners, notice of such assessment shall be given by the officer designated by the Commissioners to perform that duty under authority vested in them by an Act entitled "An Act to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes," approved July eighth, eighteen hundred and ninety-eight, by advertisement once a week for two successive weeks in some newspaper published in said District. Water-main assessments or taxes shall be payable in three equal installments, the first of which shall be payable without interest within thirty days from the date of such service or of the last publication of said notice, as the case may be; the second within one year, and the third within two years from the date of such service or of the last publication of said notice; and interest at the rate of six per centum per annum shall be charged on all amounts which shall remain unpaid at the expiration of thirty days from the date of such service or of the last publication of said notice.
Vol. 30, p. 721.	
How assessments payable.	
Publication.	
Repeals.	In said publication of said notice each several piece of property shall be described in a separate paragraph. The cost of publication of the notice herein provided for shall be added to the amount of said assessment and collected in the same manner that said assessment is collected. SEC. 2. That all laws or parts of laws inconsistent herewith are hereby repealed. Approved, February 21, 1901.

February 23, 1901.

CHAP. 463.—An Act For the establishment of a light-house and fog signal at Point No Point, in Chesapeake Bay, between Cove Point and Smiths Point.

Point no Point,
Chesapeake Bay.
Light-house, etc.,
authorized at.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a light-house and fog signal be established at Point No Point, in the Chesapeake Bay, between Cove Point and Smiths Point, at a cost not to exceed the sum of sixty-five thousand dollars.

Approved, February 23, 1901.

February 23, 1901.

CHAP. 464.—An Act To provide an American register for the steamer Enterprise.

Steamer Enterprise.
Granted American
register.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of Navigation is hereby authorized and directed to cause the foreign-built steamer St. Georg, wrecked in Cuban waters, and purchased and wholly owned by the Merritt and Chapman Derrick and Wrecking Company, of New York City, incorporated under the laws of West Virginia, and now under repair by said company, to be registered as a vessel of the United States under the name of Enterprise, whenever it shall be shown to the Commissioner of Navigation that the repairs and salvage on the vessel amount to three times the actual cost of the wreck to her owners.

Approved, February 23, 1901.

February 23, 1901.

CHAP. 465.—An Act To amend section forty-four hundred and twenty-seven, title fifty-two, of the Revised Statutes, relating to inspectors of hulls and boilers.

Steam tow boats
may carry other per-
sons than crew.
R. S., sec. 4427, p. 868,
vol. 24, p. 129, amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the amendment to section forty-four hundred and twenty-seven, approved July ninth, eighteen hundred and eighty-six, entitled "An Act relating to the

licensing of vessels engaged in towing to carry persons in addition to their crews," be amended to read as follows:

"That any steam vessel engaged in the business of towing vessels, rafts, or water craft of any kind, also steam vessels engaged in oyster dredging and planting, and fishing steamers engaged in food fishing on the Great Lakes and all other inland waters of the United States, and not carrying passengers, may be authorized and licensed by the supervising inspector of the district in which said steamer shall be employed to carry on board such number of persons, in addition to its crew, as the supervising inspector, in his judgment, shall deem necessary to carry on the legitimate business of such towing; oyster and fishing steamers, not exceeding, however, one person to every net ton of measurement of said steamer: *Provided, however,* That the person so allowed to be carried shall not be carried for hire.

Proviso.
Not to be carried for hire.
Life preservers.

"SEC. 2. That every steam vessel licensed under the foregoing section shall carry and have on board, in accessible places, one life-preserver for every person allowed to be carried, in addition to those provided for the crew of such vessel."

Approved, February 23, 1901.

CHAP. 466.—An Act To authorize the Director of the Census to make payments for information concerning cotton gins, and for other purposes.

February 23, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Director of the Census be, and he is hereby, authorized to pay, out of any money appropriated for census purposes, all enumerators who may have made returns concerning cotton gins, at a rate of five cents for each gin reported: *Provided,* That the total amount which may be paid to such enumerators shall not exceed the sum of two thousand dollars.

Census.
Director may pay enumerators for returns concerning cotton gins.

Proviso.
—limit.

SEC. 2. That the Director of the Census be, and is hereby, authorized and directed to pay the accounts for the information relating to cotton gins without requiring jurats on said accounts, and shall make payment on the certificate of the chief statistician for manufactures as to the correctness of the same.

—jurats not required, etc.

SEC. 3. That the mechanics and other persons employed in the Census printing office, whether employed by the piece or otherwise, shall be allowed annual leave of absence and sick leave with pay, under the same terms as now or hereafter may be prescribed in the Government Printing Office, and the Director of the Census is hereby authorized to make payment for such annual leave and sick leave out of any money which may be appropriated for Census purposes: *Provided,* That the Director of Census may designate the time when annual leave shall be taken.

Leaves of absence to mechanics in printing office authorized.

Proviso.
Time when leave may be taken.

Approved, February 23, 1901.

CHAP. 467.—An Act Confirming two locations of Chippewa half-breed scrip in the State (then Territory) of Utah.

February 23, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the locations of the following scrip, namely, that known as Chippewa half-breed scrip numbered three hundred and seventeen for eighty acres, in the name of Antonie La Pierre, and that known as Chippewa half-breed scrip numbered three hundred and twenty-two for eighty acres, in the name of Antonie Bagage, issued by the Commissioner of the General Land Office under the Act of Congress approved December nineteenth, eighteen hundred and fifty-four (ratifying and giving effect to the

Locations of certain Chippewa half-breed scrip in Utah confirmed.

Vol. 10, p. 598.

treaty of September thirtieth, eighteen hundred and fifty-four, with the tribe of Indians known as the Chippewas of Lake Superior, whereby certain territory was ceded to the United States, and granting to each head of a family of such tribe, in fee simple, a reservation of eighty acres of land, to be selected in the territory ceded by said treaty, situate within the States of Michigan, Wisconsin, and Minnesota, and extending like benefits and privileges to the mixed bloods belonging to or connected with such tribe, who should permanently reside upon the ceded lands), made February ninth, eighteen hundred and seventy-four, respectively, upon the southeast quarter of the northeast quarter and the northeast quarter of the southeast quarter of section twenty-three, and upon the south half of the southeast quarter of said section twenty-three, in township one north, of range one west, in the Salt Lake City land district, in the Territory (now State) of Utah, and the patents issued by the land department January twenty-fifth, eighteen hundred and seventy-five, in the names of said scrippees, respectively, for the lands embraced by said scrip locations, be, and the same are hereby, ratified and confirmed, and the title to said lands is hereby confirmed, in said patentees and their transferees, immediate or remote, to the same extent as though said patents had been in all respects valid when issued.

Approved, February 23, 1901.

February 23, 1901.

CHAP. 468.—An Act To authorize the Louisville and Nashville Railroad Company to construct, maintain, and operate a bridge across the Choctawhatchee River at Geneva, Alabama.

Louisville and Nashville Railroad may bridge Choctawhatchee River at Geneva, Ala.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Louisville and Nashville Railroad Company, a corporation created and existing under the laws of the State of Kentucky, and doing business in the State of Alabama, its successors and assigns, be, and it is hereby, authorized and empowered to construct, maintain, and operate a bridge across the Choctawhatchee River at Geneva, Alabama, at such point as may have been or may hereafter be selected by said railroad company for crossing said river on its line of railroad, provided such point selected shall, in the judgment of the Secretary of War, be suitable to the interests of navigation; that said bridge shall be constructed for the passage of railroad trains, and said railroad company may locate, construct, maintain, and operate over said bridge and the approaches thereto railroad tracks for the use of said railroad company.

Railroad bridge.

Lawful structure and post route.

SEC. 2. That said bridge shall be a lawful structure, subject to the limitations of this Act, and shall be recognized and known as a post route, upon which no higher charge shall be made for the transmission over the same of the mails, the troops, and munitions of war of the United States than the rate per mile to be paid for the same over the railroad leading to said bridge; and the United States shall have the right of way over said bridge for postal telegraph and telephone purposes.

Postal telegraph, etc.

Secretary of War to approve plans.

SEC. 3. That the bridge authorized to be constructed under this Act shall be built and located subject to such regulations for the security of the navigation of said river as the Secretary of War shall prescribe, and to secure that object the said railroad company shall submit to the Secretary of War, for his examination and approval, a design and drawing of said bridge, with a map of the location thereof, and shall furnish such other information as may be required for the full and satisfactory understanding of the subject, and that said bridge shall not be built until the plans and location thereof shall be approved by the Secretary of War; and should any change be made in the plans of said bridge during the progress of its construction, or after its com-

Changes.

pletion, such change shall be subject to the approval of the Secretary of War; and any changes in said bridge which the Secretary of War may at any time deem necessary, and order in the interests of navigation, shall be made by the owners thereof at their own expense: *Provided*, That if said bridge is constructed as a drawbridge the draw thereof shall be opened promptly upon reasonable signal for the passage of boats, and the said railroad company shall maintain thereon, at its own expense, between sunset and sunrise, such lights or other signals as may be prescribed by the Light-House Board.

Proviso.

Draw.

Lights.

Rights of railroads to use.

SEC. 4. That all railroad companies desiring the use of the bridge authorized by this Act shall have and be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same and over the approaches thereto upon the payment of a reasonable compensation for such use; and in case the owner or owners of said bridge and the several railroad companies, or any one of them, desiring such use shall fail to agree upon the sum or sums to be paid, and upon rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies.

SEC. 5. That this Act shall be null and void if actual construction of the said bridge be not commenced in one year and completed in three years from the date hereof.

Commencement and completion.

SEC. 6. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

Approved, February 23, 1901.

CHAP. 469.—An Act For the preparation of plans or designs for a memorial or statue of General Ulysses S. Grant on ground belonging to the United States Government in the city of Washington, District of Columbia.

February 23, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the president of the Society of the Army of the Tennessee, the chairman of the Joint Committee on the Library, and the Secretary of War be, and they are hereby, created a commission to select a site and secure plans and designs for a statue or memorial of General Ulysses S. Grant, late President of the United States and General of the armies thereof, said statue not to cost in excess of the sum of two hundred and fifty thousand dollars.

Statue of Gen. U.S. Grant. Selection of a site authorized.

SEC. 2. That said commission is authorized to select any unoccupied square or reservation belonging to the Government, or part thereof, in the District of Columbia, except the grounds of the Capitol and Library of Congress, on which to erect the said statue.

Use of Government reservation.

SEC. 3. That the said commission is authorized and required to advertise for plans, specifications, and models for the base, pedestal, and statue provided for in section one, and may pay to competing artists for the same and for expenses incident to making such selection, a sum not exceeding ten thousand dollars, which sum is hereby appropriated, out of any money in the Treasury not otherwise appropriated, one of which plans, specifications, or models shall, if deemed sufficiently meritorious by the commission, be selected, or the commission may select any part of any of the plans, specifications, or models that it may elect and that it can use.

Plans, etc.

SEC. 4. That as soon as practicable after the selection authorized by section three is made, said commission shall report their action to the Congress of the United States.

Report.

Approved, February 23, 1901.

February 23, 1901.

CHAP. 470.—An Act To declare a branch of the Mississippi River opposite the city of La Crosse, Wisconsin, and known as West Channel, to be unnavigable, and that the said city be relieved of necessity of maintaining a draw or pontoon bridge over said West Channel.

Mississippi River.
West channel de-
clared unnavigable.

City of La Crosse ex-
empted from main-
taining bridge.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the branch of the Mississippi River flowing between Grand Island and the mainland opposite the city of La Crosse, State of Wisconsin, and known as the West Channel, be, and the same is hereby, declared unnavigable, and the said city of La Crosse is, from and after the passage of this Act, relieved of the necessity of maintaining a draw or pontoon bridge over said West Channel.

Approved, February 23, 1901.

February 25, 1901.

CHAP. 472.—An Act To incorporate the National Society of United States Daughters of Eighteen Hundred and Twelve.

National Society of
United States Daugh-
ters of 1812 incorpo-
rated.

—objects.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Mrs. Flora Adams Darling, of New York; Mrs. William Garry Slade, of New York; Mrs. Louis W. Hall, of Pennsylvania; Mrs. Edward Roby, of Illinois; Mrs. M. A. Ludin, of New York; Mrs. Le Roy Sunderland Smith, of New York; Miss Helen G. Bailey, of New Hampshire; Mrs. Alfred Russell, of Michigan; Mrs. William Lee, of Massachusetts; Mrs. William Tod Helmuth, of New York; Mrs. Nelson V. Titus, of Massachusetts, their associates and successors, are hereby created a body corporate and politic in the District of Columbia, by the name of the National Society of United States Daughters of Eighteen Hundred and Twelve, for patriotic, historical, educational, and benevolent purposes, the objects of which are as follows: To perpetuate the memory and spirit of the men and women who were identified with the war of eighteen hundred and twelve by publication of memoirs of famous women of the United States during that period, and the investigation, preservation, and publication of authentic records of men in the military, naval, and civil service of the United States during the said period; by making the society one of the factors of educational and patriotic progress, and by the promotion and erection of a house or home where the descendants of the zealous and brave patriots who achieved American independence who have need of such a home may be sheltered from the storms of life.

Powers.

SEC. 2. That the said society is authorized to hold real and personal estate in the United States, so far only as may be necessary to its lawful ends, to an amount not exceeding two hundred thousand dollars, and may adopt a constitution and make by-laws not inconsistent with law, and may adopt a seal.

Amendment.

SEC. 3. That Congress reserves the right to alter, amend, or repeal this Act.

Approved, February 25, 1901.

February 25, 1901.

CHAP. 473.—An Act Granting authority to Alafia, Manatee and Gulf Coast Railroad Company to build railroad bridges across the Manatee River and Gasparilla Sound and to lay railroad tracks thereon.

Alafia, Manatee and
Gulf Coast Railroad
may bridge Manatee
River and Gasparilla
Sound, Fla.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Alafia, Manatee and Gulf Coast Railroad Company, a railroad corporation organized under the law of Florida, be, and it hereby is, authorized and empowered to construct, maintain, and operate one bridge across each of the following

rivers and bodies of water, all in the State of Florida: The Manatee River from a point at or near Palmetto, in the county of Manatee, to a point at or near Braidentown, in said county, and also over and across Gasparilla Sound from a point on the mainland, in the county of De Soto, to a point near or opposite thereto at or near the head of north end of Gasparilla Island, and to lay railroad tracks on the said bridges to run trains on same.

SEC. 2. That any bridges built under this Act and subject to its limitations shall be lawful structures and shall be recognized and known as post routes, upon which also no higher charge shall be made for the transportation over the same of the mail, the troops, and munitions of war of the United States than the rate per mile paid for transportation over railroads or public highways leading to the said bridge, and they shall enjoy the same rights and privileges as other post roads in the United States, and equal privileges in the use of said bridges shall be granted to all telegraph and telephone companies, and the United States shall have the right of way across the said bridges and their approaches for postal-telegraph purposes.

Lawful structures and post routes.

Telegraph, etc., companies.

SEC. 3. That all railroad companies desiring the use of said bridges shall have and be entitled to equal rights and privileges relative to the passage of railway trains over the same and over the approaches thereto, upon the payment of a reasonable compensation for such use; and in case the owner or owners of said bridges and the several railroad companies, or any of them desiring such use, shall fail to agree upon the sum or sums to be paid and upon the rules and conditions to which each shall conform in using said bridges, all matters at issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the party.

Right of railroads to use.

SEC. 4. That all bridges authorized to be constructed under this Act shall be built under and subject to such regulations for the security of the navigation of said river and sound as the Secretary of War shall prescribe, and to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, maps of location and designs and drawings of each of the bridges; and until plans and locations are approved by the Secretary of War the bridges shall not be commenced or built; and should any changes be made in the plans of said bridges or any one of them during the progress of the construction or after completion, such changes shall be subject to the approval of the Secretary of War, and all changes in said bridges, or any one of them, required by the Secretary of War, at any time or until their entire removal, shall be made promptly by the corporations or persons owning or operating said bridges at their expense. And the said persons or corporations shall maintain on said bridges, from sunset to sunrise, such lights or other signals as the Light-House Board may prescribe.

Secretary of War to approve plans, etc.

Changes.

Light

SEC. 5. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

SEC. 6. That this Act shall be null and void if actual construction of the bridges herein authorized is not commenced within one year and completed within three years from the date hereof.

Commencement and completion.

Approved, February 25, 1901.

CHAP. 474.—An Act For the relief of the Medawakanton band of Sioux Indians, residing in Redwood County, Minnesota.

February 25, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and hereby is, authorized to sell, dispose of, and convey the north fractional half of the northeast quarter and the southeast

Purchase of lieu lands for Medawakanton band of Sioux Indians, Redwood county, Minn., authorized.

quarter of the northeast quarter of section one, township one hundred and twelve, range thirty-five, in Redwood County, Minnesota, purchased in eighteen hundred and eighty-nine for the use of the Medawakanton band of Sioux Indians, residing in Redwood County, for cash at the best obtainable price not less than thirteen dollars per acre, and that he is hereby authorized and empowered to purchase other lands in said county for said Indians with the proceeds arising from such sale: *Provided*, That the written consent of the adult Indians residing in Redwood County, Minnesota, shall first be given.

Proviso.
Consent of Indians.

Approved, February 25, 1901.

February 25, 1901.

CHAP. 475.—An Act To authorize the Mobile and West Alabama Railroad Company to construct and maintain a bridge across the Warrior River, between the counties of Walker and Jefferson, in section thirty-five, township seventeen, range seven west, Alabama.

Mobile and West Alabama Railroad may bridge Warrior River, Ala.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Mobile and West Alabama Railroad Company, a corporation created and existing under an act of the general assembly of the State of Alabama, be, and is hereby, authorized to construct and maintain a railroad bridge for the passage of railway engines and cars across the Warrior River, at such point as may be selected by such company, in section thirty-five, township seventeen, range seven west, and approved by the Secretary of War, between the counties of Walker and Jefferson, Alabama, said bridge to be so constructed as not to obstruct the navigation of said river, and to be provided with a suitable draw: *Provided*, That any bridge constructed under this Act and according to its limitations shall be a lawful structure and shall be known and recognized as a post route, upon which, also, no higher charge shall be made for the transportation over the same of the mail, the troops, and munitions of war of the United States than the rate per mile paid for transportation over railroads or public highways leading to the said bridge; and the same is hereby declared to be a post route, and the United States shall have the right of way for a postal telegraph across said bridge: *Provided, also*, That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same, and over the approaches thereto, upon payment of a reasonable compensation for such use; and in case of any disagreement between the parties in regard to the terms of such use or the sums to be paid, all matters at issue shall be determined by the Secretary of War upon hearing the allegations and proofs submitted to him.

Draw, etc.

Provisos.
Lawful structure and post route.

Rights of railroads to use.

Secretary of War to approve plans.

SEC. 2. That the bridge authorized to be constructed under this Act shall be located and built under and subject to such regulations for the security of the navigation of said river as the Secretary of War shall prescribe; and the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawing of the proposed bridge and a map of the location, giving, for the space of one-half mile above and one-half mile below the proposed location, the topography of the banks of the river, the shore lines at high and low water, the direction and strength of the currents, and the soundings, accurately showing the bed of the stream, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War no work upon the bridge shall be commenced; and should any change be made in the plan of said bridge during the progress of construction or after completion, such change shall be subject to the approval of the Secretary of War.

SEC. 3. That Congress reserves the right to alter, amend, or repeal this Act at any time; and that if at any time navigation of said river shall in any manner be obstructed or impaired by the said bridge the Secretary of War shall have authority, and it shall be his duty, to require the said bridge company to alter and change the said bridge, at its own expense, in such manner as may be proper to secure free and complete navigation without impediment.

Amendment.
Alterations.

SEC. 4. That the draw provided for the bridge herein authorized to be constructed shall be opened promptly, upon reasonable signal, for the passing of boats; and said company or corporation shall maintain, at its own expense, from sunset to sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe.

Draw.

Lights.

SEC. 5. That all telephone and telegraph companies shall be granted equal rights and privileges in the construction and operation of their lines across said bridge; and if actual construction of the bridge herein authorized shall not be commenced within one year from the passage of this Act, and be completed within three years from same date, the rights and privileges hereby granted shall cease and be determined.

Telegraph, etc.,
companies.

Commencement and
completion.

Approved, February 25, 1901.

CHAP. 476.—An Act To authorize the Mobile and West Alabama Railroad Company to construct and maintain a bridge across the Tombigbee River between the counties of Marengo and Choctaw, below Demopolis, Alabama.

February 25, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Mobile and West Alabama Railroad Company, a corporation created and existing under an Act of the general assembly of the State of Alabama, be, and is hereby, authorized to construct and maintain a railroad bridge for the passage of railway engines and cars across the Tombigbee River at a point suitable to the interests of navigation between Marengo and Choctaw counties, below Demopolis, in the State of Alabama, said bridge to be so constructed as not to obstruct the navigation of said river and to be provided with a suitable draw: *Provided,* That any bridge constructed under this Act and according to its limitations shall be a lawful structure and shall be known and recognized as a post route, and the same is hereby declared to be a post route, upon which, also, no higher charge shall be made for the transportation over the same of the mails, the troops, or munitions of war of the United States than the rate per mile paid for transportation over railroads or public highways leading to the said bridge, and the United States shall have the right of way for a postal telegraph across said bridge: *Provided,* also, That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same, and over the approaches thereto, upon payment of a reasonable compensation for such use; and in case of any disagreement between the parties in regard to the terms of such use or the sums to be paid, all matters at issue shall be determined by the Secretary of War, upon hearing the allegations and proofs submitted to him.

Mobile and West Al-
abama Railroad may
bridge Tombigbee
River, Ala.

Draw, etc.

Provisos.
Lawful structure
and post route.

Postal telegraph.

Rights of railroads
to use.

SEC. 2. That the bridge authorized to be constructed under this Act shall be located and built under and subject to such regulations for the security of the navigation of said river as the Secretary of War shall prescribe; and the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawing of the proposed bridge and a map of the location, giving for the space of one-half mile above and one-half mile below the proposed location the topography of the banks of the river, the shore lines at high and low water, the direction and strength of the currents, and the soundings accurately showing the bed of the stream, and shall

Secretary of War to
approve plans, etc.

furnish such other information as may be required for a full and satisfactory understanding of the subject; and, until the said plan and location of the bridge are approved by the Secretary of War, no work upon the bridge shall be commenced; and should any change be made in the plan of said bridge during the progress of construction or after completion, such change shall be subject to the approval of the Secretary of War.

Amendment.
Alterations.

SEC. 3. That Congress reserves the right to alter, amend, or repeal this Act at any time; and if at any time navigation of said river shall in any manner be obstructed or impaired by the said bridge, the Secretary of War shall have authority, and it shall be his duty, to require the said bridge company to alter and change the said bridge, at its own expense, in such manner as may be proper to secure free and complete navigation without impediment.

Draw.

SEC. 4. That the draw provided for the bridge herein authorized to be constructed shall be opened promptly, upon reasonable signal, for the passing of boats; and said company or corporation shall maintain at its own expense, from sunset to sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe.

Lights.

Telegraph, etc.,
companies.

Commencement and
completion.

SEC. 5. That all telephone and telegraph companies shall be granted equal rights and privileges in the construction and operation of their lines across said bridge; and if actual construction of the bridge herein authorized shall not be commenced within one year from the passage of this Act, and be completed within three years from same date, the rights and privileges hereby granted shall cease and be determined.

Approved, February 25, 1901.

February 25, 1901.

CHAP. 477.—An Act To authorize the construction of a bridge across Little River, at or near mouth of Big Lake, State of Arkansas.

Jonesboro, Lake
City and Eastern Rail-
road may bridge Lit-
tle River, Arkansas.

Secretary of War to
approve plans.

Provisos.

Changes.

Aids to navigation,
etc.

Lights.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Jonesboro, Lake City and Eastern Railroad Company, a corporation incorporated under the laws of the State of Arkansas, its successors or assigns, are hereby authorized to construct, operate, and maintain a drawbridge across Little River, at or near the mouth of Big Lake, in section nine, township fourteen north, range nine east, Mississippi County, in the State of Arkansas. Said bridge shall be constructed in accordance with such plans as the Secretary of War may decide to be necessary, and approved by him: *Provided*, That before the construction of any bridge herein authorized is commenced the said company shall submit to the Secretary of War, for his examination and approval, a design and drawing of such bridge, and map of the location, giving sufficient information to enable the Secretary of War to fully and satisfactorily understand the subject; and unless the plan and location of such bridge are approved by the Secretary of War the structure shall not be built; and should any change be made in said bridge, before or after completion, such changes shall be likewise subject to the approval of the Secretary of War. And any changes in said bridge which the Secretary of War may at any time deem necessary, and order in the interests of navigation, shall be made by the owners thereof at their own expense: *Provided further*, That any bridge constructed under authority of this Act shall at all times be so kept and managed as to offer proper and reasonable means for the passage of vessels and other water craft through or under said structure; and the piers of said bridge shall be parallel with, and the bridge itself at right angles to, the currents of the river; and for the safety of vessels passing at night

there shall be displayed on said bridge, from sunset to sunrise, such lights or other signals as may be prescribed by the Light-House Board; and the said company shall, at its own expense, build and maintain such dikes, wing dams, or other works as the Secretary of War may deem necessary to maintain the channel within the draw or channel spans of the bridge.

Wing dams, etc.

SEC. 2. That all railroad companies desiring the use of said bridge shall have equal rights and privileges relative to the passage of railway trains over the same and over the approaches thereto, upon payment of a reasonable compensation for such use; and in case the owner of said bridge and any railroad company desiring such use shall fail to agree upon the sums to be paid or upon the conditions to be observed, all matters at issue shall be decided by the Secretary of War upon hearing the allegations and proof of the parties.

Right of railroads to use.

SEC. 3. That the bridge constructed, maintained, and operated under this Act and according to its limitations shall be a lawful structure, and shall be recognized and known as a post route, upon which also no higher charge shall be made for the transportation over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for transportation of said mails, troops, and munitions over the railroads and public highways leading to said bridge; and the United States shall have the right of way for postal, telegraph, and telephone purposes over said bridge.

Lawful structure and post route.

Postal telegraph, etc.

SEC. 4. That this Act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within two years from the approval of this Act.

Commencement and completion.

SEC. 5. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

Approved, February 25, 1901.

CHAP. 478.—An Act Supplemental to an Act entitled "An Act to incorporate the Reform School for Girls of the District of Columbia," approved July ninth, eighteen hundred and eighty-eight.

February 25, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections eight, nine, and fifteen of the Act entitled "An Act revising and amending the various Acts establishing and relating to the Reform School of the District of Columbia," approved May third, eighteen hundred and seventy-six, which Act was made applicable to the Reform School for Girls of the District of Columbia by the sixth section of the Act to which this Act is a supplement, be, and they are hereby, amended as applicable to the said Reform School for Girls, so as to read as follows:

District of Columbia. Reform School for Girls. Vol. 25, p. 245. Vol. 19, p. 49, amended.

"SEC. 8. That whenever any girl under the age of seventeen years shall be brought before any court of the District of Columbia or any judge of such court, and shall be convicted of any crime or misdemeanor punishable by fine or imprisonment other than imprisonment for life, such court or judge, in lieu of sentencing her to imprisonment in the county jail or fining her, may commit her to the Reform School for Girls, to remain until she shall arrive at the age of twenty-one years unless sooner discharged by the board of trustees. And the judges of the criminal and police courts of the District of Columbia shall have power to commit to the Reform School for Girls, first, any girl under seventeen years of age who may be liable to punishment by imprisonment under any existing law of the District of Columbia or any law that may be enacted and in force in said District; second, any girl under seventeen years of age, with the consent of her parent or guardian, against whom any charge of crime or misdemeanor shall have been made, upon probable cause shown to the satisfaction of the

Commitment of girls under 17 years of age.

—who may be committed.

Commitment by
president of board of
trustees.

court; third, any girl under seventeen years of age who is destitute of a suitable home and adequate means of obtaining an honest living or who is in danger of being brought up, or is brought up, to lead an idle or vicious life; fourth, any girl under seventeen years of age who is incorrigible or habitually disregards the commands of her father or mother or guardian, who leads a vagrant life, or resorts to immoral places or practices, or neglects or refuses to perform labor suitable to her years and condition or to attend school. And the president of the board of trustees may also commit to the Reform School for Girls such girls as are mentioned in the foregoing third and fourth classes upon application or complaint, in writing, of a parent or guardian or relative having charge of such girl, and upon such testimony in regard to the facts stated as shall be satisfactory to him; and for taking testimony in such cases he is hereby empowered to administer oaths.

Period of detention.

"SEC. 9. That every girl sent to the Reform School for Girls shall remain until she is twenty-one years of age unless sooner discharged or bound as an apprentice."

By-laws, etc.

"SEC. 15. That the board of trustees may make such by-laws, rules, and regulations for their own government and that of the institution, its officers, employees, and inmates, the employment, discipline, instruction, education, removal, and absolute, temporary, or conditional release of all girls committed to the school as they may deem necessary and proper and as are not contrary to the Constitution and to the laws of the District of Columbia."

Approved, February 25, 1901.

February 26, 1901.

CHAP. 607.—An Act To amend section twelve hundred and twenty-five of Revised Statutes so as to provide for detail of retired officers of the Army and Navy to assist in military instruction in schools.

Retired Army and
Navy officers.

Whereas the national defense must depend upon the volunteer service of the people of the several States; and

Whereas those schools which shall adopt a system of military instruction are entitled to the assistance of the Government in order to secure to the United States such a knowledge of military affairs among the youth of the country as will render them efficient as volunteers if called upon for the national defense: Therefore,

Detail authorized as
instructors in drill,
etc., in schools.
R. S., sec. 1225, p. 216,
amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section twelve hundred and twenty-five of the Revised Statutes, concerning the detail of officers of the Army and Navy to educational institutions be, and the same is hereby, amended so as to permit the President to detail under the provisions of that Act, and in addition to the detail of the officers of the Army and Navy now authorized to be detailed under the existing provisions of said Act, such retired officers of the Army and Navy of the United States as in his judgment may be required for that purpose, to act as instructors in military drill and tactics in schools in the United States, where such instruction shall have been authorized by the educational authorities thereof, and where the services of such instructors shall have been applied for by said authorities.

Payments to officers
by school.

SEC. 2. That no detail shall be made under this Act to any school unless it shall pay the cost of commutation of quarters of the retired officers detailed thereto and the extra-duty pay to which the latter may be entitled by law to receive for the performance of special duty: *Provided*, That no detail shall be made under the provisions of this Act unless the officers to be detailed are willing to accept such position without compensation from the Government other than their retired pay.

Proviso.
—by United States.

SEC. 3. That the Secretary of War is authorized to issue at his discretion, and under proper regulations to be prescribed by him, out of ordnance and ordnance stores belonging to the Government, and which can be spared for that purpose, upon the approval of the governors of the respective States, such number of the same as may be required for military instruction and practice by such school, and the Secretary shall require a bond in each case, for double the value of the property, for the care and safe-keeping thereof and for the return of the same when required.

Use of ordnance, etc., for instruction authorized.

SEC. 4. That this Act shall take effect immediately.

Effect.

Approved, February 26, 1901.

CHAP. 608.—An Act To authorize the Carolina Northern Railroad Company to construct and maintain a bridge across the Lumber River in or near the town of Lumberton, Robeson County, North Carolina.

February 26, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Carolina Northern Railroad Company, a corporation created and existing under an act of the general assembly of North Carolina, be, and is hereby, authorized to construct and maintain a railroad bridge for the passage of railway engines and cars across the Lumber River at such point as may be selected by such company and approved by the Secretary of War within the boundary lines of Robeson County, North Carolina, in or near the town of Lumberton: *Provided*, That said bridge shall not be constructed within one mile of any other bridge across said stream; said bridge to be so constructed as not to obstruct the navigation of said river and to be provided with a suitable draw: *Provided further*, That any bridge constructed under this Act and according to its limitations shall be a lawful structure and shall be known and recognized as a post route, and the same is hereby declared to be a post route, upon which, also, no higher charge shall be made for the transportation over the same of the mails, the troops and munitions of war of the United States than the rate per mile paid for transportation over railroads or public highways leading to the said bridge, and the United States shall have the right of way for a postal telegraph across said bridge.

Carolina Northern Railroad may bridge Lumber River at Lumberton, N. C.

Provisos.
Draw, etc.

Lawful structure and post route.

Postal telegraph.

SEC. 2. That the bridge authorized to be constructed under this Act shall be located and built under and subject to such regulations for the security of the navigation of said river as the Secretary of War shall prescribe; and the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawing of the proposed bridge and a map of the location, giving, for the space of one-fourth of a mile above and one-fourth of a mile below the proposed location, the topography of the banks of the river, the shore lines at high and low water, the direction and strength of the currents, and the soundings, accurately showing the bed of the stream, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War no work upon the bridge shall be commenced; and should any change be made in the plan of said bridge during the progress of construction such change shall be subject to the approval of the Secretary of War: *Provided*, That nothing in this Act shall be construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers, or to exempt this bridge from the operations of the same.

Secretary of War to approve plans.

Changes

Proviso.
Existing law unimpaired.

SEC. 3. That Congress reserves the right to alter, amend, or repeal this Act at any time; and that if at any time navigation of said river

Amendment.
Alterations.

shall in any manner be obstructed or impaired by the said bridge, the Secretary of War shall have authority, and it shall be his duty, to require the said bridge company to alter and change the said bridge, at its own expense, in such manner as may be proper to secure free and complete navigation without impediment.

Draw.

Lights.

Commencement and completion.

SEC. 4. That the draw provided for the bridge herein authorized to be constructed shall be opened promptly, upon reasonable signal, for the passing of boats, and said corporation shall maintain at its own expense, from sunset to sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe; and if actual construction of the bridge herein authorized shall not be commenced within one year from the passage of this Act and be completed within three years from same date the rights and privileges hereby granted shall cease and be determined.

Approved, February 26, 1901.

February 27, 1901.

CHAP. 613.—An Act Amending an Act entitled "An Act authorizing the construction of a bridge over the Mississippi River to the city of Saint Louis, in the State of Missouri, from some suitable point between the north line of Saint Clair County, Illinois, and the southwest line of said county," approved March third, anno Domini eighteen hundred and ninety-seven.

Bridge of East St. Louis and St. Louis Bridge and Construction Company over Mississippi River, St. Louis, Mo.
Vol. 29, p. 685, amended.

Proviso.
Secretary of War to approve plans.
Transit, etc.

Use by street railways.

Lawful structure, and post route.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section one of said Act be amended to read as follows: "That the consent of Congress is hereby given to the East Saint Louis and Saint Louis Bridge and Construction Company, of the city of East Saint Louis, of the county of Saint Clair and State of Illinois, a corporation organized under the laws of the State of Illinois, its assigns, successors, grantees, mortgagees, representatives, and successors in interest, to build, own, operate, and maintain a bridge and approaches thereto, as hereinafter described, across the Mississippi River, from some point between the north line of Saint Clair County, Illinois, and the southwest line of said county to the city of Saint Louis, State of Missouri: *Provided*, That the plan of said bridge be approved by the Secretary of War: *Provided also*, That said proposed bridge shall be constructed for the purpose of providing for the passage of wagons, vehicles, street cars, animals, and foot passengers, and shall, at the option of the said East Saint Louis and Saint Louis Bridge and Construction Company, be so constructed of sufficient strength and dimensions as to provide for the passage over it of railway, passenger, and freight trains and the accommodation of a track or tracks therefor, but in either event the piers of said bridge shall be built of sufficient strength to admit of the passage of railway, freight, and passenger trains over it, and said bridge shall be deemed and taken as a public highway for the purposes named only, subject to the provisions hereinafter set forth: *Provided also*, That street and other railway companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of cars over the same and over the approaches thereto, and in case the owner or owners of said bridge and the railway companies, or any of them, desiring such use shall fail to agree upon the rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War upon hearing the allegations and proofs of the parties in question."

SEC. 2. That section two of said Act be amended so as to read as follows: "That any bridge built under this Act shall be a lawful structure and shall be recognized and known as a post route; that no charge shall be made for the transmission over the same of the mails, troops,

and the munitions of war of the United States, and it shall enjoy the rights and privileges of other post roads in the United States; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies; and the United States shall have the right of way across said bridge and its approaches for postal-telegraph purposes."

Telegraph, etc.,
companies.

SEC. 3. That section three shall be so amended as to read as follows:

"That in case the said bridge shall be built below the bridge heretofore constructed and known as the Eads Bridge it shall be built with an unbroken and continuous single span, and the lowest part of said span shall not be of less elevation in any case than seventy-five feet above the Saint Louis city directrix; and in case the said bridge shall be built above the said Eads Bridge, and immediately north thereof with the piers of the same opposite those of the Eads Bridge, so that they may be continuous thereto with three fixed channel spans giving the same clear width of waterway between piers as there is now between those of the Eads Bridge, and the said East Saint Louis and Saint Louis Bridge and Construction Company shall have the option of constructing said proposed bridge at or near the foot of Mullanphy street, in the city of St. Louis, but in that case there shall be at least three fixed channel spans; the west span to have a clear waterway of seven hundred feet and the other two channel spans to have a clear waterway of five hundred feet, each measured at right angles to the current at any and all stages of water; and the lowest part of said spans shall not be of less elevation in any case than fifty feet above the Saint Louis city directrix, plus the slope of the river from the foot of Walnut street, in the city of Saint Louis, to the point where the bridge shall be built; and the piers of the said bridge shall be parallel with the current of the river: *Provided*, That all shore piers and bridge approaches shall be so located and constructed as not to interfere with the use of any existing railroad right of way, depot grounds, or railroad yards."

Construction.
Below Eads Bridge.

—above.

Spans.

Provido.
Existing railroad
rights unimpaired.

Piers.

SEC. 4. That section four of said Act shall read as follows: "That the piers of all high channel spans shall be built parallel with the current of the river at the stage of the water which is most important to navigation; and riprapping or any other protection for imperfect foundations which will materially lessen the waterway or which may injure navigation shall not be employed in the channel ways of the high spans, and any piers which will produce cross currents or bars dangerous to navigation shall not be constructed; and if, after construction, any piers or protection walls are found to produce the above-mentioned effects, the nuisance shall be abated or corrected by or at the expense of the persons owning said bridge; and the approaches to the channel spans mentioned in this Act shall provide sufficient waterway for the passage of floods."

SEC. 5. That section five of said Act be so amended as to read as follows: "That the persons owning, controlling, or operating the bridge authorized by this Act shall maintain, at their own expense, from sunset to sunrise throughout the year and during the heavy fogs, such lights or other signals as the Government Light-House Board shall prescribe, and shall also each day during the season of navigation have posted in a conspicuous place the clear headroom under the channel span on that day, the figures expressing this height to be readily visible to the naked eye from any point in the channel of the river for a stretch of four thousand feet, of which three thousand feet shall be above and one thousand feet shall be below the channel spans of the bridge."

Lights.

Headroom notices.

SEC. 6. That section six of said Act shall be amended to read as follows: "That no bridge shall be constructed, erected, or maintained under the authority of this Act which shall at any time substantially or materially obstruct the navigation of said river; and if any bridge

Unobstructed nav-
igation.

Litigation.

erected under such authority shall, in the opinion of the Secretary of War, materially obstruct such navigation, he is hereby authorized to cause such change or alteration of said bridge to be made as will obviate such obstruction; and all such alterations and changes shall be made and all obstructions removed at the expense of the persons owning or controlling such bridge; and in case of any litigation arising from any obstruction or alleged obstruction to the navigation of said river, caused or alleged to be caused by said bridge, the case shall be brought and tried in the circuit court of the United States for the southern district of Illinois."

Secretary of War to approve plans.

SEC. 7. That section seven of said Act shall be so amended as to read as follows: "That the bridge authorized to be constructed under this Act shall be built under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe; and the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawings of the bridge and a map of the location, giving for a sufficient distance above and below the bridge the topography of the banks of the river, the shore lines at high and low water, the direction and strength of the current at low, medium, and high water stages, and the soundings accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject, and until the said plan of the bridge is approved by the Secretary of War the bridge shall not be built; and should any changes be made in the plan of said bridge during the progress of the construction of the same such changes shall be subject to the approval of the Secretary of War."

Commencement and completion, time extended.

SEC. 8. That section eight of said Act shall be amended to read as follows: "That in case the construction of the bridge authorized by this amendatory Act shall not be commenced within one year and completed within three years from the date of the approval of this amendatory Act, then Congress may declare the same null and void."

Purpose for authorizing bridge.

SEC. 9. That section nine of said Act shall be amended to read as follows: "That the principal reason for giving authority to build the bridge herein contemplated is declared to be to secure reasonable rates and tolls to that class of traffic described in section one of this Act for the passage over the same, and to facilitate the transaction of business across the Mississippi River at the city of Saint Louis."

Transportation.

SEC. 10. That section ten of said Act shall be amended to read as follows: "That said corporation may transport on said bridge and approaches thereto persons and property of the class prescribed herein, and may allow others so to do; and said bridge and approaches may be used for the transportation of all that class of persons and property described in this Act, under such regulations as the board of directors or board of managers of said corporation or the parties owning the said bridge may prescribe. The corporation owning the said bridge may take, receive, and collect such rates and tolls for travel, passage, or transportation over said bridge and approaches as the directors of the corporation owning or controlling said bridge may from time to time fix and establish: *Provided*, That the rates charged for such travel, passage, or transportation shall not exceed the following, to wit: For each freight car, loaded or unloaded, three dollars; for each passenger car, exclusive of the passengers riding therein, three dollars; for each passenger over five years of age crossing in any passenger car, fifteen cents; for each foot passenger over five years of age, three cents; for every person on horseback, including horse, seven cents; for every gig, buggy, carriage, cart, or wagon drawn by one animal, ten cents; for every buggy, carriage, cart, or wagon drawn by two animals, twenty cents; for every buggy, carriage, cart, or wagon drawn

Tolls.

proviso.
Rates prescribed.

by three animals, twenty-five cents; for every buggy, carriage, cart, or wagon drawn by four animals, thirty cents; for every buggy, carriage, cart, or wagon, drawn by more than four animals, five cents extra for each animal; for each head of cattle, horses, mules, or other animals other than those attached to vehicles, ten cents; for each head of sheep or swine, five cents. In case said corporation owning or controlling said bridge shall operate a street-car line, or permit any street-car company to operate a street-car line on said bridge and approaches, the fare for a single passenger over said bridge for persons over five years of age shall not exceed five cents."

SEC. 11. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

SEC. 12. That all Acts or parts of Acts in conflict with this Act are hereby repealed.

Approved, February 27, 1901.

Amendment.

Repeal.

CHAP. 614.—An Act To amend an Act granting to railroads the right of way through the public lands of the United States, approved March third, eighteen hundred and seventy-five.

February 27, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all lands in the State of Minnesota described in and withdrawn from sale by the proclamations of the President of the United States for the reason that said lands would be required for or subject to flowage in the construction of dams, reservoirs, and other works proposed to be erected for the improvement of the navigation of the Mississippi River and certain of its tributaries, be, and the same are hereby, declared to be, and to have been at all times heretofore, subject to the provisions of a certain Act of Congress entitled "An Act granting to railroads the right of way through the public lands of the United States," approved March third, eighteen hundred and seventy-five, as fully, effectually, and to the same extent as though said lands had not been described in said proclamations, or withdrawn from sale thereby, but had remained with the body of public lands subject to private entry and sale: *Provided, however,* That any and all parts of said lands acquired by any railroad company under said Act of Congress shall at all times be subject to the right of flowage which at any time may become necessary in the construction or maintenance of dams, reservoirs, or other works which may be constructed or erected by or under the authority of the United States for the improvement of the navigation of the Mississippi River and its tributaries: *Provided further,* That the railroad companies availing themselves of this Act shall, in addition to filing the maps now required by law to be filed, also file maps of definite location with elevation of rail of their lines of railroad over said water-reserve lands in the office of the Secretary of War; and no location shall be permitted which takes for right of way or stations or interferes with submergence of lands needed for the use of the present reservoir system, or in the construction of dams or other works, or any proposed or probable extension of the same, or which will obstruct or increase the cost of the present or prospective reservoir system: *Provided further,* That the plan for the location and construction of any such railway, or any part thereof, shall be first submitted to the Secretary of War and approved by him and by the Chief of Engineers of the United States Army.

Minnesota.
Certain water-reserve lands declared subject to railroad rights of way on public lands.
Vol. 18., p. 482.

Provisos.

Right of flowage for improvement of Mississippi River reserved.

Railroads to file maps of definite location.

—locations prohibited.

Secretary of War to approve plans.

Approved, February 27, 1901.

February 27, 1901.

CHAP. 615.—An Act For the establishment of a subport of entry at Douglas, Arizona.

Douglas, Ariz.
Made subport of
entry.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Douglas, in the district of Arizona, Territory of Arizona, shall be established a subport of entry, and a deputy collector shall be appointed who shall reside at said subport of entry and receive such compensation as the Secretary of the Treasury may allow.

Approved, February 27, 1901.

February 27, 1901.

CHAP. 616.—An Act To confirm a lease with the Seneca Nation of Indians.

Seneca Nation of In-
dians.
Lease of land to Erie
Preserving Company
ratified.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whereas on the eighteenth day of November, eighteen hundred and ninety-nine, Charles Dennis, a Seneca Indian, leased to the Erie Preserving Company, as a site for a manufacturing plant, a certain piece of land near the village of Irving, New York; and whereas on the twenty-ninth day of December, eighteen hundred and ninety-nine, the said lease was confirmed, ratified, and approved by the council of the Seneca Nation of Indians, according to its terms and conditions: Now, therefore, the action of the said Charles Dennis and of said Seneca Nation, by its council, is ratified, confirmed, and approved.

Approved, February 27, 1901.

February 28, 1901.

CHAP. 619.—An Act Authorizing the Secretary of the Interior to sell a certain lot in the District of Columbia at public auction.

District of Columbia.
Secretary of Interior
authorized to sell lot
10, square 1041.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to forthwith offer at public auction, upon such terms as are usual in sales of real estate made by trustees appointed by the supreme court of the District of Columbia, all the right, title, interest, and estate of the United States in and to a certain lot of land in the city of Washington, District of Columbia, known upon the plat or plan of said city as lot numbered ten, in square numbered one thousand and forty-one. And upon the full compliance of the purchaser or purchasers with the terms of said sale, to execute and deliver to such purchaser or purchasers a deed of said lot, conveying the aforesaid interest of the United States therein. And out of the proceeds of such sale the Secretary of the Interior shall pay, or caused to be paid, to John H. Gause and Charles E. Gause such sum or sums as they, or either of them, have expended, laid out, and become liable for in the purchase of such title to the aforesaid lot as they have, including such amounts as they have paid to the District of Columbia for general and special taxes levied upon said lot, the cost of examinations of its title and the cost of attempting to perfect same. And the Secretary of the Interior shall, out of the proceeds of sale, also pay, or cause to be paid, to Charles G. Stott, such sum or sums as he or his predecessors in title have expended, laid out, and become liable for in the purchase of such title to the aforesaid lot as he acquired, including such amounts as he or his predecessors in the title that he has have paid to the District of Columbia for general and special taxes levied upon said lot, the cost of examinations of such title, and the cost of attempting to perfect same,

Disposition of pro-
ceeds of sale.
Payment to J. H.
Gause, etc.

if any. The balance of said proceeds of sale shall be covered into the Treasury by the Secretary of the Interior, to the credit of the United States.

Approved, February 28, 1901.

CHAP. 620.—An Act To provide for the refunding of certain moneys illegally assessed and collected in the district of Utah.

February 28, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, to the persons, firms, and corporations hereinafter named, the amounts respectively placed opposite their names, the said amounts having been illegally assessed by the Commissioner of Internal Revenue and collected by the collector of internal revenue for the district of Utah in eighteen hundred and seventy-eight and eighteen hundred and seventy-nine as a tax of ten per centum on notes used for circulation and paid out, such tax having been held illegal by the Supreme Court of the United States: American Fork Cooperative Mercantile Institution; three hundred and twenty-four dollars; Alpine Cooperative Mercantile Institution, twenty-seven dollars and twenty-five cents; Big Cottonwood Cooperative Mercantile Institution, one hundred and twenty-six dollars; Beers and Driggs, one hundred and fifty-two dollars and fifty cents; Beers and Lafevre, twenty-five dollars; James Chipman, two hundred and seventeen dollars and eighty cents; Canaan Cooperative Stock Company, three hundred and fifty-seven dollars and eighteen cents; Alfred Dunkley, seventy-nine dollars and twenty cents; Ephraim United Order Mercantile Institution, one hundred and eighty dollars; Fillmore Cooperative Institution, ninety-six dollars and eighty-six cents; Fur Traders' Union, fifteen dollars; Fountain Green Cooperative Mercantile Institution, ninety dollars; Fairview Cooperative Mercantile Institution, one hundred and sixty-four dollars; Freshwater and Son, fifty-four dollars; E. W. Fox and Company, seventy-two dollars; Goshen Cooperative Mercantile Institution, one hundred dollars; Grantsville Cooperative Mercantile Institution, one hundred and one dollars and twenty-five cents; Goodwin Brothers, one hundred and eighty dollars; Glenwood Cooperative Mercantile Institution, forty-five dollars; Gunnison Cooperative Mercantile Institution, ninety dollars; Heber City Cooperative Mercantile Institution, sixty-three dollars; Hancock and Son, one hundred and thirty-five dollars; Moroni Cooperative Mercantile Institution, one hundred and forty-four dollars; Mount Pleasant Cooperative Mercantile Institution, one hundred and eighty dollars; Midway Cooperative Mercantile Institution, three dollars and seventy-five cents; Mill Creek Cooperative Mercantile Institution, thirty-six dollars; Manti Cooperative Mercantile Institution, one hundred and sixty-six dollars; Monroe Cooperative Mercantile Institution, eighteen dollars; Newton Cooperative Mercantile Institution, three dollars and sixty cents; Nephi Cooperative Mercantile Institution, one hundred and eighty dollars; N. P. Neilson, ten dollars and fifty cents; S. J. Neilson, nine dollars and forty-five cents; People's Cooperative Mercantile Institution, three hundred and twenty-four dollars; Pleasant Grove Cooperative Mercantile Institution, one hundred and fifty-three dollars; Provo Cooperative Mercantile Institution, one hundred and eighty dollars; Provo West Branch Cooperative Mercantile Institution, ninety dollars; Payson Mercantile Association, one hundred and sixty-five dollars; Payson Branch Mercantile Association, one hundred and twenty-two dollars and twenty-five cents; Quinn, Larsen and Company, eighteen dollars; Richmond Cooperative

Utah.
Refund of certain
moneys illegally collected
by collector of
internal revenue authorized.

—payees.

Mercantile Institution, three hundred and sixty dollars; Saint George Lady's Cooperative Mercantile Institution, twenty-seven dollars and fifty cents; Saint George Cooperative Mercantile Institution, two hundred and seventy dollars; South Cottonwood Cooperative Mercantile Institution, thirty-six dollars; Smithfield Cooperative Mercantile Institution, twenty-five dollars; Spanish Fork Cooperative Mercantile Institution, three hundred and sixty dollars; Salem Cooperative Mercantile Institution, four dollars and fifty cents; Sanpete County Cooperative Mercantile Institution, one hundred and forty-four dollars; United Order Building and Manufacturing Company, five hundred and five dollars; Windsor Castle Stock Growing Company, three hundred and eighty-three dollars and ninety-six cents; Wellsville Cooperative Mercantile Institution, two hundred and thirteen dollars and fifty cents; Willard Cooperative Mercantile Institution, forty dollars; George A. Waterman, thirty-eight dollars and thirty cents; Zion's Cooperative Rio Virgin Manufacturing Company, three hundred and twenty-five dollars.

Approved, February 28, 1901.

February 28, 1901.

CHAP. 621.—An Act To create the eastern division of the northern Federal judicial district of Georgia, and for other purposes.

Georgia northern judicial district.
Eastern division of, created.
—counties composing.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the eastern division of the northern judicial district of Georgia is hereby created and established, to be composed of the counties of Banks, Clarke, Franklin, Greene, Habersham, Hart, Jackson, Morgan, Madison, Oglethorpe, Oconee, Walton, Rabun, White, and Elbert.

Terms of court.

Clerk, etc.

No additional officers.

Deputy clerk.

Filing papers, etc.

Proviso.
Court rooms.

Where suits to be brought.

Crimes.

SEC. 2. That there shall be held at the city of Athens, in said eastern division of the said northern judicial district of Georgia, two terms of the district and circuit courts in each and every year, on the third Monday in April and the first Monday in November, and it shall be the duty of the clerk or his deputy and other officers of the northern judicial district aforesaid to attend said terms of said court and perform all the duties appertaining to their position, and no additional district attorney, clerk, or marshal shall be appointed in said district. If in the opinion of the court it shall become necessary, a deputy clerk may be appointed by the court to attend to the duties of that office in the eastern division. All pleadings and other papers may be filed in the clerk's office at Atlanta, and all process may issue therefrom, except while court is in session at Athens. The compensation of the clerks shall not be changed or affected by the failure to appoint a deputy clerk at Athens: *Provided*, That suitable rooms and accommodations are furnished for the holding of said courts free of expense to the Government of the United States.

SEC. 3. That all actions at law and all suits in equity against a defendant who shall be a resident of said eastern division shall be brought therein. Suits for the recovery of lands shall be brought in the division of the district where the land is situated; but in all cases at law or in equity against more than one defendant, in which some of the defendants shall reside in the western and some in the eastern division, such action at law may be brought in either division, and such suit in equity may be brought in either division in which a defendant may reside against whom substantial relief is prayed. Cases removed from any of the courts of the State of Georgia to the circuit court of the United States for the northern district shall be removed to the circuit court in and for the division in which said court is held from which it was removed.

SEC. 4. That all prosecutions for crime or offense committed after the date at which this Act takes effect, in any of the counties compos-

ing the said eastern division, shall be cognizable within such division, and all prosecutions begun and pending when this Act takes effect shall be proceeded with as if this Act had not been passed.

SEC. 5. That all grand and petit jurors summoned for service in said eastern division shall be residents thereof and shall be selected from such counties as the court may direct, and all laws heretofore applicable to the northern district of Georgia regulating writs, actions, suits, and other proceedings therein shall be applicable to the eastern division of said district hereby created so far as the same may relate to any right, action, suit, or other proceeding of which the courts of said eastern division shall have jurisdiction.

SEC. 6. That this Act shall be of force from and after the thirtieth day of June, nineteen hundred and one, and all Acts and parts of Acts inconsistent therewith are hereby repealed.

Approved, February 28, 1901.

Jurors.

Existing laws applicable to new division.

Effect.

Repeal.

CHAP. 622.—An Act To regulate the collection and disbursement of moneys arising from leases made by the Seneca Nation of New York Indians, and for other purposes.

February 28, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all moneys which shall belong to the Seneca Nation of New York Indians arising from existing leases or leases that may hereafter be made of lands within the Cattaraugus, Allegany and Oil Springs reservations, shall be paid to and be recoverable to the United States Indian agent for the New York Indian Agency for and in the name of the said Seneca Nation: *Provided*, That nothing herein contained shall be held to validate or confirm any lease that otherwise may be invalid.

Seneca Nation of New York Indians.
Collection of moneys from leases payable to agent New York Indian Agency.

Proviso.

Invalid leases unaffected.

SEC. 2. That from the moneys so received from said leases the said agent shall annually, on the first Wednesday after the first Tuesday in June, pay over to the treasurer of the Seneca Nation the sum of two thousand five hundred dollars for the disposal by its council, and shall distribute the balance of said moneys, after deducting as hereinafter provided, among the heads of families of the Seneca Nation in like manner and under the same conditions that the annuities paid to the said nation by the United States are distributed.

Payments by agent to Indians.

SEC. 3. That the said agent shall give bond to the United States in such sum as may be approved by the Secretary of the Interior, and he shall make an annual report to the Commissioner of Indian Affairs of the receipt and disbursement of all moneys arising from said leases, and he shall receive annually, as additional compensation, the sum of two hundred and fifty dollars.

Bond of agent.
—report.

—compensation.

SEC. 4. That the treasurer of the Seneca Nation shall annually, on the last Tuesday in April, make a written report to the United States Indian agent of the New York Indian Agency of all moneys received and disbursed by him as treasurer of said Seneca Nation.

Report of treasurer of Seneca Nation.

SEC. 5. That all Acts or parts of Acts inconsistent with this Act are hereby repealed.

Repeal.

Approved, February 28, 1901.

CHAP. 623.—An Act Relating to the Metropolitan police of the District of Columbia.

February 28, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Metropolitan police district of the District of Columbia shall be coextensive with the Dis-

District of Columbia.
Metropolitan police.

Composition, etc.
R. S., D. C., sec. 321,
p. 89.

Appointments and
promotions.

Provisos.
Commissioners to
prescribe duties, etc.

Removal.

Bond of officers.

Detail for detective
work.

Fines in police court
and dog license re-
ceipts available for
deficiencies police-
man and fireman's
fund.

Provisos.
Retirement allow-
ance to officers of
police and chief fire
department.

—limit to widow, etc.

Penalty for illegal
practice as private de-
tective.

Powers of special
policeman.

Repeal.

trict of Columbia, and shall be subdivided as the Commissioners of the said District may from time to time direct. The Metropolitan police force shall consist of one major and superintendent, one captain and assistant superintendent, and such number of captains, lieutenants, sergeants, privates of class two, privates of class one, desk sergeants, and others as Congress may from time to time provide. Original appointments of privates shall be made to class one, and all promotions within the force shall be made according to such regulations and after such physical and mental examinations as the Commissioners of the District of Columbia shall prescribe: *Provided*, That the said Commissioners shall fix the limits of age and height, and shall prescribe the duties of all officers and members of the police force: *And provided further*, That no removal from the police force shall be made except on written charges and after an opportunity for defense on the part of the person against whom such charges may be made; but no person so removed shall be reappointed to any office in said police force.

SEC. 2. That the Commissioners of the District of Columbia shall require security to be entered into by the major and superintendent, assistant superintendent, captains, lieutenants, and all other officers who may be intrusted with the keeping of money and valuables.

SEC. 3. That the Commissioners of the District of Columbia are hereby authorized to detail from time to time from the privates of the police force such number of privates as may in their judgment be necessary for special service in the detection and prevention of crime, and while serving in such capacity they shall have the rank of sergeants in the force.

SEC. 4. That hereafter the Commissioners of the District of Columbia are hereby authorized and directed to deposit with the Treasurer of the United States, out of receipts from fines in the police court and receipts from dog licenses, a sufficient amount to meet any deficiency in the policemen's fund or firemen's fund: *Provided*, That the chief engineer of the fire department and the superintendent, assistant superintendent, any captain or lieutenant of police, in case of retirement as now provided by law, shall receive relief not exceeding one hundred dollars per month; and in case of the death from injury or disease of any of the officers named in this section, if he leave a widow or children under sixteen years of age, the same shall be for their relief during the period of widowhood, or until such children reach the age of sixteen years: *Provided*, That in no case shall the amount paid to a widow exceed fifty dollars per month, nor shall the amount paid for a child exceed twenty-five dollars per month.

SEC. 5. That any person practicing as a private detective or advertising or holding himself out as such without first complying with the provisions of law relative to private detectives shall be guilty of a misdemeanor and subject to a fine not exceeding five hundred dollars or imprisonment in the district jail for a period not exceeding eleven months and twenty-nine days.

SEC. 6. That the Act approved June twenty-fourth, eighteen hundred and ninety-eight, relating to the posting of special policemen, be, and the same is hereby, amended as follows:

"The special policemen aforesaid shall possess all the powers and authority now conferred by law upon privates in the Metropolitan police force, subject to such regulations as the Commissioners of the District of Columbia may from time to time prescribe."

SEC. 7. That all laws inconsistent herewith are hereby repealed.

Approved, February 28, 1901.

CHAP. 668.—An Act To permit certain burials of the dead in the lands of the Protestant Episcopal Cathedral Foundation of the District of Columbia, and for other purposes.

March 1, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Protestant Episcopal Cathedral Foundation of the District of Columbia is hereby authorized to permit the burial of the dead in any designated part of its land in the District of Columbia situate between the Tennallytown road, Woodley lane, Galveston street, Thirty-fifth street, and Massachusetts avenue, or in vaults in the cathedral to be built on the said land, under such sanitary regulations as shall be prescribed by the Commissioners of the District of Columbia: *Provided*, That not more than four such burials shall be allowed in any one calendar year.

District of Columbia. Burials permitted in lands of Protestant Episcopal Cathedral Foundation.

Proviso.
—limit annually.

SEC. 2. That the remains of Thomas John Claggett, first bishop of Maryland, and his wife, may be allowed to remain in the vault in which they are now deposited in the churchyard of Saint Alban's Church, adjoining the lands of the Cathedral Foundation, and that the said remains may be removed hereafter to the grounds of the Protestant Episcopal Cathedral Foundation of the District of Columbia, or to the cathedral which shall be built thereon.

Remains of first bishop of Maryland, removal, etc.

Approved, March 1, 1901.

CHAP. 669.—An Act To authorize the Fourth Pool Connecting Railroad Company to construct and maintain a bridge across the Monongahela River.

March 1, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Fourth Pool Connecting Railroad Company, a corporation existing under the laws of the State of Pennsylvania, is hereby authorized to construct, maintain and operate a railroad bridge, with one or more tracks, for railroad traffic across the Monongahela River, between a point in the township of Allen, in the county of Washington, and a point in the township of Washington, in the county of Fayette. The said bridge when built in accordance with the requirements of this Act shall be a legal structure and may be used for railroad and highway purposes.

Fourth Pool Connecting Railroad may bridge Monongahela River.

—location.

Lawful structure, etc.

SEC. 2. That the bridge authorized to be constructed under this Act shall be located and built under and subject to such requirements for the security of navigation of said river as the Secretary of War shall prescribe; and to secure that object the railroad company shall submit to the Secretary of War for his examination and approval a design and drawing of the bridge and a map of the location, giving for the space of one mile above and one-half mile below the proposed location, the topography of the banks of the river and the shore lines at high and low water. This map shall be accompanied by others drawn on a scale of one inch to two hundred feet, giving for a space of one-half a mile above the line of the proposed bridge and a quarter of a mile below, an accurate representation of the bottom of the soundings, and also showing over the whole width of this part of the river the force and direction of the currents at low water, at high water, and at least one intermediate stage, by triangulated observations on suitable floats, together with all other information touching said bridge and river as may be deemed requisite by the Secretary of War to determine whether said bridge when built will conform to the provisions of this Act and cause no serious obstruction to the navigation of the river or injuriously affect the flow of water.

Secretary of War to approve plans.

SEC. 3. That the Secretary of War is hereby authorized and directed, upon receiving said plan and map and upon being satisfied that a bridge built on such plan and at said locality will conform to the provisions of

Notification to company, etc.

Changes.	this Act and cause no serious obstruction to the navigation of the river or injuriously affect the flow of water, to notify the said company that he approves the same, and upon receiving such notification the said company may proceed to the erection of said bridge, conforming strictly to the approved plan and location; but until the Secretary of War shall approve the plan and location of the said bridge, and notify the said company of the same in writing, the bridge shall not be built or commenced; and should any change be made in the plan of the bridge during the progress of the work thereon such change shall be subject likewise to the approval of the Secretary of War.
Transit.	SEC. 4. That said bridge, at the option of the railroad company, may be constructed so that the same can be used for the passage of wagons and vehicles of all kinds, and for the transit of animals and for foot passengers over the same, and may be also used for that purpose in addition to railroad purposes, and the company maintaining the same shall have the right to charge such reasonable rates of toll as bridge companies are authorized to collect under the laws of Pennsylvania: <i>Provided</i> , That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains over the same, and over approaches thereto, upon payment of a reasonable compensation for such use; and in case the owner or owners of said bridge and the several railroad companies, or any of them, desiring such use shall fail to agree upon the sum or sums to be paid and upon rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties.
Toll.	SEC. 5. That any bridge constructed under this Act shall be a legal structure and shall be known as a post road, over which no higher charge shall be made for the transportation of mails, troops and munitions of war, or other property of the United States over the same than the rate per mile charged for their transportation over the rail-ways of, and public highways leading to, said bridge. The United States shall also have the right of way over said bridge for postal tele-graph or telephone purposes.
<i>Proviso.</i> Rights of railroads to use.	SEC. 6. That the said bridge shall be so kept and managed at all times as not to interfere with the passage of vessels, barges, or rafts both by day and by night; and there shall be displayed on said bridge by the owners thereof, from sunset to sunrise, such lights or other signals as the Light-House Board may prescribe; and such changes may be made from time to time in the structure of said bridge as the Secretary of War may direct, at the expense of said railroad company in order the more effectually to preserve the free navigation of said river, or the said structure shall be altogether removed, if in the judgment of the Secretary of War the public good may require such removal, and without expense or charge to the United States.
Lawful structure and post routes.	SEC. 7. That this Act shall be null and void if actual construction of said bridge be not commenced within one year and completed within three years from the date of the approval of this Act.
Postal telegraph.	SEC. 8. That the right to alter, amend, or repeal this Act is hereby expressly reserved.
No obstruction to navigation.	Approved, March 1, 1901.
Lights.	
Changes.	
Commencement and completion.	
Amendment.	

March 1, 1901.

CHAP. 670.—An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and two, and for other purposes.

District of Columbia.
Appropriations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the half of the following sums named, respectively, is hereby appropriated, out of any money

in the Treasury not otherwise appropriated, and the other half out of the revenues of the District of Columbia, for the purposes following, being for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and two, namely:

Half from District revenues.

GENERAL EXPENSES.

General expenses.
Executive office.

FOR EXECUTIVE OFFICE: For two Commissioners, at five thousand dollars each; Engineer Commissioner, one thousand seven hundred and sixty-eight dollars (to make salary five thousand dollars); secretary, two thousand one hundred and sixty dollars; two assistant secretaries to Commissioners, at one thousand two hundred dollars each; clerk, one thousand five hundred dollars; clerk, one thousand four hundred dollars; three clerks, at one thousand two hundred dollars each; clerk, six hundred dollars; messenger, six hundred dollars; messenger, four hundred and eighty dollars; stenographer and typewriter, seven hundred and twenty dollars; two drivers, at four hundred and eighty dollars each; two laborers, one of whom shall also act as messenger and substitute elevator operator, at three hundred and sixty-five dollars each; veterinary surgeon for all horses in the departments of the District government, one thousand two hundred dollars; inspector of buildings, two thousand seven hundred and fifty dollars; principal assistant inspector of buildings, one thousand six hundred dollars; three assistant inspectors of buildings, at one thousand two hundred dollars each; four assistant inspectors of buildings, at one thousand dollars each; civil engineer or computer, one thousand five hundred dollars; two clerks, at nine hundred dollars each; messenger, four hundred and eighty dollars; janitor, one thousand dollars; steam engineer, nine hundred dollars; two firemen, at four hundred and eighty dollars each; two elevator operators, at three hundred and sixty dollars each; messenger, four hundred and eighty dollars; three watchmen, at four hundred and eighty dollars each; two laborers, at three hundred and sixty dollars each; property clerk, one thousand six hundred dollars; deputy property clerk, one thousand two hundred dollars; clerk, seven hundred and twenty dollars; messenger, six hundred dollars; inspector of plumbing, two thousand dollars; five assistant inspectors of plumbing, one at one thousand two hundred dollars, and four at one thousand dollars each; five members of the plumbing board, at three hundred dollars each; harbor master, one thousand two hundred dollars; in all, sixty-three thousand nine hundred and eighty-eight dollars.

Commissioners, secretary, etc.

FOR ASSESSOR'S OFFICE: For assessor, three thousand five hundred dollars; three assistant assessors, at three thousand dollars each; two assistant assessors at one thousand six hundred dollars each; one clerk, arrears division, one thousand four hundred dollars; two clerks, at one thousand four hundred dollars each; four clerks, at one thousand two hundred dollars each; draftsman, one thousand two hundred dollars; four clerks, at one thousand dollars each; assistant or clerk, nine hundred dollars; clerk in charge of records, one thousand dollars; clerk to board of assistant assessors, one thousand two hundred dollars; two clerks, at nine hundred dollars each; license clerk, one thousand two hundred dollars; inspector of licenses, one thousand two hundred dollars; messenger, six hundred dollars; messenger and driver, for board of assistant assessors, six hundred dollars; in all, thirty-eight thousand four hundred dollars.

Assessor's office.

To enable the Assessor of the District of Columbia to complete the card records of his office by placing thereon, in addition to charges for general taxes already listed, all assessments for special improvements, these additions being rendered necessary by the recent consolidation of the special assessment office with the Assessor's office, and also to prepare for the United States Treasury a list of balances of all general

Completing card records, authorized.

Provided.
Payment to employ-
ees for overtime work.

tax levies, four thousand dollars to be immediately available: *Provided*, That out of said amount such employees in the Assessor's Office as may be required for its successful prosecution may be paid for overtime work.

Collector's office.

FOR COLLECTOR'S OFFICE: For collector, four thousand dollars; deputy collector, one thousand eight hundred dollars; cashier, one thousand eight hundred dollars; bookkeeper, one thousand six hundred dollars; two clerks, at one thousand four hundred dollars each; two clerks, at one thousand two hundred dollars each; clerk and messenger, one thousand dollars; messenger, six hundred dollars; in all, sixteen thousand dollars.

For extra labor for preparation of tax-sale certificates, and so forth, with authority to employ clerks of this and other offices after office hours, to be immediately available, six hundred dollars.

Auditor's office.

FOR AUDITOR'S OFFICE: For auditor, three thousand six hundred dollars; chief clerk, two thousand one hundred dollars; bookkeeper, one thousand eight hundred dollars; clerk, one thousand six hundred dollars; disbursing officer, two thousand five hundred dollars; deputy disbursing officer, one thousand five hundred dollars; three clerks, at one thousand four hundred dollars each; two clerks, at one thousand two hundred dollars each; clerk, one thousand dollars; messenger, six hundred dollars; in all, twenty-one thousand three hundred dollars.

Attorney's office.

FOR ATTORNEY'S OFFICE: For attorney, four thousand dollars; assistant attorney, two thousand dollars; second assistant attorney, during the fiscal year nineteen hundred and two, one thousand six hundred dollars; special assistant attorney, one thousand six hundred dollars; law clerk, one thousand two hundred dollars; stenographer, seven hundred and twenty dollars; messenger, two hundred dollars; in all, eleven thousand three hundred and twenty dollars.

Sinking-fund office.

FOR SINKING-FUND OFFICE, UNDER CONTROL OF THE TREASURER OF THE UNITED STATES: For clerk, one thousand six hundred dollars; clerk, nine hundred dollars; in all, two thousand five hundred dollars.

Coroner's office.

FOR CORONER'S OFFICE: For coroner, one thousand eight hundred dollars.

Market masters.

FOR MARKET MASTERS: For two market masters, at one thousand two hundred dollars each; one market master, nine hundred dollars; for hire of laborers for cleaning markets, one thousand four hundred and forty dollars; in all, four thousand seven hundred and forty dollars.

Sealer of weights
and measures.

FOR OFFICE OF SEALER OF WEIGHTS AND MEASURES: For sealer of weights and measures, two thousand five hundred dollars; assistant sealer of weights and measures, one thousand two hundred dollars; second assistant sealer of weights and measures, nine hundred dollars; clerk, nine hundred dollars; laborer, four hundred and eighty dollars; in all, five thousand nine hundred and eighty dollars.

Engineer's office.

FOR ENGINEER'S OFFICE: Record division: For chief clerk, one thousand nine hundred dollars; one clerk, one thousand eight hundred dollars; one clerk, one thousand six hundred dollars; one clerk, one thousand four hundred dollars; three clerks, at one thousand two hundred dollars each; clerk, eight hundred and forty dollars; two messengers, at four hundred and eighty dollars each; computing engineer, two thousand seven hundred and fifty dollars; assistant engineer, one thousand six hundred dollars; two assistant engineers, at one thousand five hundred dollars each; three rodmen, at seven hundred and eighty dollars each; three chainmen, at six hundred and fifty dollars each; draftsman, one thousand two hundred dollars; inspector of streets, one thousand two hundred dollars; two assistant inspectors of streets, at one thousand two hundred dollars each; superintendent of streets, two thousand dollars; superintendent of county roads, one thousand five hundred dollars; superintendent of parking, one thousand three hundred dollars; assistant superintendent of park-

ing, one thousand dollars; clerk, nine hundred dollars; inspector of asphalt and cements, two thousand four hundred dollars; inspector of gas and meters, two thousand dollars; assistant inspector of gas and meters, one thousand dollars; assistant inspector of gas and meters, seven hundred and twenty dollars; messenger, four hundred and eighty dollars; inspector of sewers, one thousand two hundred dollars; superintendent of sewers, two thousand seven hundred and fifty dollars; general inspector of sewers, one thousand three hundred dollars; two assistant engineers, at one thousand five hundred dollars each; draftsman, one thousand two hundred dollars; leveler, one thousand two hundred dollars; three rodmen, at seven hundred and eighty dollars each; three chainmen, at six hundred and fifty dollars each; clerk, one thousand four hundred dollars; two clerks, at one thousand dollars each; two inspectors of property, at nine hundred and thirty-six dollars each; two sewer tappers, at one thousand dollars each; permit clerk, one thousand four hundred dollars; assistant permit clerk, eight hundred and forty dollars; index clerk and typewriter, seven hundred and twenty dollars; in all, sixty-seven thousand and twelve dollars.

SPECIAL ASSESSMENT OFFICE: For special assessment clerk, one thousand seven hundred dollars; seven clerks, at one thousand two hundred dollars each; two clerks, at nine hundred dollars each; in all, eleven thousand nine hundred dollars.

Special assessment office.

STREET SWEEPING OFFICE: For superintendent, two thousand five hundred dollars; assistant superintendent and clerk, one thousand six hundred dollars; clerk, one thousand dollars; four inspectors, at one thousand two hundred dollars each; ten inspectors, at one thousand one hundred dollars each; three assistant inspectors, at nine hundred dollars each; foreman of public dumps, nine hundred dollars; messenger and driver, six hundred dollars; in all, twenty-five thousand one hundred dollars.

Street sweeping office.

BOARD OF EXAMINERS, STEAM ENGINEERS: For compensation for board of examiners of steam engineers in the District of Columbia, three, at three hundred dollars each, nine hundred dollars.

Board of examiners, steam engineers.

That overseers, inspectors, and other employees temporarily required in connection with sewer, street, or road work, or the construction and repair of buildings and bridges, or any work authorized by appropriations, and all expenses incidental to or necessary for the proper execution of said work shall be paid from and equitably charged against the sums appropriated for said work; and the Commissioners of the District, in their annual report to Congress, shall report the number of such overseers, inspectors, and other employees, and their work, and the sums paid to each, and out of what appropriation.

Payment of temporary employees; report.

The Commissioners of the District of Columbia are hereby authorized and directed to submit in the annual estimates for the fiscal year nineteen hundred and three estimates for all such clerks, overseers, inspectors, foremen, and other employees, other than day laborers, who are employed under authority of and paid from general appropriations, and are engaged upon regular and continuous work, and whose services will be required during said fiscal year, indicating in the case of every such employment the rate of compensation received and the appropriation from which paid.

Estimate of regular employees to be submitted.

FOR SURVEYOR'S OFFICE: For surveyor, three thousand dollars; assistant surveyor, one thousand eight hundred dollars; for such employees as may be required, in accordance with the provisions of the Act of Congress making the surveyor of the District of Columbia a salaried officer, seven thousand dollars; for resurvey of the Barry farm subdivision, two thousand dollars; in all, thirteen thousand eight hundred dollars.

Surveyor's office

FREE PUBLIC LIBRARY: For librarian, one thousand six hundred dollars; assistant librarian, nine hundred dollars; assistant, seven hundred and twenty dollars; two assistants, at six hundred dollars each; cata-

Free public library.

loguer, seven hundred and twenty dollars; cataloguer, six hundred dollars; stenographer and typewriter, six hundred dollars; janitor, four hundred and eighty dollars; one attendant, four hundred and eighty dollars; two attendants, at three hundred and sixty dollars each; one messenger, three hundred and sixty dollars; in all, eight thousand three hundred and eighty dollars.

For purchase of books, five thousand dollars; binding, two thousand five hundred dollars; rent, fuel, light, fitting up rooms, and other contingent expenses, three thousand five hundred dollars; in all, eleven thousand dollars.

CONTINGENT AND MISCELLANEOUS EXPENSES.

Contingent expenses.

For contingent expenses of the government of the District of Columbia, namely: For printing, checks, books, law books, books of reference and periodicals, stationery; detection of frauds on the revenue; repairs of market houses; painting; surveying instruments and implements; drawing materials; binding, rebinding, repairing, and preservation of records; maintaining and keeping in good order the laboratory and apparatus in the office of the inspector of asphalt and cement; damages; care of horses not otherwise provided for; horseshoeing; fuel, ice, gas, repairs, insurance, repairs to pound and vehicles, and other general necessary expenses of District offices, including the sinking-fund office, board of charities, harbor master, health department, surveyor's office, sealer of weights and measures' office, and police court, twenty-four thousand two hundred and fifty dollars; and the Commissioners shall so apportion this sum as to prevent a deficiency therein: *Provided*, That horses and vehicles appropriated for in this Act shall be used only for official purposes.

Proviso.
Horses, etc.

Sale of surplus books
authorized.

Hereafter the Commissioners of the District of Columbia, after supplying each of the heads of the several departments and offices of the government and the judiciary of said District with the necessary copies of the bound editions of the laws affecting said District, which are prepared in the office of the secretary of the Board at the close of each session of Congress, may sell the surplus volumes at a rate per volume to be fixed by them, approximating but not less than the pro rata cost of compilation, and deposit all money so received to the credit of the appropriation out of which such cost is paid.

Index permit records.
Engineer department, stables.

For card index for permit records, two thousand five hundred dollars.

For contingent expenses of stables of the engineer department, including forage, livery of horses, shoeing, purchase and repair of vehicles, purchase and repair of harness, blankets, lap robes, purchase of horses, whips, oil, brushes, combs, sponges, chamois skins, buckets, halters, jacks, rubber boots and coats, medicines, and other necessary articles and expenses, five thousand dollars; and no expenditure on account of the engineer department for the items named in this paragraph shall be made from any other fund.

Rent.

For rent of District offices, nine thousand dollars.

For rent of old record vault, six hundred dollars.

For rent of property yards, three hundred dollars.

Collection personal taxes.

For necessary expenses in the collection of overdue personal taxes by distraint and sale and otherwise, and for other necessary items, one thousand five hundred dollars.

Judicial expenses,
etc.

For judicial expenses, including procurement of chains of title, the printing of briefs in the court of appeals of the District of Columbia, and witness fees in District cases before the supreme court of said District, one thousand dollars.

Coroner's expenses.

For livery of horse or horse hire for coroner's office, jurors' fees, removal of deceased persons, making autopsies, ice, disinfectants, and other necessary supplies for the morgue, and the necessary expenses of holding inquests, including stenographic services in taking testi-

mony, and photographing unidentified bodies, one thousand two hundred dollars.

For erection of morgue complete, fifteen thousand dollars; and said morgue shall be erected at such point on the water front between the north line of M street and the south line of N street as the Commissioners of the District of Columbia may decide to be most advantageous and desirable, and shall not exceed in cost said sum of fifteen thousand dollars.

Erection of morgue authorized.

For preparation of a plan or plans, specifications, and estimates of cost for a municipal hospital, five thousand dollars.

Plans municipal hospital.

For general advertising, authorized and required by law, and for tax and school notices and notices of changes in regulations, two thousand five hundred dollars.

Advertising.

For advertising notice of taxes in arrears July first, nineteen hundred and one, as required to be given by Act of March nineteenth, eighteen hundred and ninety, three thousand dollars, to be reimbursed by a charge of fifty cents for each lot or piece of property advertised.

Notice of arrears of taxes.
Vol. 26, p. 24.

To enable the assessor to continue account of arrears of taxes on real property, due the District of Columbia, including the payment of necessary clerical force, two thousand dollars.

Arrears on real property.

For special repairs to market houses, two thousand two hundred and fifty dollars.

Repairs, market houses.

For the enforcement of the game and fish laws of the District of Columbia, to be expended under the direction of the Commissioners, five hundred dollars.

Enforcing game and fish laws.

To enable the register of wills to continue the work of comparing, correcting, and reproducing certain records, or will books, in his office, including clerical service, purchase of books, and necessary equipments, two thousand dollars.

Register of wills.

For one fore-and-aft compound engine, shaft, wheel, and other connections for harbor boat, three thousand five hundred dollars.

Engine for harbor boat.

PERMANENT SYSTEM OF HIGHWAYS.

To pay the expenses of carrying out the plan for the extension of a permanent system of highways in conformity with the "Act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," approved March second, eighteen hundred and ninety-three, two thousand five hundred dollars; to be paid wholly out of the revenues of the District of Columbia.

Extension of highways.
Vol. 27, p. 582.

ASSESSMENT AND PERMIT WORK.

For assessment and permit work, one hundred and forty thousand dollars.

Assessment and permit work.

For paving roadways under the permit system, ten thousand dollars.

IMPROVEMENTS AND REPAIRS.

For work on streets and avenues named in Appendix "Ee," Book of Estimates, nineteen hundred and two, one hundred and fifty thousand dollars, to be expended in the discretion of the Commissioners upon streets and avenues specified in the schedules named in said appendix and in the aggregate for each schedule as stated herein, namely:

Improvements and repairs.

Streets and avenues.

GEORGETOWN SCHEDULE: Nine thousand four hundred and fifty dollars.

Allotment.

NORTHWEST SECTION SCHEDULE: Forty-six thousand and fifty dollars.

SOUTHWEST SECTION SCHEDULE: Eighteen thousand seven hundred and fifty dollars.

SOUTHEAST SECTION SCHEDULE: Thirty-six thousand six hundred dollars.

NORTHEAST SECTION SCHEDULE: Thirty-nine thousand one hundred and fifty dollars.

Provisos.
Order of precedence.

Provided, That the streets and avenues shall be contracted for in the order in which they appear in said schedules, and be completed in such order as nearly as practicable, and shall be paved, in the discretion of the Commissioners, instead of being graded and regulated.

Limit contracts for asphalt pavements.

Under appropriations contained in this Act no contract shall be made for making or relaying asphalt pavement at a higher price than one dollar and eighty cents per square yard for a quality equal to the best laid in the District of Columbia prior to July first, eighteen hundred and eighty-six, and with same depth of base: *Provided*, That these conditions as to price and depth of base shall not apply to those streets on which, in the judgment of the Commissioners, by reason of heavy traffic, poor foundation, or other causes, a pavement of more than ordinary strength is required, in which case the limit of price may be increased to two dollars per square yard.

—increase for certain streets.

Grading.

GRADING STREETS, ALLEYS, AND ROADS: For purchase and repair of cars, carts, tools, or the hire of the same, and horses, to be used by the inmates of the Washington Asylum in the work of grading, and pay of dump men needed to carry out the work, eight thousand dollars.

Condemnation of streets, etc.

CONDEMNATION OF STREETS, ROADS, AND ALLEYS: For purchase or condemnation of streets, roads, and alleys, one thousand dollars.

Surveys and plats of outside subdivisions.

PLATS OF SUBDIVISIONS OUTSIDE OF WASHINGTON: To pay the expenses of such surveys as may be necessary to enable the Commissioners of the District to determine whether plats of subdivisions of land within said District offered for record have been made in conformity to the "Act to regulate subdivision of land within the District of Columbia," approved August twenty-seventh, eighteen hundred and eighty-eight, two thousand dollars.

Vol. 25, p. 451.

Part of Fourth street renamed "John Marshall Place."

The name of that portion of Fourth street, northwest, formerly a part of Four-and-a-half street, extending from D street to Pennsylvania avenue, is hereby changed to John Marshall Place.

Sewers.

SEWERS.

Cleaning.

For cleaning and repairing sewers and basins, fifty-eight thousand dollars.

Main and pipe.

For main and pipe sewers and receiving basins, fifty thousand dollars.

Suburban.

For suburban sewers, fifty thousand dollars.

Condemnation of rights of way, etc.

For purchase or condemnation of rights of way for construction, maintenance, and repair of public sewers, one thousand dollars, or so much thereof as may be necessary.

Flushing tanks.

For automatic flushing tanks, one thousand dollars.

Arizona avenue, etc., sewers.

For continuation of the work on the Arizona avenue sewer, fifty-five thousand dollars.

For the extension of the boundary sewer to the vicinity of Twenty-second and A streets northeast, now under contract, one hundred thousand dollars.

For continuing the construction, in part, of the east side intercepting sewer, between Twenty-second and A streets northeast and Twelfth street southeast, now under contract, forty thousand dollars.

For completing the construction, in part, of the east side intercepting sewer from Twelfth street southeast to the pumping station at the foot of New Jersey avenue, now under contract, twenty-six thousand dollars.

For constructing main sewer from Third and Cincinnati streets, northeast, through the grounds of W. W. Davidge and the Trinity College to Michigan avenue, twenty-five thousand dollars.

For sewage disposal system pumping station, three hundred and seventy-five thousand dollars. And the Commissioners of the District of Columbia are authorized to enter into contract or contracts for the completed building and so much of the machinery as may be immediately needed at a cost not to exceed seven hundred and fifty thousand dollars.

Sewage disposal station. Contracts authorized.

For low-area trunk sewer, sixty thousand dollars.

Low-area trunk sewer. Balances of appropriations available.

Any balances of former appropriations remaining after the execution of contracts for works of the sewage disposal system may be applied by the Commissioners of the District of Columbia in the execution of other portions of said sewage disposal system.

CONSTRUCTION OF COUNTY ROADS.

County roads.

For construction of county roads and suburban streets as follows: The Commissioners of the District of Columbia are hereby authorized to change and adjust the line of Cincinnati street in the vicinity of Connecticut avenue, and of Warder avenue in the vicinity of Rock Creek Church road, and of Park road between Kenesaw avenue and Klinge Ford road, and of C street in the subdivision of Deanwood Heights, upon plans approved by them: *Provided*, That no expense is incurred thereby to the United States or the District of Columbia.

Cincinnati street etc.

Provided.—expense.

For paving Crescent street west of Sixteenth street, three thousand dollars.

Crescent street, Huntington street, etc.

For paving Huntington street, five thousand dollars.

For Blagden avenue, grading and macadamizing, ten thousand dollars;

For Elm street, Third to Fourth streets, northwest, paving, three thousand five hundred dollars;

For Erie street between Champlain avenue and Sixteenth street, grading and macadamizing, two thousand five hundred dollars;

For Gale street, Fifteenth to Seventeenth streets, northeast, paving, nine thousand dollars;

For Pennsylvania avenue, Anacostia River to Minnesota avenue, grading and macadamizing, three thousand dollars;

For paving Fourth street east from U street north to W street north, six thousand dollars.

For streets in Woodridge subdivision, grading and macadamizing, three thousand dollars;

For Connecticut avenue west of Rock Creek, grading and macadamizing, ten thousand dollars;

For Columbia road west from Fourteenth street, paving, five thousand dollars;

For California and Wyoming avenues, Twenty-third, Twenty-fourth, Decatur, and S streets, grading and macadamizing, five thousand dollars;

For Thirty-seventh street between New Cut road and Tennallytown road, and adjacent streets in Burleith addition, grading and macadamizing, two thousand dollars;

For Illinois avenue, grading, five thousand dollars;

For Providence street, grading and macadamizing, two thousand dollars;

For Nebraska avenue, grading and macadamizing, four thousand five hundred dollars;

For Genesee street between Brightwood avenue and Fourteenth street road, grading, one thousand dollars;

For grading and paving Connecticut avenue extended, between Le Roy place and Kalorama avenue, ten thousand dollars;

For Bunker Hill road, grading and macadamizing, seven thousand dollars;

For grading, regulating, and macadamizing Trenton street, from Brightwood avenue to Eighth street, three thousand dollars;

For Joliet street, Wisconsin avenue to Tunlaw road, grading and regulating, nineteen thousand six hundred dollars;

For Benning's and Anacostia roads, grading and macadamizing, five thousand dollars;

For completing masonry retaining wall on the east side of Rock Creek, between Cincinnati street and Woodley road, one thousand two hundred dollars;

For paving Cincinnati street and Connecticut avenue extended from Rock Creek to Cathedral avenue, twenty-one thousand five hundred dollars; in all, one hundred and forty-six thousand eight hundred dollars.

Streets.

STREETS.

Repairs.

REPAIRS STREETS, AVENUES, AND ALLEYS: For current work of repairs of streets, avenues, and alleys, including resurfacing and repairs to concrete pavements with the same or other not inferior material, two hundred thousand dollars; and this appropriation shall be available for repairing the pavements of street railways when necessary; the amounts thus expended shall be collected from such railroad company as provided by section five of "An Act providing a permanent form of government for the District of Columbia," approved June eleventh, eighteen hundred and seventy-eight, and shall be deposited to the credit of the appropriation for the fiscal year in which they are collected.

Street railways.

Vol. 20, p. 106.

Sidewalks.

For replacing and repairing sidewalks and curbs around public reservations, Government and municipal buildings, ten thousand dollars.

County roads.

REPAIRS COUNTY ROADS: For current work of repairs of county roads and suburban streets, eighty thousand dollars.

Half emergency appropriation for bridges, etc., charged to District.
Act, p. 722.

That one-half of the sum of ten thousand dollars appropriated by the joint resolution making an emergency appropriation for the repair of certain roads and bridges in the District of Columbia, approved June seventh, nineteen hundred, shall be charged to the revenues of the District of Columbia.

Sprinkling, sweeping, etc., streets.

SPRINKLING, SWEEPING, AND CLEANING: For sprinkling, sweeping, and cleaning streets, avenues, alleys, and suburban streets, including necessary incidental expenses, and work done under existing contracts, as well as hand work done under the immediate direction of the Commissioners without contract: *Provided*, That whenever it shall appear to the Commissioners that said latter work can not be done under their immediate direction at nineteen cents or less per thousand square yards, in accordance with the specifications under which the same was last advertised for bids, it shall at once be their duty to advertise to let said work under said specifications to the lowest responsible bidder, and if the same can not be procured to be done at a price not exceeding twenty cents per thousand square yards, they may continue to do said work under their immediate direction, in accordance with said specifications; one hundred and fifty-five thousand dollars.

Proviso.
When may be done by contract.

Cleaning snow and ice.
Vol. 28, p. 809.

For cleaning snow and ice from cross walks and gutters, under the Act approved March second, eighteen hundred and ninety-five, one thousand dollars.

Garbage, etc., disposal.

DISPOSAL OF CITY REFUSE: For the collection and disposal of garbage; miscellaneous refuse and ashes from private residences in the city of Washington and the more densely populated suburbs; for collecting and disposing of dead animals and night soil in the District of Columbia, and for the payment of necessary inspection and incidental expenses, one hundred and fifteen thousand dollars.

Parking commission.

FOR THE PARKING COMMISSION: For contingent expenses, including laborers, cart hire, trees, tree boxes, tree stakes, tree straps, planting and care of trees on city and suburban streets, whitewashing, care of parks, and miscellaneous items, twenty-five thousand dollars.

LIGHTING: For illuminating material, lighting, extinguishing, repairing, and cleaning public lamps on avenues, streets, roads, and alleys; purchasing and expense of erecting and maintaining new lamp-posts, street designations, lanterns, and fixtures; moving lamp-posts, painting lamp-posts and lanterns; replacing and repairing lamp-posts and lanterns damaged or unfit for service; for rent of storeroom, cartage of material, and other necessary items and services, one hundred and eighty-five thousand dollars: *Provided*, That no more than twenty dollars per annum for each street lamp shall be paid for gas and no more than twenty-four dollars for oil, lighting, extinguishing, repairing, painting, and cleaning, under any expenditure provided for in this Act: *Provided*, That all of said lamps shall burn every night, on the average, from fifteen minutes after sunset to forty-five minutes before sunrise: *Provided further*, That before any expenditures are made from the appropriations herein provided for, the contracting gas companies shall equip each street lamp with a self-regulating burner and tip, so combined and adjusted as to secure, under all ordinary variations of pressure and density, a consumption of five cubic feet of gas per hour: *And provided further*, That not more than ten thousand dollars of said appropriation may be expended for lighting, extinguishing, repairing, painting, and cleaning public lamps of a higher candlepower than those provided for above, which lamps shall not be subject to the restrictions of this paragraph excepting as to the time of burning.

Lighting.

Provisos.
—limit per lamp.

—to burn every night.

—self-regulating burner, etc.

Amount available for lamps of higher candlepower.

Electric lighting.

Provisos.
Limit of price, etc.

Electric and gas light companies to file annual statements.

For electric-arc lighting, including necessary inspection, and for extensions of such service, not exceeding sixty-five thousand dollars: *Provided*, That not more than seventy-two dollars per annum shall be paid for any electric arc light burning from fifteen minutes after sunset to forty-five minutes before sunrise, and operated wholly by means of underground wire; and each arc light shall be of not less than one thousand actual candlepower, and no part of this appropriation shall be used for electric lighting by means of wires that may exist on or over any of the streets or avenues of the city of Washington: *Provided further*, That the electric and gas light companies of the District of Columbia shall file with the Commissioners of the District of Columbia on the first day of August, nineteen hundred and two, and annually thereafter, a statement showing their receipts and expenditures for the previous fiscal year.

Harbor and river front.

HARBOR AND RIVER FRONT: For the improvement and protection of the harbor and river front, the enforcement of laws and regulations, construction and maintenance of wharves and buildings, and for other necessary items and services, three thousand dollars.

Bathing beach.

BATHING BEACH: For the improvement, care, and repair of the public bathing beach in the Potomac River, in the District of Columbia, two thousand dollars, five hundred dollars of which shall be immediately available.

Public scales.

FOR PUBLIC SCALES: For repair and replacement of public scales, two hundred dollars.

Public pumps.

FOR PUBLIC PUMPS: For the purchase, replacement, and repair of public pumps, cleaning and protecting public wells, filling abandoned or condemned public wells, five thousand dollars.

BRIDGES.

Bridges.

For ordinary care of bridges, including keepers, oil, lamps, and matches, four thousand dollars.

Care.

For construction and repairs of bridges, fifteen thousand dollars.

Repairs, etc.

For completing the construction of a bridge across Rock Creek on the line of Massachusetts avenue extended, fifty thousand dollars.

Toward the construction of a bridge across Rock Creek on the line of Connecticut avenue extended, seventy-five thousand dollars.

Washington Aqueduct.

WASHINGTON AQUEDUCT.

Maintenance.

For operation, maintenance, and repair of the aqueduct and its accessories, including Conduit road, twenty-two thousand dollars.

Filtration plant.

Toward establishing a slow sand filtration plant, and for each and every purpose connected therewith, including the preparation of plans, and for the purchase of such scientific books and periodicals as may be approved by the Secretary of War, five hundred thousand dollars, to be available immediately and until expended.

INCREASING THE WATER SUPPLY.

Washington Aqueduct tunnel and Howard University reservoir.

For completion of Washington Aqueduct tunnel and Howard University reservoir, one hundred and sixty-two thousand two hundred and twenty-two dollars and ninety-seven cents.

Public schools.

PUBLIC SCHOOLS.

Board of education.

FOR OFFICERS: For seven members of the board of education, at five hundred dollars each, three thousand five hundred dollars, not more than one thousand seven hundred and fifty dollars of which shall be used during the first half of the fiscal year; one superintendent of public schools, four thousand dollars; two assistant superintendents, at two thousand five hundred dollars each; one secretary, two thousand dollars; one clerk, one thousand four hundred dollars; two clerks, at one thousand dollars each; and one messenger, seven hundred and twenty dollars; in all, eighteen thousand six hundred and twenty dollars.

Teachers.

FOR TEACHERS: For one thousand two hundred and fifty-six teachers, to be assigned as follows:

For director of high schools, two thousand five hundred dollars;

For eleven supervising principals, at two thousand dollars each;

For director of manual training, two thousand dollars;

For five principals of high schools, at one thousand six hundred dollars each;

For principal of manual training school number one, one thousand six hundred dollars;

For principal of white normal school and principal of colored normal school, two, at one thousand six hundred dollars each;

For director of primary instruction, three heads of departments of high schools, and two grammar school principals, six in all, at one thousand five hundred dollars each;

For five principals of buildings, at one thousand three hundred dollars each;

For director of music, director of drawing, assistant director of drawing, director of physical culture, assistant director of manual training school number two, first assistant teacher of manual training, two normal training teachers, instructor in shopwork, assistant instructor in ironwork, instructor in free-hand drawing, twelve high school teachers, and ten principals of buildings, thirty-three in all, at one thousand two hundred dollars each;

For director of primary work, high school teacher, and principal of building, three in all, at one thousand one hundred dollars each;

For ninety-one, at one thousand dollars each;

For eighteen, at nine hundred and fifty dollars each;

For twenty-one, at nine hundred dollars each;

For fourteen, at eight hundred and seventy-five dollars each;

For sixteen, at eight hundred and fifty dollars each;

For eighty-eight, at eight hundred and twenty-five dollars each;

For thirty-four, at eight hundred dollars each;

For ninety-one, at seven hundred and seventy-five dollars each;
 For seventeen, at seven hundred and fifty dollars each;
 For one hundred and thirty-two, at seven hundred dollars each;
 For four, at six hundred and seventy-five dollars each;
 For one hundred and thirty-seven, at six hundred and fifty dollars each;

For twenty-six, at six hundred dollars each;
 For eight, at five hundred and seventy-five dollars each;
 For one hundred and fifty-eight, at five hundred and fifty dollars each;
 For five, at five hundred and twenty-five dollars each;
 For one hundred and thirty-one, at five hundred dollars each;
 For thirty-nine, at four hundred and seventy-five dollars each;
 For one hundred and eight, at four hundred and fifty dollars each;
 For fifty, at four hundred and twenty-five dollars each; in all, eight hundred and eighty-one thousand three hundred and seventy-five dollars.

Provided, That in assigning salaries to teachers, no discrimination shall be made between male and female teachers employed in the same grade of school and performing a like class of duties; and it shall not be lawful to pay, or authorize or require to be paid, from any of the salaries of teachers herein provided, any portion or percentage thereof for the purpose of adding to salaries of higher or lower grades.

Proviso.
 No sex discrimination.
 Designated salaries not to be changed.

For teachers of night schools, who may also be teachers in the day schools, eight thousand eight hundred dollars.

Night schools.

For contingent and other necessary expenses of night schools, five hundred dollars.

For kindergarten instruction, twenty-five thousand dollars.

Kindergarten.

FOR JANITORS AND CARE OF BUILDINGS AND GROUNDS: For care of the High School and annex, of the first eight divisions, two thousand dollars;

Janitors.

Of the Jefferson Building and the Western High School, at one thousand four hundred dollars each;

Of the Eastern High School, Business High School, High School of the ninth, tenth, and eleventh divisions, and Stevens School buildings, four in all, at one thousand two hundred dollars each;

Of the Franklin Building, one thousand one hundred dollars;

Of the Wallach Building, one thousand dollars;

Of the Curtis, Dennison, Force, Gales, Garnet, Grant, Henry, Peabody, Seaton, Sumner, Webster, and Manual Training School Number One, and one twelve-room school building, thirteen in all, at nine hundred dollars each;

Of the Birney, Lincoln, Miner, and Mott buildings, four in all, at eight hundred dollars each;

Of the Manual Training School Building Number Two, seven hundred and fifty dollars;

Of the Abbott, Berrett, John F. Cook, and Randall buildings, four in all, at seven hundred dollars each;

Of the Adams, Addison, Amidon, Anthony Bowen, Arthur, Banneker, Bell, Blair, Blake, Bradley, Brent, Briggs, Brightwood, Brookland, Bruce, Buchanan, Carberry, Congress Heights, Corcoran, Cranch, Douglass, Fillmore, Garrison, Giddings, Eckington, Greenleaf, Harrison, Hayes, Hilton, Hubbard, Jackson, Johnson, Jones, Lenox, Logan, Lovejoy, McCormick, Madison, Magruder, Maury, Monroe, Morse, Patterson, Payne, Phelps, Phillips, Pierce, Polk, Slater, Smallwood, Taylor, Tenley, Toner, Towers, Twining, Tyler, Van Buren, Webb, Weightman, Wilson, Wormly, building in third division, building in fourth division, building in seventh division (Washington Heights), building in tenth division, building in eleventh division, sixty-seven in all, at five hundred and forty dollars each;

Of the Garfield, Hillsdale, Thompson, Van Buren annex, and Woodburn buildings, five in all, at three hundred and sixty dollars each;

Of the Bennings (white), Bennings (colored), Chevy Chase, Hamilton, High Street, Langdon, Kenilworth, Petworth, Potomac, Reservoir, Takoma Park, Twining City, and Threlkeld buildings, thirteen in all, at two hundred and forty dollars each;

For care of smaller buildings and rented rooms, including cooking and manual training schools wherever located, at a rate not to exceed forty-eight dollars per annum for the care of each schoolroom, four thousand six hundred and seventy-six dollars;

For one engineer and instructor in steam engineering at Manual Training School Number One, one thousand two hundred dollars;

For one engineer and instructor in steam engineering at Manual Training School Number Two, one thousand dollars;

In all, seventy-eight thousand one hundred and twenty-six dollars.

Rent.

MISCELLANEOUS: For rent of school buildings and repair shop, seventeen thousand dollars.

Repairs.

For repairs and improvements to school buildings and grounds, fifty thousand dollars.

For necessary repairs to and changes in plumbing in existing school buildings, twenty-five thousand dollars.

For the purchase and repair of tools, machinery, material, and apparatus to be used in connection with instruction in manual training, and for incidental expenses connected therewith, ten thousand dollars.

For furniture for and equipment of Manual Training School Number One, twenty-five thousand dollars.

For furniture for and equipment of Manual Training School Number Two, thirty-seven thousand eight hundred dollars.

Fuel.

For fuel, forty-five thousand dollars.

Furniture.
New buildings.

For furniture for new school buildings and additions to buildings, as follows: Lovejoy, eight rooms, one thousand six hundred and fifty dollars; Birney, eight rooms, one thousand six hundred and fifty dollars; building in fourth division, one thousand six hundred and fifty dollars; building in seventh division, one thousand six hundred and fifty dollars; building in tenth division, one thousand six hundred and fifty dollars; building in eleventh division, one thousand six hundred and fifty dollars; building in second division, twelve rooms, two thousand four hundred and seventy-five dollars; Petworth, four rooms, eight hundred and twenty-five dollars; Kenilworth, eight hundred and twenty-five dollars; Twining City, eight hundred and twenty-five dollars; in all, fourteen thousand eight hundred and fifty dollars.

Contingent expenses.

For contingent expenses, including furniture, books, books of reference, and periodicals, stationery, printing, insurance, and other necessary items not otherwise provided for, including maintenance of horse and carriage for the superintendent, thirty-two thousand six hundred dollars.

Free text-books.

For text-books and school supplies for use of pupils of the first eight grades who at the time are not supplied with the same, to be distributed by the superintendent of public schools under regulations to be made by the board of education of the District of Columbia, and for the necessary expenses of the purchase, distribution, and preservation of said text-books and supplies, forty-five thousand dollars: *Provided*, That the board of education in its discretion is authorized to make exchanges of such books and other educational publications now on hand as may not be desirable for use.

Proviso.

Exchange of undesirable books authorized.

Flags.

For purchase of United States flags, one thousand dollars.

For vacation schools, including contingent expenses, one thousand dollars.

Buildings and sites.

BUILDINGS AND GROUNDS: For completing twelve-room building, Eckington, second division, forty-six thousand dollars.

For completing eight-room building, to relieve Greenleaf School, fourth division, thirty-two thousand five hundred dollars.

For completing eight-room building, Washington Heights, seventh division, thirty-six thousand dollars.

For completing eight-room building, tenth division, thirty-two thousand five hundred dollars.

For completing eight-room building, eleventh division, twenty-seven thousand five hundred dollars.

For site for and toward the construction of one eight-room building (Trinidad or vicinity), sixth division, twenty thousand dollars; and the total cost of said building, including cost of site, under a contract which is hereby authorized therefor, shall not exceed forty-seven thousand five hundred dollars.

For site for and toward the construction of one eight-room building, tenth division, twenty thousand dollars; and the total cost of said building, including cost of site, under a contract which is hereby authorized therefor, shall not exceed fifty-two thousand five hundred dollars.

For site for and toward the construction of one eight-room building, third division, twenty thousand dollars; and the total cost of said building, including cost of site, under a contract which is hereby authorized therefor, shall not exceed fifty-six thousand dollars.

For site for and toward the construction of one eight-room building, ninth division, twenty thousand dollars; and the total cost of said building, including cost of site, under a contract which is hereby authorized therefor, shall not exceed forty-seven thousand five hundred dollars.

For purchase of ground adjoining the Cranch School and enlarging the Cranch School to eight rooms, twenty-seven thousand dollars.

For one four-room building and site, Good Hope, eighth division, twenty-six thousand dollars.

For one four-room building and site, Brookland (colored), seventh division, twenty-six thousand dollars.

For one four-room building, seventh division, Grant road, twenty-five thousand dollars.

For purchase of lot adjoining Tenley School, one thousand five hundred dollars.

For reconstructing building at Seventh and G streets southeast, four rooms, manual training, fifteen thousand dollars.

For purchase of lots twenty-six and twenty-seven, square five hundred and seventy-eight, adjoining Bell School, four thousand dollars.

For additional amount for one four-room school building, Petworth, seventh division, five thousand dollars.

For additional amount for one four-room school building, eighth division, six thousand dollars.

For additional amount for one four-room school building, Kenilworth, eight thousand dollars.

That the total cost of the sites and of the several and respective buildings herein provided for, when completed upon plans and specifications to be previously made and approved, shall not exceed the several and respective sums of money herein respectively appropriated or authorized for such purposes: *Provided*, That the Commissioners of the District of Columbia, in case they shall consider the bids received for the construction of any number of the school buildings herein provided for, not exceeding three, to be in excess of a reasonable amount, are hereby authorized to construct such building or buildings by day labor and the purchase of material in open market, if the same can be completed within the amount appropriated or authorized therefor.

That the plans and specifications for school buildings shall be prepared under the supervision of the inspector of buildings of the District of Columbia, and shall be approved by the Commissioners of the District, and shall be constructed by the Commissioners in con-

Limit of cost

Proviso.
Construction by day
labor authorized.

Preparing plans, etc

formity therewith; and the plans and specifications for all other buildings provided for in this Act shall be prepared under the supervision of the inspector of buildings of the District of Columbia, and shall be approved by the Architect of the Capitol and the Commissioners of the District, and shall be constructed in conformity therewith.

Police.

FOR METROPOLITAN POLICE.

Salaries.

For major and superintendent, three thousand three hundred dollars; captain, one thousand eight hundred dollars; four lieutenants, inspectors, at one thousand five hundred dollars each; chief clerk, who shall also be property clerk, two thousand dollars; clerk, one thousand five hundred dollars; clerk, nine hundred dollars; two clerks, at seven hundred and twenty dollars each; four surgeons of the police and fire departments, at five hundred and forty dollars each; additional compensation for fourteen privates detailed for special service in the detection and prevention of crime, three thousand three hundred and sixty dollars, or as much thereof as may be necessary; ten lieutenants, at one thousand three hundred and twenty dollars each; thirty-five sergeants, at one thousand one hundred and forty dollars each; three hundred and forty-five privates, class one, at nine hundred dollars each; two hundred and thirty privates, class two, at one thousand and eighty dollars each; three telephone operators, at six hundred dollars each; twenty-two station keepers, at eight hundred and forty dollars each; eleven laborers, at five hundred and forty dollars each; laborer in charge of the morgue, six hundred and eighty dollars; messenger, seven hundred dollars; messenger, five hundred dollars; major and superintendent, mounted, two hundred and forty dollars; captain, mounted, two hundred and forty dollars; fifty-one lieutenants, sergeants, and privates, mounted, at two hundred and forty dollars each; fifty sergeants and privates, mounted, on bicycles, at fifty dollars each; twenty-five drivers, at five hundred and forty dollars each; and three police matrons, at six hundred dollars each; in all, six hundred and ninety-three thousand and eighty dollars.

Rent, Anacostia.

MISCELLANEOUS: For rent of substation at Anacostia, three hundred and sixty dollars;

Fuel.

For fuel, two thousand five hundred dollars;

Repairs.

For repairs to stations, five thousand dollars;

Contingent expenses.

For miscellaneous and contingent expenses, including modern revolvers, and installation of card system in the police department, stationery, books, books of reference, and periodicals, telegraphing, photographs, printing, binding, gas, ice, washing, meals for prisoners, furniture and repairs thereto, beds and bedclothing, insignia of office, purchase and care of horses, police equipments and repairs of same, harness, forage, repairs to vehicles, van, ambulance, and patrol wagons, and expenses incurred in the prevention and detection of crime, and other necessary items, twenty-five thousand dollars;

Flags.

For flags and halyards for station houses, one hundred and twenty-five dollars;

New equipment.

For additional equipment for new station house north of Florida avenue, eight hundred dollars;

Rent, storerooms.

For rent of police department headquarters and property storerooms, two thousand seven hundred dollars.

Place for detention of children, etc.

To enable the Commissioners of the District of Columbia to provide transportation and a suitable place for the reception, transportation, and detention of the children under sixteen years of age, and in the discretion of the Commissioners of girls and women over sixteen years of age, arrested by the police on charge of offense against any law in force in the District of Columbia, or held as witnesses, or held pending final investigation or examination, or otherwise, eight thousand dollars,

or so much thereof as may be necessary: *Provided*, That all such persons held or detained under public authority prior to the adjudication of cases in which they may be involved shall be held at the place so provided; *Proviso.*
—detention of other persons.

For purchase of site and erection of temporary substation in Tennallytown or vicinity, six thousand dollars; Tennallytown.

In all, fifty thousand four hundred and eighty-five dollars.

FOR THE FIRE DEPARTMENT.

Fire department

For chief engineer, two thousand dollars; three assistant chief engineers, at one thousand two hundred dollars each; clerk, one thousand dollars; fire marshal, one thousand dollars; machinist, one thousand dollars; twenty-four foremen, at one thousand dollars each; fourteen engineers, at one thousand dollars each; fourteen firemen, at nine hundred dollars each; six tillermen, at nine hundred dollars each; twenty-five drivers, at nine hundred dollars each; one hundred and sixty-six privates, at eight hundred and forty dollars each; twenty-four watchmen, at six hundred dollars each; and one laborer, at four hundred and eighty dollars; in all, two hundred and forty-one thousand four hundred and twenty dollars.

Salaries.

MISCELLANEOUS: For repairs to engine houses, five thousand dollars;

Miscellaneous.

For repairs to apparatus, and new appliances, four thousand five hundred dollars;

For purchase of hose, nine thousand dollars;

For fuel, four thousand five hundred dollars;

For purchase of horses, ten thousand five hundred dollars;

For forage, nine thousand dollars;

For contingent expenses, horseshoeing, furniture, fixtures, washing, oil, medical and stable supplies, harness, blacksmithing, labor, gas, and other necessary items, twelve thousand dollars;

In all, fifty-four thousand five hundred dollars.

INCREASE FIRE DEPARTMENT: For additional stable, to be erected in the rear of Number Eight engine house, North Carolina avenue between Sixth and Seventh streets southeast, five thousand dollars;

Increase.

For house and furniture for a chemical engine company, to be located at Congress Heights, twenty-five thousand dollars;

In all, thirty thousand dollars.

ELECTRICAL DEPARTMENT.

Electrical department.

For superintendent, one thousand six hundred dollars; inspector of lamps, one thousand dollars; electrician, one thousand two hundred dollars; draftsman, one thousand dollars; three telegraph operators, at one thousand dollars each; three inspectors, at nine hundred dollars each; three telephone operators, at six hundred dollars each; expert repairman, nine hundred and sixty dollars; three repairmen, at seven hundred and twenty dollars each; two laborers, at four hundred dollars each; in all, sixteen thousand two hundred and twenty dollars.

Salaries.

For general supplies, repairs, new batteries, and battery supplies, telephone rental and purchase, wire for extension of the telegraph and telephone service, repairs of lines and instruments, purchase of poles, tools, insulators, brackets, pins, hardware, cross arms, ice, record books, stationery, printing, purchase of horse and harness, washing, blacksmithing, forage, extra labor, new boxes, rent of stable and storeroom, and other necessary items, twelve thousand dollars.

Supplies.

For placing wires of fire-alarm telegraph and police telephone service under ground in existing conduits, including cost of cables, terminal boxes, and posts, connections to and between existing conduits, manholes, hand-holes, posts for fire-alarm and police boxes, extra labor, and other necessary items, eight thousand dollars.

Fire-alarm telegraph.

—extension

For extension of the fire-alarm telegraph in order to provide for additional circuits in connection with new thirty-circuit board, fifty new boxes, six thousand two hundred and fifty dollars.

Poles, etc.

For purchase and erection of the necessary poles, cross arms, insulators, pins, braces, wire, cable, conduit connections, extra labor, and other necessary items, five thousand dollars.

Police-patrol system.

For extension of police-patrol system, including purchase of twenty new boxes, purchase and erection of the necessary poles, cross arms, insulators, pins, braces, wire, cable, conduit connections, extra labor, and other necessary items, five thousand dollars.

Health department.

HEALTH DEPARTMENT.

Salaries.

For health officer, three thousand five hundred dollars; fourteen sanitary and food inspectors, at one thousand two hundred dollars each; sanitary and food inspector, who shall also inspect dairy products, and shall be a practical chemist, one thousand six hundred dollars; sanitary and food inspector, who shall be a veterinary surgeon, and act as inspector of live stock and dairy farms, one thousand two hundred dollars; inspector of marine products, one thousand two hundred dollars; chief clerk and deputy health officer, one thousand eight hundred dollars; clerk, one thousand four hundred dollars; four clerks, two of whom may act as sanitary and food inspectors, at one thousand two hundred dollars each; two clerks, at one thousand dollars each; clerk, six hundred dollars; messenger and janitor, six hundred dollars; pound master, one thousand two hundred dollars; laborers, at not exceeding forty dollars per month, one thousand nine hundred and twenty dollars; ambulance driver, four hundred and eighty dollars; sanitary and food inspector, who shall be a veterinary surgeon, nine hundred dollars; four sanitary and food inspectors, one of whom shall be a veterinary surgeon, to assist in the enforcement of the milk and pure-food laws, at nine hundred dollars each; in all, forty-three thousand six hundred dollars.

Rent.

MISCELLANEOUS: For rent of stable, one hundred and twenty dollars.

Scarlet fever and
diphtheria.
Vol. 26, p. 691.
Vol. 29, p. 635.

For the enforcement of the provisions of the Act to prevent the spread of scarlet fever and diphtheria in the District of Columbia, approved December twentieth, eighteen hundred and ninety, and the Act to prevent the spread of contagious diseases in the District of Columbia, approved March third, eighteen hundred and ninety-seven, under the direction of the health officer of said District, twenty thousand dollars.

Disinfecting service.

For maintaining the disinfecting service, five thousand dollars.

Abating nuisances.

For abatement of nuisances under section twenty-six of an ordinance to revise, consolidate, and amend the ordinances of the board of health, and so forth, legalized by the Act of August seventh, eighteen hundred and ninety-four, the cost of such abatement, when collected from the responsible party, to be deposited in the Treasury to the credit of the United States and the District of Columbia in equal parts, one hundred dollars.

Vol. 28, p. 257.

Removal of weeds.
Vol. 30, p. 959.

For enforcement of the provisions of an Act to cause the removal of weeds from lands in the city of Washington, District of Columbia, and for other purposes, approved March first, eighteen hundred and ninety-nine, one thousand dollars.

Drainage of lots.
Vol. 29, p. 126.

For emergency fund for the enforcement of the provisions of section four of an Act to provide for the drainage of lots in the District of Columbia, approved May nineteenth, eighteen hundred and ninety-six, two thousand five hundred dollars.

Adulteration of
foods, etc.

For special services in connection with the detection of the adulteration of drugs and of foods, including candy and milk, one hundred dollars.

COURTS.

Courts.

FOR THE POLICE COURT: For two judges, at three thousand dollars each; compensation of two justices of the peace, acting as judges of the police court during the absence of said judges, not exceeding at the rate of two hundred and fifty dollars per month each, seven hundred and fifty dollars; clerk, two thousand dollars; two deputy clerks, at one thousand five hundred dollars each; two deputy clerks, at one thousand two hundred dollars each; three bailiffs, at nine hundred dollars each; one deputy marshal, nine hundred dollars; janitor, five hundred and forty dollars; engineer, nine hundred dollars; assistant janitors, four hundred and fifty dollars; one bailiff, six hundred dollars; in all, twenty thousand two hundred and forty dollars.

Police court.

MISCELLANEOUS: For witness fees, four thousand dollars;

Miscellaneous.

For repairs of police-court building, eight hundred dollars;

For repairs to police-court furniture and replacing same, two hundred dollars;

For meals of jurors and of bailiffs in attendance upon them when ordered by the court, one hundred dollars;

For rent of property adjoining police-court building, for police court and other purposes, six hundred dollars;

For compensation of jury, eight thousand dollars;

In all, thirteen thousand seven hundred dollars.

DEFENDING SUITS IN CLAIMS: For defending suits in the United States Court of Claims, two thousand dollars.

Defending suits in claims.

WRITS OF LUNACY: To defray the expenses attending the execution of writs de lunatico inquirendo and commitments thereunder, in all cases of indigent insane persons committed or sought to be committed to the Government Hospital for the Insane by order of the executive authority of the District of Columbia under the provisions of the Act approved January thirty-first, eighteen hundred and ninety-nine, one thousand five hundred dollars.

Lunacy writs.

Vol. 30, p. 811.

INTEREST AND SINKING FUND.

For interest and sinking fund on the funded debt, exclusive of water bonds, one million two hundred and thirteen thousand nine hundred and forty-seven dollars and ninety-seven cents.

Interest and sinking fund.

EMERGENCY FUND.

To be expended only in case of emergency, such as riot, pestilence, public insanitary conditions, calamity by flood or fire, and of like character, and in all cases of emergency not otherwise sufficiently provided for, eight thousand dollars: *Provided*, That in the purchase of all articles provided for in this Act no more than the market price shall be paid for any such articles, and all bids for any of such articles above the market price shall be rejected.

Emergency fund.

Proviso.
Purchases.

ROCK CREEK PARK.

Rock Creek Park.

For care and improvement of Rock Creek Park, to be expended under the direction of the board of control of said park, thirty-seven thousand five hundred dollars.

Care and improvement.

FOR COURTS AND PRISONS.

Courts and prisons.

SUPPORT OF CONVICTS: For support, maintenance, and transportation of convicts transferred from the District of Columbia, to be expended under the direction of the Attorney-General, forty-eight thousand dollars.

Support of convicts.

Court-house.

COURT-HOUSE, DISTRICT OF COLUMBIA: For the following force necessary for the care and protection of the court-house in the District of Columbia, under the direction of the United States marshal of the District of Columbia: One engineer, one thousand two hundred dollars; three watchmen, at seven hundred and twenty dollars each; three firemen, at seven hundred and twenty dollars each; five laborers, at four hundred and eighty dollars each; and seven assistant messengers, at seven hundred and twenty dollars each; in all, twelve thousand nine hundred and sixty dollars, to be expended under the direction of the Attorney-General.

Warden of jail.

WARDEN OF THE JAIL: For warden of the jail of the District of Columbia, two thousand dollars, to be paid under the direction of the Attorney-General.

Support of prisoners.

SUPPORT OF PRISONERS: For expenses for maintenance of the jail of the District of Columbia, and for support of prisoners therein, to be expended under the direction of the Attorney-General, forty-three thousand dollars.

CHARITIES AND CORRECTIONS.

Board of Charities.

BOARD OF CHARITIES: For secretary, three thousand dollars; clerk, one thousand dollars; stenographer, seven hundred and twenty dollars; messenger, six hundred dollars; one inspector, seven hundred and twenty dollars; traveling expenses, two hundred dollars; in all, six thousand two hundred and forty dollars.

REFORMATORIES AND CORRECTIONAL INSTITUTIONS.

Washington Asylum.

FOR WASHINGTON ASYLUM: For intendant, one thousand two hundred dollars; visiting physician, one thousand and eighty dollars; resident physician, four hundred and eighty dollars; matron, six hundred dollars; clerk, eight hundred and forty dollars; property clerk, eight hundred and forty dollars; baker, four hundred and twenty dollars; principal overseer, one thousand dollars; ten overseers, at six hundred dollars each; engineer, six hundred dollars; assistant engineer, three hundred and fifty dollars; second assistant engineer, three hundred dollars; engineer at hospital for seven and one-half months, at fifty dollars per month; five watchmen, at three hundred and sixty-five dollars each; night watchman, five hundred and forty-eight dollars; blacksmith and woodworker, five hundred dollars; carpenter, five hundred dollars; driver for dead wagon, three hundred and sixty-five dollars; hostler and ambulance driver, two hundred and forty dollars; keeper at female workhouse, three hundred dollars; keeper at female workhouse, one hundred and eighty dollars; two female attendants at almshouse, at one hundred and fifty dollars each; hospital cook, three hundred and sixty-five dollars; four cooks, at one hundred and twenty dollars each; two cooks, at sixty dollars each; trained nurse, who shall act as superintendent of nursing, six hundred dollars; graduate nurse, three hundred and sixty-five dollars; graduate nurse for receiving ward, three hundred and sixty dollars; pupil nurses, not less than thirteen in number, one thousand one hundred and forty dollars; registered pharmacist, who shall also act as hospital clerk, seven hundred and twenty dollars; in all, twenty-two thousand nine hundred and ninety-three dollars.

For contingent expenses, including improvements and repairs, provisions, fuel, forage, lumber, gas, ice, shoes, clothing, dry goods, tailoring, hardware, medicines, repairs to tools, cars, tracks, steam heating and cooking apparatus, painting, and other necessary items and services, and not exceeding nine hundred dollars for purchase of kitchen utensils and diet for hospital, fifty-five thousand dollars.

For completing the erection of a workhouse for males, fifty thousand dollars: *Provided*, That the total cost of the building shall not exceed one hundred and fifty thousand dollars, including the one hundred thousand dollars heretofore appropriated; and said Commissioners are hereby authorized, in their discretion, to expend for temporary frame structures to meet present institutional needs not exceeding ten thousand dollars of the sum herein and heretofore appropriated for this purpose.

Workhouse.
Proviso.
—limit of cost.

For repairs to buildings, painting, lumber, hardware, cement, lime, oil, removal of floors, and repairs to plumbing, steam heating and cooking apparatus, two thousand dollars.

For erection of bathrooms and closets for two buildings known as the "Old Men's Home," one thousand five hundred dollars, to be immediately available.

MUNICIPAL ALMSHOUSE: For the purchase by the Commissioners of the District of Columbia of a suitable site in the District of Columbia for a municipal almshouse, twenty-five thousand dollars, or so much thereof as may be necessary; for the preparation of plans for suitable buildings for such almshouse, two thousand five hundred dollars, or so much thereof as may be necessary; in all, twenty-seven thousand five hundred dollars; and the total cost of such almshouse, exclusive of site, and including water supply, heating, ventilating, and lighting apparatus, and improvement of grounds shall not exceed one hundred and twenty-five thousand dollars: *Provided*, That if acceptable to the Commissioners of the District of Columbia, the Secretary of the Interior is hereby authorized to transfer to them for a site for said almshouse the tract of land containing about sixty acres belonging to the United States lying south of Congress Heights and east of Nichols Avenue and detached from the present site of the Government Hospital for the Insane, and in the event of this acceptance and transfer, the said sum of twenty-five thousand dollars shall be available for construction of the buildings for the said almshouse.

Municipal almshouse.
Purchase of site, etc., authorized.

—total cost limited.

Proviso.
—donation of site authorized, etc.

FOR REFORM SCHOOL: For superintendent, one thousand five hundred dollars; assistant superintendent, nine hundred dollars; teachers and assistant teachers, five thousand and forty dollars; matron of school, six hundred dollars; four matrons of families, at one hundred and eighty dollars each; three foremen of workshops, at six hundred and sixty dollars each; farmer, four hundred and eighty dollars; engineer, three hundred and ninety-six dollars; assistant engineer, three hundred dollars; baker, cook, shoemaker, and tailor, at three hundred dollars each; laundress, one hundred and eighty dollars; two dining-room servants, seamstress, and chambermaid, at one hundred and forty-four dollars each; florist, three hundred and sixty dollars; watchmen, not to exceed six in number, one thousand six hundred and twenty dollars; secretary and treasurer to board of trustees, six hundred dollars; in all, sixteen thousand four hundred and fifty-two dollars.

Reform school.

For support of inmates, including groceries, flour, feed, meats, dry goods, leather, shoes, gas, fuel, hardware, furniture, tableware, farm implements, seeds, harness and repairs to same, fertilizers, books, stationery, plumbing, painting, glazing, medicines and medical attendance, stock, fencing, repairs to buildings, and other necessary items, including compensation, not exceeding nine hundred dollars, for additional labor or services, and for transportation and other necessary expenses incident to securing suitable homes for discharged boys, not exceeding five hundred dollars, all under the control of the Commissioners, twenty-six thousand dollars.

For one additional one hundred horsepower boiler, including all expenses of installation, foundation, brickwork, connections, and so forth, three thousand dollars.

Reform School for Girls.

REFORM SCHOOL FOR GIRLS: Superintendent, one thousand dollars; treasurer, six hundred dollars; matron, six hundred dollars; two teachers, at four hundred and eighty dollars each; overseer, seven hundred and twenty dollars; four teachers of industries, at two hundred and fifty dollars each; engineer, four hundred and eighty dollars; assistant engineer, three hundred and sixty dollars; night watchman, three hundred and sixty-five dollars; laborer, three hundred dollars; in all, six thousand three hundred and eighty-five dollars;

For groceries, provisions, light, fuel, soap, oil, lamps, candles, clothing, shoes, forage, horseshoeing, medicines, medical attendance, hack hire, transportation, labor, sewing machines, fixtures, books, stationery, horses, vehicles, harness, cows, pigs, fowls, sheds, fences, repairs, and other necessary items, ten thousand dollars;

In all, sixteen thousand three hundred and eighty-five dollars.

Transporting prisoners.

TRANSPORTATION OF PRISONERS: For conveying prisoners to the workhouse, two thousand dollars.

Medical charities.

MEDICAL CHARITIES.

Freedmen's Hospital.

For the Freedmen's Hospital and Asylum, as follows:

For subsistence, twenty-two thousand five hundred dollars;

For salaries and compensation of the surgeon in chief, not to exceed three thousand dollars; two assistant surgeons, clerk, assistant clerk, pharmacist, assistant pharmacist, steward, engineer, matron, nurses, laundresses, cooks, teamsters, watchmen, and laborers, sixteen thousand dollars;

For rent of hospital buildings and grounds, four thousand dollars;

For fuel and light, clothing, bedding, forage, transportation, medicine, medical and surgical supplies, surgical instruments, electric lights, repairs, furniture, and other absolutely necessary expenses, eleven thousand five hundred dollars;

In all, fifty-four thousand dollars.

Columbia Hospital.

For the Columbia Hospital for Women and Lying-in Asylum, for the care and treatment of indigent patients, under a contract to be made with the Columbia Hospital for Women and Lying-in Asylum, by the board of charities, not to exceed twenty thousand dollars.

For repairs, one thousand dollars.

Garfield and Providence hospitals.

Garfield and Providence Hospitals: For isolating wards for minor contagious diseases at Garfield and Providence hospitals, maintenance, each, four thousand dollars, eight thousand dollars.

For completing the retaining wall on Sherman avenue by extending it from its present northern terminus in front of the isolating wards for minor contagious diseases at the Garfield Hospital to the northern boundary of the hospital grounds, one thousand four hundred dollars.

Children's hospital.

For the care and treatment of indigent patients, under a contract to be made with the Children's Hospital by the board of charities, not to exceed ten thousand dollars.

Homeopathic Hospital.

For the care and treatment of indigent patients, under a contract to be made with the National Homeopathic Hospital Association by the board of charities, not to exceed eight thousand five hundred dollars.

Emergency Hospital, etc.

For Central Dispensary and Emergency Hospital, maintenance, fifteen thousand dollars.

For Eastern Dispensary, maintenance, two thousand dollars.

For the Women's Clinic, maintenance, one thousand dollars.

For the Washington Home for Incurables, maintenance, two thousand dollars.

CHILD-CARING INSTITUTIONS.

Board of Children's Guardians.
Vol. 27, p. 268.

BOARD OF CHILDREN'S GUARDIANS: For the Board of Children's Guardians, created under the Act approved July twenty-sixth, eighteen hundred and ninety-two, namely: For administrative expenses, includ-

ing salaries of agents, not to exceed two thousand four hundred dollars, expenses in placing and visiting children, and all office and sundry expenses, seven thousand dollars;

For care of feeble-minded children, ten thousand dollars;

For board and care of all children committed to the guardianship of said board by the courts of the District, and for the temporary care of children pending investigation or while being transferred from place to place, thirty thousand dollars: *Provided*, That when the Board of Children's Guardians place any of such children in private families, as far as practicable, such children shall be placed only in such families as are of the same religious denomination or belief as the parents or last surviving parent of the child, and this appropriation shall not be otherwise available.

Care of children.
—committed by District courts.

Proviso.
—when placed with private families, etc.

For burial of children who die while wards of the board, three hundred dollars;

In all for Board of Children's Guardians, forty-seven thousand three hundred dollars.

FOR THE INDUSTRIAL HOME SCHOOL: For maintenance, thirteen thousand dollars.

Industrial Home
School, etc.

For repairs and improvements to buildings, fences, and grounds, two thousand dollars.

For enlargement and improvement of plant for industrial training, one thousand dollars.

For enlargement of girls' cottage, five thousand dollars.

For the National Association for the Relief of Destitute Colored Women and Children, maintenance, including repairs, nine thousand nine hundred dollars.

For the Newsboys' and Children's Aid Society, maintenance, one thousand dollars.

For the Washington Hospital for Foundlings, maintenance, six thousand dollars.

For Saint Ann's Infant Asylum, maintenance, five thousand four hundred dollars.

For the German Orphan Asylum, maintenance, one thousand eight hundred dollars.

TEMPORARY HOMES.

For municipal lodging house and wood and stone yard, including rent, four thousand dollars.

Municipal lodging
house, etc.

For temporary Home for ex-Union Soldiers and Sailors, Grand Army of the Republic, two thousand five hundred dollars, to be expended under the direction of the Commissioners of the District of Columbia.

For the Women's Christian Association, maintenance, four thousand dollars.

For Young Women's Christian Home, maintenance, one thousand dollars.

For Hope and Help Mission, maintenance, two thousand dollars.

That the Commissioners of the District of Columbia are hereby authorized and directed to pay to the Columbia Polytechnic Institute for the Blind, a duly incorporated organization of the District of Columbia, the sum of five thousand dollars, made available by Act of Congress approved June sixth, nineteen hundred, "for the instruction and employment of the blind who are actual residents of the District of Columbia, and for the purchase and repair of machinery and tools which may be needed to equip a workshop for the blind of said District:" *Provided*, That such part of said appropriation as may be necessary may be used to reimburse any officer of said Columbia Polytechnic Institute for the Blind for any money he may have used of his own private funds for the equipping and maintenance of said workshop.

Columbia Polytechnic
Institute for the Blind,
payment to.
Ante, p. 577.

Proviso.
Private disbursements
to be reimbursed.

MISCELLANEOUS.

Government Hos-
pital for the Insane.
R. S., sec. 4844, etc.,
p. 939.

HOSPITAL FOR THE INSANE: For support of the indigent insane of the District of Columbia in the Government Hospital for the Insane in said District as provided in sections forty-eight hundred and forty-four and forty-eight hundred and fifty of the Revised Statutes, one hundred and thirty-six thousand five hundred dollars.

Deporting nonresi-
dent insane.
Vol. 30, p. 811.

For deportation from the District of Columbia of nonresident insane persons, in accordance with the Act of Congress "To change the proceedings for admission to the Government Hospital for the Insane in certain cases, and for other purposes," approved January thirty-first, eighteen hundred and ninety-nine, one thousand dollars.

Columbia Institu-
tion for Deaf and
Dumb.
R. S., sec. 4864, p. 942.

COLUMBIA INSTITUTION FOR THE DEAF AND DUMB: For expenses attending the instruction of deaf and dumb persons admitted to the Columbia Institution for the Deaf and Dumb from the District of Columbia, under section forty-eight hundred and sixty-four of the Revised Statutes, ten thousand five hundred dollars, or so much thereof as may be necessary: *Provided*, That hereafter all deaf mutes of teachable age, of good mental capacity, and properly belonging to the District of Columbia shall be received and instructed in said institution, their admission thereto being subject to the approval of the superintendent of public schools in the District of Columbia. And said institution shall not be regarded nor classified as an institution of charity.

Proviso.
District deaf mutes
to be admitted.

Not deemed an in-
stitution of charity.
Relief of poor.

RELIEF OF THE POOR: For relief of the poor, thirteen thousand dollars.

Transporting pau-
pers.

TRANSPORTATION OF PAUPERS: For transportation of paupers, two thousand dollars.

Purchase of burial
ground for indigent
dead authorized.

BURIAL GROUND FOR THE INDIGENT DEAD: For the purchase by the Commissioners of the District of Columbia of ground suitable as a place for the burial of the indigent dead, fifteen thousand dollars.

MILITIA OF THE DISTRICT OF COLUMBIA.

Militia.

For the following, to be expended under the authority of the Commissioners of the District of Columbia, namely:

Rent, etc.

For rent, fuel, light, care, and repair of armories, and practice ships, and for telephone service, including three thousand eight hundred dollars for refitting the Oneida, to be immediately available, eighteen thousand two hundred and seventy-five dollars.

For lockers, furniture, and gymnastic apparatus for armories, four hundred dollars.

For printing and stationery, five hundred dollars.

For cleaning and repairing uniforms, arms, and equipments, and contingent expenses, one thousand dollars.

For custodian in charge of United States property and storerooms, nine hundred dollars.

For expenses of drills and parades, one thousand dollars.

For expenses of rifle practice and matches, three thousand six hundred dollars.

For expenses of camps, instruction, practice marches, and practice cruises, thirteen thousand six hundred dollars.

Pay.

For pay of troops, other than Government employees, to be disbursed under the direction of the commanding general, seventeen thousand six hundred dollars: *Provided*, That members of the National Guard of the District of Columbia who receive compensation for their services as such shall not be held or construed to be officers of the United States, or persons holding any place of trust or profit, or discharging any official function under or in connection with any Executive Department of the Government of the United States within the provision of section fifty-

Provisos.
Members of Nation-
al Guard not deemed
officers of United
States.

four hundred and ninety-eight of the Revised Statutes of the United States: *Provided further*, That all moneys collected on account of deductions made from the pay of any officer or enlisted man of the National Guard of the District of Columbia on account of Government property lost or destroyed by such individual shall be repaid into the United States Treasury to the credit of the officer of the militia of the District of Columbia who is accountable to the United States Government for such property lost or destroyed: *And provided further*, That all moneys collected on account of deductions made from the pay of any officer or enlisted man of the National Guard of the District of Columbia for or on account of any violation of the regulations governing said National Guard shall be held by the commanding general of the militia of the District of Columbia, who is authorized to expend such moneys so collected for general incidental expenses of the service; and for all moneys so collected and expended the commanding general shall make an accounting in like manner as for the appropriation disbursed for pay of troops.

For general incidental expenses of the service, three hundred dollars.

R. S., sec. 5498, p. 1065.
Payment for moneys collected on account of deductions for lost Government property, etc.

—and for violating regulations.

WATER DEPARTMENT.

Water department.

The following sums are hereby appropriated to carry on the operations of the water department, to be paid wholly from its revenues, namely:

Appropriations payable from its revenues.

For revenue and inspection branch: For water registrar, who shall also perform the duties of chief clerk, one thousand eight hundred dollars; two clerks, at one thousand four hundred dollars each; two clerks, at one thousand dollars each; chief inspector, nine hundred and thirty-six dollars; eight inspectors, at nine hundred dollars each; messenger, six hundred dollars;

Revenue and inspection branch.

For distribution branch: For superintendent, two thousand seven hundred and fifty dollars; draftsman, one thousand five hundred dollars; foreman, one thousand four hundred dollars; two clerks, at one thousand dollars each; timekeeper, nine hundred dollars; assistant foreman, nine hundred dollars; tapper and machinist, nine hundred dollars; three steam engineers, at one thousand one hundred dollars each; driver, four hundred and eighty dollars; hostler, four hundred and eighty dollars; calker, seven hundred and twenty dollars; in all, thirty thousand six hundred and sixty-six dollars.

Distribution branch.

For contingent expenses, including books, blanks, stationery, forage, advertising, printing, and other necessary items and services, two thousand five hundred dollars.

Contingent expenses.

For necessary labor, clerk hire, material, and so forth, for introducing the card system for water-main tax accounts, to be immediately available, two thousand five hundred dollars.

For fuel, repairs to boilers, machinery, and pumping stations, pipe distribution to high and low service, material for high and low service, including public hydrants and fire plugs, and labor in repairing, replacing, raising, and lowering mains, laying new mains and connections, and erecting and repairing fire plugs and public hydrants, ninety thousand dollars.

Fuel, etc.

The appropriation of five thousand dollars made in the District of Columbia appropriation Act for the fiscal year nineteen hundred and one, for the purchase of water meters, to be placed in such private residences as desired, and installed at the expense of the property owner, said meters at all times to remain and be the property of the water department, is hereby made available for and continued during the fiscal year nineteen hundred and two.

Water meters for private residences.
Ante, p. 578.

Appropriation available.

For interest and sinking fund on water-stock bonds, six thousand and twenty-two dollars.

Interest and sinking fund.

Extending high-service system.

For continuing the extension of the high-service system of water distribution, to include all necessary land, machinery, buildings, mains, and appurtenances, so much as may be available in the water fund, during the fiscal year nineteen hundred and two, after providing for the expenditures hereinbefore authorized, is hereby appropriated.

Limit of requisitions on the Treasury.

SEC. 2. The Commissioners of the District of Columbia shall not make requisitions upon the appropriations from the Treasury of the United States for a larger amount during the fiscal year nineteen hundred and two than they make on the appropriations arising from the revenues, including drawback certificates, of said District, except as may be otherwise provided by law.

Approved, March 1. 1901.

March 1, 1901.

CHAP. 671.—An Act For the relocation of certain tracks of street railways in the District of Columbia.

District of Columbia. Commissioners may authorize the location of street railway on Bunker Hill road or Wisconsin avenue when improved.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever the Bunker Hill road or Wisconsin avenue is improved by the Commissioners of the District of Columbia, the said Commissioners are authorized to permit the street railroad tracks upon said highways to be located in the middle of the roadway, should such location be considered for the best interests of the public.

Approved, March 1, 1901.

March 1, 1901.

CHAP. 672.—An Act To extend the time granted to the Muscle Shoals Power Company by an Act approved March third, eighteen hundred and ninety-nine, within which to commence and complete the work authorized in said Act to be done by said company.

Time extended to Muscle Shoals Power Company to complete canal, etc., at Muscle Shoals, Ala.
Vol. 30, p. 1351.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time allowed the Muscle Shoals Power Company by section two of an Act entitled "An Act granting to the Muscle Shoals Power Company right to erect and construct canal and power stations at Muscle Shoals, Alabama," approved March third, eighteen hundred and ninety-nine, to commence and complete the work therein authorized to be done, be extended so that unless the work authorized to be done in said Act be commenced within two years and completed within four years from the date of this Act the privileges granted to said company by said first-mentioned Act shall cease and be determined.

Approved, March 1, 1901.

March 1, 1901.

CHAP. 673.—An Act To revive and amend an Act entitled "An Act to authorize the Pittsburg and Mansfield Railroad Company to construct and maintain a bridge across the Monongahela River."

Time extended to Pittsburg and Mansfield Railroad to bridge Monongahela River.
Vol. 28, p. 702.
Vol. 30, p. 330.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to authorize the Pittsburg and Mansfield Railroad Company to construct and maintain a bridge across the Monongahela River," approved March second, eighteen hundred and ninety-five, and amended by an Act approved March nineteenth, eighteen hundred and ninety-eight, is hereby revived, reenacted, and declared to be in full force and effect.

SEC. 2. That the said Act is hereby so amended as to extend the time for the completion of said bridge by said company, or its assigns, to March second, nineteen hundred and four.

Approved, March 1. 1901.

March 1, 1901.

CHAP. 674.—An Act Providing that entrymen under the homestead laws, who have served in the United States Army, Navy, or Marine Corps during the Spanish war or the Philippine insurrection, shall have certain service deducted from the time required to perfect title under homestead laws, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes be, and the same are hereby, amended to read as follows:

"SEC. 2304. Every private soldier and officer who has served in the Army of the United States during the recent rebellion for ninety days, and who was honorably discharged and has remained loyal to the Government, including the troops mustered into the service of the United States by virtue of the third section of an Act approved February thirteenth, eighteen hundred and sixty-two, and every seaman, marine, and officer who has served in the Navy of the United States or in the Marine Corps during the rebellion for ninety days, and who was honorably discharged and has remained loyal to the Government, and every private soldier and officer who has served in the Army of the United States during the Spanish war, or who has served, is serving, or shall have served in the said Army during the suppression of the insurrection in the Philippines for ninety days, and who was or shall be honorably discharged; and every seaman, marine, and officer who has served in the Navy of the United States or in the Marine Corps during the Spanish war, or who has served, is serving, or shall have served in the said forces during the suppression of the insurrection in the Philippines for ninety days, and who was or shall be honorably discharged, shall, on compliance with the provisions of this chapter, as hereinafter modified, be entitled to enter upon and receive patents for a quantity of public lands not exceeding one hundred and sixty acres, or one quarter section, to be taken in compact form, according to legal subdivisions, including the alternate reserved sections of public lands along the line of any railroad or other public work not otherwise reserved or appropriated, and other lands subject to entry under the homestead laws of the United States; but such homestead settler shall be allowed six months after locating his homestead and filing his declaratory statement within which to make his entry and commence his settlement and improvement.

"SEC. 2305. The time which the homestead settler has served in the Army, Navy, or Marine Corps shall be deducted from the time heretofore required to perfect title, or if discharged on account of wounds received or disability incurred in the line of duty, then the term of enlistment shall be deducted from the time heretofore required to perfect title, without reference to the length of time he may have served; but no patent shall issue to any homestead settler who has not resided upon, improved, and cultivated his homestead for a period of at least one year after he shall have commenced his improvements:"
Provided, That in every case in which a settler on the public land of the United States under the homestead laws died while actually engaged in the Army, Navy, or Marine Corps of the United States as private soldier, officer, seaman, or marine, during the war with Spain or the Philippine insurrection, his widow, if unmarried, or in case of her death or marriage, then his minor orphan children or his or their legal representatives, may proceed forthwith to make final proof upon the land so held by the deceased soldier and settler, and that the death of such soldier while so engaged in the service of the United States shall, in the administration of the homestead laws, be construed to be equivalent to a performance of all requirements as to residence and cultivation for the full period of five years, and shall entitle his widow, if unmarried, or in case of her death or marriage, then his minor orphan children or his or their legal representatives, to make final proof upon

Soldiers' and sailors' homesteads.
 R. S., secs. 2304, 2305, p. 422, amended.

Soldiers and sailors serving in war of rebellion.

Vol. 12, p. 339.

—during Spanish war.

—in Philippines.

—may enter public lands, etc.

—time to enter, etc.

Deduction of military or naval service from time required to perfect title, etc.

Proviso.
 Final proof by heirs of deceased soldier, etc.

—legal effect of death.

and receive Government patent for said land; and that upon proof produced to the officers of the proper local land office by the widow, if unmarried, or in case of her death or marriage, then his minor orphan children or his or their legal representatives, that the applicant for patent is the widow, if unmarried, or in case of her death or marriage, his orphan children or his or their legal representatives, and that such soldier, sailor, or marine died while in the service of the United States as hereinbefore described, the patent for such land shall issue.

Approved, March 1, 1901.

March 1, 1901.

CHAP. 675.—An Act To ratify and confirm an agreement with the Cherokee tribe of Indians, and for other purposes.

Agreement of Dawes Commission with Cherokee tribe of Indians ratified.

Proviso.
Ratification by Indians.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the agreement negotiated between the Commission to the Five Civilized Tribes and the Cherokee tribe of Indians at the city of Washington on the ninth day of April, nineteen hundred, as herein amended, is hereby accepted, ratified, and confirmed, and the same shall be of full force and effect if ratified by a majority of the votes cast by the members of said tribe at an election to be held for that purpose: *Provided*, That such election shall be held within ninety days from the approval of this Act by the President of the United States.

This agreement, by and between the United States, entered into in its behalf by the Commission to the Five Civilized Tribes, Henry L. Dawes, Tams Bixby, Archibald S. McKennon, and Thomas B. Needles, duly appointed and authorized thereunto, and the Cherokee tribe of Indians, in Indian Territory, entered into in behalf of said tribe by Lucian B. Bell, Percy Wyly, Jesse Cochran, and Benjamin J. Hilderbrand, duly appointed and authorized thereunto.

Witnesseth, that in consideration of the mutual undertakings herein contained it is agreed as follows:

DEFINITIONS.

Definitions.

1. The words "nation" and "tribe" shall each be deemed to refer to the Cherokee Nation or tribe of Indians in Indian Territory. The words "principal chief" shall be deemed to refer to the principal chief of said tribe. The words "citizen" or "citizens" shall be deemed to refer to a member or members of said tribe. The words "Dawes Commission" or "commission" shall be deemed to refer to the United States Commission to the Five Civilized Tribes. The word "Secretary" shall be deemed to refer to the Secretary of the Interior.

General allotment of lands.

GENERAL ALLOTMENT OF LANDS.

Appraisal.

2. All lands belonging to the Cherokee tribe of Indians in Indian Territory, except as herein reserved, shall be appraised at their true value, considering location and fertility of soil in each case, excluding improvements placed by allottee on the lands selected by him: *Provided, however*, That in cases where a citizen holding lands in excess of his rightful share has failed to sell or remove the buildings and fences from said excessive holding on or before the first day of July, nineteen hundred and one, the value of the buildings and fences shall be added to the value of the land by the appraisement committee.

Proviso.
Failure to remove buildings from excessive holdings.

By whom appraisal made.

3. The appraisement shall be made under the direction of the Dawes Commission by such number of committees of appraisement as may be deemed sufficient to expedite the work; one member of each committee

to be appointed by said commission and one by the principal chief; and if the members of any committee fail to agree as to the value of any tract of land, the value thereof shall be determined by said commission.

The committees shall make report of their work to the commission as may be required. The commission shall prepare reports of the same in duplicate, and transmit them to the Secretary of the Interior for his approval, and when approved one copy shall be furnished the principal chief and one copy returned to the office of the commission for its use in making allotments as herein provided.

4. All lands of said tribe, except as herein provided, shall be allotted by said commission among the citizens of the tribe entitled to share therein, so as to give to each an equal share of the whole, in value, as nearly as may be, in manner following: There shall be allotted to each citizen eighty acres of land (boundaries to conform to the Government survey as nearly as may be) which may be selected by him, so as to include improvements which belong to him. Eighty acres of land, valued at six dollars and fifty cents per acre, shall constitute a standard allotment, and shall be the measure for the equalization of values; and any allottee selecting lands of less value than such standard may select other lands, not lawfully held or occupied by any other citizen, which, at their appraised value, will make his allotment equal in value to the standard so fixed.

5. If any citizen select eighty acres of land the appraised value of which, for any reason, is in excess of such standard, the excess of value shall be charged against him in the future distribution of lands and funds of the tribe arising from any source whatsoever, unless he has already paid the same, and he shall not be entitled to any further distribution of property or funds until all other citizens shall have received lands and funds equal in value to his allotment; and if there be not sufficient property and funds of the tribe to make the allotments of all other citizens equal in value to his, then for the excess there shall exist a lien on the rents and profits of his allotment; and no deed shall issue to such allottee until all charges against an allotment are liquidated. All controversies arising between citizens as to their right to select particular tracts of land shall be determined by said commission according to law.

6. Any citizen having in his possession lands in actual cultivation in excess of eighty acres for himself and eighty acres for his wife and each of his minor children, shall, on or before the first day of July, nineteen hundred and one, select therefrom allotments of eighty acres each for himself and the members of his family aforesaid, which said allotments he may hold, and no more; and he shall, within said time, make report in writing to the Dawes Commission of the lands so selected by him, giving legal description thereof; and if he have lawful improvements upon such excess he may dispose of the same to any other citizen, who may thereupon select lands so as to include such improvements; but, after the expiration of said time, any citizen may take any lands not already selected by another; but if lands so taken be in actual cultivation, having thereon improvements belonging to another citizen, such improvements shall be valued by the appraisement committee and the amount paid to the owner thereof by the allottee, and the same shall be a lien upon the rents and profits of the land until paid: *Provided*, That the owner of improvements may remove the same if he desires.

7. When allotments as hereinbefore provided have been made to all citizens the residue of lands, not herein reserved or otherwise disposed of, shall be so apportioned among such citizens as to equalize their allotments, but if the same be insufficient therefor the deficiency shall be supplied out of any funds of the tribe, so that the allotments of all

Reports.

Allotments.

Eighty acres to be a standard.

Selection in excess of standard.

Controversies as to right to select land.

Selection of allotments from excessive holdings.

—disposition of improvements, etc.

Equalization of allotments.

citizens may be made equal in value, as nearly as may be, in manner herein provided.

Selections above and below standard.

8. If the allotment of any citizen exceed in value that of the standard so fixed, he may pay the excess to the Indian agent, to be placed to the credit of the tribe, and shall thereupon receive title to such allotment; if a citizen select lands of the exact value of such standard allotment he shall receive title therefor; and if a citizen select lands of less value than such standard allotment he shall receive title to the lands so selected, and as soon as additional lands are selected by him for the purpose of equalizing his allotment he shall receive additional deed therefor.

Possession

9. When any citizen shall select his allotment and receive certificate therefor the Secretary of the Interior shall immediately thereupon, through the United States Indian agent in said Territory, put him in unrestricted possession of his allotment.

Allotments exempt from prior debts, etc.

10. Lands allotted to citizens hereunder shall not in any manner whatsoever, or at any time, be incumbered, taken, or sold to secure or satisfy any debt or obligation contracted or incurred prior to the date of the deed to the allottee therefor, and such lands shall not be alienable by the allottee or his heirs at any time before the expiration of five years from the ratification of this agreement, except with the approval of the Secretary of the Interior.

Homestead inalienable, etc.

11. Before receiving his deed therefor each citizen shall select from his allotment forty acres of land, and if he fail to select the same it shall be selected by the Dawes Commission, and a proper designation thereof shall be made in the deed to the allottee. Said forty acres shall not be alienable at any time before the expiration of twenty-five years from the ratification of this agreement, except with the approval of the Secretary of the Interior, and during the time the same remains so inalienable shall not be subject to any tax or be incumbered, taken, or sold to secure or satisfy any debt or obligation of the allottee contracted or incurred while the land remains so inalienable.

Minor's lands, liens against, etc.

12. No taxes assessed or levied against the lands of any minor, not herein made nontaxable, shall be a lien upon such lands, but the same shall be a lien upon the products of the lands composing his allotment.

Allotments to minors, etc.

13. Allotments to minors may be selected by the guardian, or by the father or mother, if citizens, in the order named, and shall not be sold during their minority. Allotments may be selected for prisoners, convicts, and aged and infirm persons by their duly appointed agents, and for incompetents by guardians, curators, or other suitable persons akin to them, but it shall be the duty of said commission to see that such selections are made for the best interests of such parties.

Allotments to Delawares who are Cherokee citizens, according to suit pending in Court of Claims, etc.

14. All Delaware Indians who are Cherokee citizens shall take lands and share in the funds of the tribe as their rights may be determined by the judgment of the Court of Claims, or by the Supreme Court, if appealed, in the suit instituted therein by the Delawares against the Cherokee Nation, and now pending; but if said suit be not determined before said commission is ready to begin the allotment of lands of the tribe as herein provided, the commission shall cause to be segregated one hundred and fifty-seven thousand six hundred acres of land, including lands which have been selected and occupied by Delawares in conformity to provisions of their agreement with the Cherokees dated April eighth, eighteen hundred and sixty-seven, such lands so to remain subject to disposition according to such judgment as may be rendered in said cause; and said commission shall, thereupon, proceed to the allotment of the remaining lands of the tribe as aforesaid. Said commission shall, when final judgment is rendered, allot lands to such Delawares in conformity to the terms of the judgment and their individual rights thereunder.

Nothing in this agreement shall in any manner impair the rights of either party to said contract as the same may be finally determined by the court, or shall interfere with the holdings of the Delawares under their contract with the Cherokees of April eighth, eighteen hundred and sixty-seven, until their rights under said contract are determined by the courts in their suit now pending against the Cherokees.

Existing rights unimpaired.

TOWN SITES.

Town sites.

15. All towns in the Cherokee Nation having a present population of two hundred or more shall be surveyed, laid out, and appraised under the provisions of an Act of Congress entitled "An Act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, nineteen hundred and one, and for other purposes," approved May thirty-first, nineteen hundred, which said provisions are as follows: "That the Secretary of the Interior is hereby authorized, under rules and regulations to be prescribed by him, to survey, lay out, and plat into town lots, streets, alleys, and parks, the sites of such towns and villages in the Choctaw, Chickasaw, Creek, and Cherokee nations, as may at that time have a population of two hundred or more, in such manner as will best subserve the then present needs and the reasonable prospective growth of such towns. The work of surveying, laying out, and platting such town sites shall be done by competent surveyors, who shall prepare five copies of the plat of each town site which, when the survey is approved by the Secretary of the Interior, shall be filed as follows: One in the office of the Commissioner of Indian Affairs, one with the principal chief of the nation, one with the clerk of the court within the territorial jurisdiction of which the town is located, one with the Commission to the Five Civilized Tribes, and one with the town authorities, if there be such. Where in his judgment the best interests of the public service require, the Secretary of the Interior may secure the surveying, laying out, and platting of town sites in any of said nations by contract.

Provisions for surveys, plats, etc.

Ante, p. 237.

Filing plats.

"Hereafter the work of the respective town-site commissions provided for in the agreement with the Choctaw and Chickasaw tribes ratified in section twenty-nine of the Act of June twenty-eighth, eighteen hundred and ninety-eight, entitled 'An Act for the protection of the people of the Indian Territory, and for other purposes,' shall begin as to any town site immediately upon the approval of the survey by the Secretary of the Interior and not before.

Choctaw and Chickasaw tribes.

Vol. 30, p. 505.

Work of commissions to begin on approval of survey.

"The Secretary of the Interior may in his discretion appoint a town-site commission consisting of three members for each of the Creek and Cherokee nations, at least one of whom shall be a citizen of the tribe and shall be appointed upon the nomination of the principal chief of the tribe. Each commission, under the supervision of the Secretary of the Interior, shall appraise and sell for the benefit of the tribe the town lots in the nation for which it is appointed, acting in conformity with the provisions of any then existing Act of Congress or agreement with the tribe approved by Congress. The agreement of any two members of the commission as to the true value of any lot shall constitute a determination thereof, subject to the approval of the Secretary of the Interior, and if no two members are able to agree the matter shall be determined by such Secretary.

Creek and Cherokee town-site commissions.

"Where in his judgment the public interests will be thereby subserved, the Secretary of the Interior may appoint in the Choctaw, Chickasaw, Creek, or Cherokee Nation a separate town-site commission for any town, in which event as to that town such local commission may exercise the same authority and perform the same duties

Choctaw, Chickasaw, Creek, and Cherokee nations.
Separate town-site commissions for towns.

Appointment. Vol. 30, p. 500.	which would otherwise devolve upon the commission for that Nation. Every such local commission shall be appointed in the manner provided in the Act approved June twenty-eighth, eighteen hundred and ninety-eight, entitled 'An Act for the protection of the people of the Indian Territory.'
Surveys by towns.	"The Secretary of the Interior, where in his judgment the public interests will be thereby subserved, may permit the authorities of any town in any of said nations, at the expense of the town, to survey, lay out, and plat the site thereof, subject to his supervision and approval, as in other instances.
Appraisal and sale of lots.	"As soon as the plat of any town site is approved, the proper commission shall, with all reasonable dispatch and within a limited time, to be prescribed by the Secretary of the Interior, proceed to make the appraisal of the lots and improvements, if any, thereon, and after the approval thereof by the Secretary of the Interior, shall, under the supervision of such Secretary, proceed to the disposition and sale of the lots in conformity with any then existing Act of Congress or agreement with the tribe approved by Congress, and if the proper commission shall not complete such appraisal and sale within the time limited by the Secretary of the Interior, they shall receive no pay for such additional time as may be taken by them, unless the Secretary of the Interior for good cause shown shall expressly direct otherwise.
Removal of commissioners, etc.	"The Secretary of the Interior may, for good cause, remove any member of any townsite commission, tribal or local, in any of said nations, and may fill the vacancy thereby made or any vacancy otherwise occurring in like manner as the place was originally filled.
Establishment of corporate and townsite limits.	"It shall not be required that the townsite limits established in the course of the platting and disposing of town lots and the corporate limits of the town, if incorporated, shall be identical or coextensive, but such townsite limits and corporate limits shall be so established as to best subserve the then present needs and the reasonable prospective growth of the town, as the same shall appear at the times when such limits are respectively established: <i>Provided further</i> , That the exterior limits of all townsites shall be designated and fixed at the earliest practicable time under rules and regulations prescribed by the Secretary of the Interior.
Proviso. —regulations.	
Reservation from allotment at railroad stations.	"Upon the recommendation of the Commission to the Five Civilized Tribes the Secretary of the Interior is hereby authorized at any time before allotment to set aside and reserve from allotment any lands in the Choctaw, Chickasaw, Creek, or Cherokee nations, not exceeding one hundred and sixty acres in any one tract, at such stations as are or shall be established in conformity with law on the line of any railroad which shall be constructed or be in process of construction in or through either of said nations prior to the allotment of the lands therein, and this irrespective of the population of such townsite at the time. Such townsites shall be surveyed, laid out, and platted, and the lands therein disposed of for the benefit of the tribe in the manner herein prescribed for other townsites: <i>Provided further</i> , That whenever any tract of land shall be set aside as herein provided which is occupied by a member of the tribe, such occupant shall be fully compensated for his improvements thereon under such rules and regulations as may be prescribed by the Secretary of the Interior. <i>Provided</i> , That hereafter the Secretary of the Interior may, whenever the chief executive or principal chief of said nation fails or refuses to appoint a townsite commissioner for any town or to fill any vacancy caused by the neglect or refusal of the townsite commissioner appointed by the chief executive or principal chief of said nation to qualify or act, in his discretion appoint a commissioner to fill the vacancy thus created."
Provisos. Compensation for occupant's improvements.	
Secretary of Interior may appoint townsite commissioner on failure of chief of nation, etc.	

16. Any citizen in rightful possession of any town lot which has been improved as required by tribal laws, the right of occupancy of which he has acquired under tribal laws, shall have the right to purchase same by paying one-half the appraised value thereof, deducting therefrom such amount as may have been paid into the Cherokee national treasury for such right of occupancy.

Right to purchase where right of occupancy acquired under tribal laws, etc.

17. Any citizen in rightful possession of any town lot having improvements thereon other than temporary buildings, fencing, and tillage, the occupancy of which has not been acquired under tribal laws, shall have the right to purchase such lot by paying one-half the appraised value thereof: *Provided*, That any other person in the peaceful possession of any town lot having improvements thereon other than temporary buildings, fencing, and tillage, the occupancy of which has not been acquired under tribal laws, shall have the right to purchase such lot by paying one-half the appraised value thereof.

18. Any citizen in rightful possession of any town lot not having improvements thereon, the occupancy of which has been acquired under tribal laws, shall have the right to purchase such lot by paying two-thirds the appraised value thereof, deducting therefrom such amounts as may have been paid into the Cherokee national treasury for such right of occupancy.

19. When the appraisement of any town lot so improved is made and approved the commission shall notify the claimant thereof of the amount of appraisement, and he shall, within sixty days thereafter, make payment of ten per centum of the amount due for the lot, and four months thereafter he shall pay fifteen per centum additional, and the remainder of the purchase money he shall pay in three equal annual installments without interest; but if the owner of any such lot fail to purchase same and make the first and second payments aforesaid within the time aforesaid, the lot and improvements shall be sold at public auction to the highest bidder, under the direction of the town-site commission, at a price not less than their appraised value; and the purchaser shall pay the purchase price to the owner of the improvements, less the appraised value of the lot.

Appraisal and payment.

—failure to pay.

20. All town lots not having thereon improvements other than temporary buildings, fencing, and tillage, the sale or disposition of which is not herein otherwise specifically provided for, shall be sold within twelve months after appraisement, under direction of the Secretary of the Interior, after due advertisement, at public auction, to the highest bidder, at not less than their appraised value.

Sale of unspecified, unimproved lots.

21. Any citizen occupying more than four acres of unplatted lands, which may be laid out in town lots in any town, and which are to be sold at public auction as above, shall have the right to select, in a body, and retain a sufficient number of such lots at their appraised value as may be equal to the standard allotment herein fixed, to be taken in lieu of his allotment, and in addition thereto he may purchase one-fourth of the remaining lots, to be selected in a body, into which such land has been divided, by paying two-thirds of their appraised value.

Selection of lots in lieu of standard allotment.

22. If any citizen have lands in any town, occupied and used by him as a home, he may purchase the lots into which such lands may be platted by paying one-half their appraised value, not, however, exceeding four acres; but this right shall not extend to persons who take their allotments out of unplatted lands as herein provided.

Deflection for lands used as a home.

23. The purchaser of any unimproved town lot sold at public auction shall pay twenty-five per centum of the purchase money at the time of the sale, and within four months thereafter he shall pay twenty-five per centum additional, and the remainder of the purchase money he shall pay in two equal annual installments, without interest.

Payment of purchase money.

24. If the purchaser of any town lot fail to make payment of any

Default in payment.

- sum when due, the same shall thereafter, bear six per centum interest per annum until paid.
- Title on immediate payment. 25. The purchaser of any town lot may at any time pay the full amount of purchase money, and he shall thereupon receive title therefor.
- Church lands. 26. All town lots or parts of lots, not exceeding fifty by one hundred and fifty feet in size, upon which church houses and parsonages have been erected, and which are occupied as such at the time of appraisal, shall be conveyed gratuitously to the churches to which such improvements belong, and if such churches have inclosed other adjoining lots actually necessary for their use, they may purchase the same by paying one-half the appraised value thereof.
- Lots exempt from debt prior to deed, etc. 27. All town lots purchased by citizens under provisions of this agreement shall be free from incumbrance by any debt contracted prior to the date of the deed therefor, except for improvements thereon, or for money borrowed to pay the purchase price to the nation.
- Purchase of unimproved residence lot, etc. 28. Any citizen having the right of occupancy of an unimproved residence lot in any town at the date of this agreement, and owning no other lot or land therein, shall have the right to purchase such lot by paying one-half of the appraised value thereof.
- Anyone may bid. 29. Any person whomsoever may bid for and purchase any lot sold at public auction as herein provided.
- Assessment of taxes, etc. 30. No taxes shall be assessed by any town government against any town lot remaining unsold, but taxes may be assessed against any town lot sold as herein provided, and the same shall constitute a lien upon the interest of the purchaser therein after any payment thereon has been made by him, and if forfeiture of any lot be made all taxes assessed against such lot shall be paid out of any money paid thereon by the purchaser.
- Cemetery. 31. The town authorities may select and locate, subject to the approval of the Secretary of the Interior, a cemetery within suitable distance from each town, to embrace such number of acres as may be deemed necessary for such purpose, and the town-site commission shall appraise the same at its true value, and the town may purchase same by paying such value; and if any citizen have improvements thereon, other than fencing and tillage, they shall be appraised by said committee and paid for by the town. The town authorities shall dispose of the lots in such cemetery at reasonable prices, in suitable sizes for burial purposes, and the proceeds thereof shall be applied to the general improvement of the property: *Provided*, That lands already laid out for cemeteries by the tribal authorities shall be included in the cemeteries herein provided for, without cost to the towns; and the holdings of burial lots therein now occupied for such purposes shall in no wise be disturbed.
- Proviso:*
Inclusion of existing cemeteries. 32. All towns now in existence where there are two or more places of business and less than two hundred inhabitants may be surveyed and laid out into town lots and necessary streets and alleys and platted as other towns, each to embrace such amount of land as may be deemed necessary, not exceeding forty acres, which survey may be made in manner provided for other towns, and the appraisalment of the town lots of said towns may be made by any commission appointed for either of the other towns having two hundred inhabitants or more; and all lots in said towns having thereon improvements other than temporary buildings, fencing, and tillage may be purchased by any person having rightful possession thereof and owning the improvements thereon by paying one-half the appraised value. The survey, appraisalment, and sale of lots shall be made under regulations to be prescribed by the Secretary of the Interior.
- regulations. 33. The United States may purchase in any town in the Cherokee Nation suitable lands for court-houses, jails, and other necessary public
- Public buildings.

buildings, for its use, by paying the appraised value thereof, the same to be selected under the direction of the Department for whose use such buildings are to be erected, and if any person have improvements thereon, other than temporary buildings, fencing, and tillage, the same shall be appraised and paid for by the United States.

TITLES.

Titles.

34. After the ratification of this agreement by Congress and the tribe the Secretary of the Interior shall furnish the principal chief with blank deeds necessary for all conveyances herein provided for, and when any citizen receives his allotment of land amounting to and not exceeding in value the standard allotment herein fixed, or when any allotment has been so ascertained and fixed that title should, under the provisions of this agreement, be conveyed, the principal chief shall thereupon proceed to execute in due form and deliver to him a deed conveying to him all the right, title, and interest of the Cherokee Nation, and of all other citizens, in and to the lands embraced in his allotment certificate.

Deeds for allotments.

35. The principal chief shall, in like manner and with like effect, execute and deliver to proper parties deeds of conveyance in all other cases herein provided for. All lands and town lots to be conveyed to one person shall, as far as practicable, be included in one deed, and all deeds shall be executed free of charge.

36. All conveyances shall be approved by the Secretary of the Interior, which shall serve as a relinquishment to the grantee of all the right, title, and interest of the United States in and to the lands embraced in his deed.

Approval of deed; effect.

37. Any allottee accepting such deed shall be deemed to assent to the allotment and conveyance of all the lands of the tribe as provided herein, and as a relinquishment of all his right, title, and interest in and to the same, except in the proceeds of lands reserved from allotment.

Acceptance of deed; effect.

38. The acceptance of deeds of minors and incompetents by persons authorized to select their allotments for them shall be deemed sufficient to bind such minors and incompetents as to the conveyance of all other lands of the tribe as provided herein.

—for minors, etc.

39. All deeds, when so executed and approved, shall be filed in the office of the Dawes Commission and recorded in a book appropriate for the purpose without expense to the grantee, and such records shall have like effect as other public records.

Filing deeds, etc.

ROLLS OF MEMBERSHIP.

Rolls of membership.
Date.

40. The rolls of citizenship of the Cherokee Nation shall be made as of April first, nineteen hundred, and the names of all persons then living and entitled to enrollment on that date shall be placed on said rolls by the Dawes Commission.

41. No child born to any citizen after the first day of April, nineteen hundred, nor any white person who has intermarried with a Cherokee citizen since the sixteenth day of December, eighteen hundred and ninety-five, shall be entitled to enrollment.

Who excluded.

42. Such rolls shall in all other respects be made in strict compliance with the provisions of section twenty-one of the Act of Congress of June twenty-eighth, eighteen hundred and ninety-eight, entitled "An Act for the protection of the people of the Indian Territory, and for other purposes."

Provisions.
Vol. 30, p. 502.

43. If any citizen who was living and entitled to be enrolled on the first day of April, nineteen hundred, die before receiving his allotment of lands and share of the tribal funds, his right of allotment and share of the funds shall descend to his heirs according to the laws of

Death before allotment.

descent and distribution of the Cherokee Nation, and shall be allotted and distributed to them accordingly.

Citizens enrolled as
of other tribes barred.

44. No person who has been enrolled by the Dawes Commission as a citizen of any other tribe shall be enrolled as a citizen of the Cherokee Nation.

To be final rolls.

45. The rolls made by said commission, when approved by the Secretary of the Interior, shall be the final rolls of membership of said tribe upon which the allotment of all lands and the distribution of all moneys and other property of the tribe shall be made.

SCHOOLS.

Schools.
Rules, etc.

46. The Cherokee school fund shall be used, under direction of the Secretary of the Interior, for the education of children of Cherokee citizens, and the Cherokee schools shall be conducted under rules prescribed by him according to Cherokee laws, subject to such modifications as he may deem necessary to make the schools most effective and to produce the best possible results, said schools to be under the direct supervision of a supervisor appointed by the Secretary and a school superintendent appointed by the principal chief.

Supervision.

Qualifications of
teachers.

47. All teachers shall be examined by or under direction of said supervisor and said superintendent, and competent teachers and other persons to be engaged in and about the schools, with good moral character only, shall be employed; but where all qualifications are equal, preference shall be given to citizens in such employment.

Payment of expenses.

48. All moneys for running the schools shall be appropriated by the Cherokee national council, not exceeding the amount of the Cherokee school fund, but if said council fail or refuse to make the necessary appropriations, the Secretary of the Interior may direct the use of sufficient amount of the school funds to pay all expenses necessary to the efficient conduct of the schools, strict account thereof to be rendered to him and to the principal chief.

Accounts.

49. All accounts for expenditures in running the schools shall be examined and approved by said supervisor and superintendent, and also by the general superintendent of Indian schools in Indian Territory before payment thereof is made.

Appeal to Secretary
of the Interior.

50. If the supervisor and superintendent fail to agree upon any matter under their direction and control, it shall be decided by said general superintendent, subject to appeal to the Secretary of the Interior, but his decision shall govern until reversed by the Secretary.

Equal benefits from
school funds.

51. Said school fund shall be administered so that each Cherokee citizen of school age entitled thereto shall have equal benefits therefrom, as nearly as may be.

Cherokee Orphan
Asylum.

52. The interest arising from the Cherokee orphan fund shall in like manner be used, under direction of the Secretary of the Interior, for maintaining the Cherokee Orphan Asylum for the benefit of the Cherokee orphan children. The buildings of said asylum, and one hundred and twenty acres of land, to be taken in a body, on which they are located, subject to the approval of the Secretary of the Interior, shall be reserved from allotment, and said institution continued in operation until allotment is completed.

Cherokee Advocate.

CHEROKEE ADVOCATE.

Publication of, etc.

53. The national newspaper, the Cherokee Advocate, printed in both the Cherokee and English languages, shall continue to be published the present year under the appropriation already made by the Cherokee Nation, after which time the same shall be leased by the principal chief of the Cherokee Nation for a period of two years at a time, to the lowest responsible citizen bidder, at an annual expense to the Cherokee Nation of not to exceed one thousand five hundred dollars, to

Lease.

be paid out of the general fund of the Cherokee Nation: *Provided*, That said newspaper plant, including everything connected therewith, together with the buildings and grounds reserved for said newspaper, shall be sold before final allotment is completed under this agreement, under the direction of the Secretary of the Interior, and the proceeds placed to the credit of the general fund of the Cherokee Nation.

Proviso.
Sale of plant.

RESERVATIONS.

54. The following lands shall be reserved from the general allotment herein provided: Reservations from allotment.

- (a) All lands set apart for town sites.
- (b) All lands to which, at the date of the ratification of this agreement, any railroad company may, under any treaty or Act of Congress, have a vested right for right of way, depots, station grounds, water stations, stock yards, or similar uses connected with the maintenance and operation of the railroad.
- (c) All lands selected for town cemeteries, as herein provided.
- (d) One acre of land for each schoolhouse not included in town sites, as herein provided.
- (e) One hundred and sixty acres for Willie Halsell College at Vinita.
- (f) Four acres for the Baptist Mission School at Tahlequah.
- (g) Four acres for the Presbyterian School at Tahlequah.
- (h) Four acres for the Park Hill Mission School south of Tahlequah.
- (i) Four acres for the Elm Springs Mission School on Barren Fork.
- (j) Forty acres for Dwight Mission on Sallisaw.
- (k) Four acres for Skiatook Mission near Skiatook.
- (l) Four acres for Lutheran Mission School on Illinois River, north of Tahlequah.
- (m) Sufficient ground for burial purposes where neighborhood cemeteries are now located, not to exceed three acres each.
- (n) One acre for each church house outside of towns.
- (o) The square now occupied by the capitol building at Tahlequah.
- (p) The grounds now occupied by the national jail at Tahlequah.
- (q) The grounds now occupied by the Cherokee Advocate printing office at Tahlequah.
- (r) Forty acres for the Cherokee Male Seminary near Tahlequah.
- (s) Forty acres for the Cherokee Female Seminary at Tahlequah.
- (t) One hundred and twenty acres for the Cherokee Orphan Asylum on Grand River.
- (u) Forty acres for the Colored High School in Tahlequah district.
- (v) Forty acres for the Cherokee Insane Asylum.
- (w) Forty acres for the school for the blind, and deaf and dumb children near Fort Gibson.
- (x) A sufficient amount of land, to be selected by the General Government, and heretofore included in the old military reservation, for an army post, and for a penitentiary, or for either, and the same, with the buildings thereon, is tendered to the United States for said purposes: *Provided*, That in case the same is not accepted and occupied by the Government for the purposes aforesaid on or before March fourth, nineteen hundred and three, this provision shall be void.

Army post, etc

Proviso.
—condition.

MUNICIPAL CORPORATIONS.

55. Authority is hereby conferred upon municipal corporations in the Cherokee Nation to issue bonds and borrow money thereon for sanitary purposes, and for the construction of sewers, lighting plants, waterworks, and schoolhouses, subject to all the provisions of laws of the United States in force in the organized Territories of the United States in reference to municipal indebtedness and issuance of bonds for public purposes; and said provisions of law are hereby put in force in

Municipal corporations.

Powers, etc.

Bond issues.

Proviso.
—limit.

said nation and made applicable to the cities and towns therein, the same as if specially enacted in reference thereto: *Provided*, That the whole amount of bonds issued under this provision shall not exceed five per cent of the value of all the real and personal property in the town; and the town authorities may cause such bonds to be issued for the purpose of carrying out this provision, and no bonds shall be issued without the approval of the Secretary of the Interior.

Public buildings.

PUBLIC BUILDINGS.

School lands reserved.

56. The buildings of the Cherokee Male Seminary, with forty acres of land; and of the Cherokee Female Seminary, with forty acres of land; and the Cherokee Orphan Asylum, with one hundred and twenty acres of land; and the Colored High School, with forty acres of land, such lands in each case to be in one body, embracing lands upon which the buildings are located, and to be selected by the Dawes Commission, shall, before completion of allotment, be set aside for school purposes until final allotment, when the same shall be subject to the provisions of section sixty.

Other lands, etc., may be sold.

57. All other public buildings and other public property of whatsoever character belonging to the Cherokees not herein otherwise disposed of may be sold or otherwise disposed of by the nation, subject to the approval of the Secretary of the Interior.

Miscellaneous.

MISCELLANEOUS.

Duration of tribal government.

58. The tribal government of the Cherokee Nation shall not continue longer than March fourth, nineteen hundred and six, subject to such future legislation as Congress may deem proper.

Officer to collect revenue.

59. The collection of all revenues of whatsoever character belonging to the tribe shall be made by an officer appointed by the Secretary of the Interior, under rules and regulations prescribed by the Secretary, and the expenses of such collection shall be deducted from the funds collected.

Consent of tribe to disbursements necessary.

60. No funds belonging to said tribe shall be used or paid out for any purposes by any officer of the United States without consent of the tribe expressly given through its national council, except as herein provided.

Additional power to Secretary of the Interior

61. All things necessary to carry into effect the provisions of this agreement not otherwise herein specifically provided for shall be done under the authority and direction of the Secretary of the Interior.

No permit tax from noncitizens.

62. No noncitizen renting lands from a citizen for agricultural purposes, as provided by law, whether such lands have been selected as an allotment or not, shall be required to pay any permit tax.

Federal citizenship conferred on Cherokees.

63. Each Cherokee citizen shall, on the date of the ratification of this agreement, become a citizen of the United States and be entitled to all the rights and privileges thereof, but the same shall in no wise affect his rights as a member of said tribe.

Railroads not to acquire rights to lands under transfer of title to allottees, etc.

64. The transfer of the title of the Cherokee tribe to individual allottees and to other persons, as provided in this agreement, shall not inure to the benefit of any railroad company, nor vest in any railroad company any right, title, or interest in or to any of the lands in the Cherokee Nation.

Expenses of surveys, etc.

65. The United States shall pay all expenses incident to the survey, platting, and disposition of town lots and all allotments of lands made under the provisions of this agreement, except where the town authorities may have been or may be duly authorized to survey and plat their respective towns at the expense of such towns, except when towns are authorized to survey at their own expense.

Payments to be made into the Treasury to credit of tribe, etc.

66. All moneys to be paid to the tribe under any of the provisions of this agreement shall be paid under the direction of the Secretary of the Interior into the Treasury of the United States to the credit of the

tribe, and an itemized report thereof shall be made to the Secretary of the Interior and to the principal chief.

67. All funds of the tribe and all moneys accruing under the provisions of this agreement, when needed for the purpose of equalizing allotments, or for any other purpose herein prescribed, shall be paid out under the direction of the Secretary of the Interior, and when required for per capita payments, if any, shall be paid out directly to each individual by a bonded officer of the United States, under the direction of the Secretary of the Interior, without unnecessary delay; and moneys paid to citizens shall not be liable for the payment of any previously contracted obligation.

Secretary of the Interior to make payments for tribe, etc.

68. The Methodist Episcopal Church South may, within twelve months after the ratification of this agreement, pay five dollars per acre for the one hundred and sixty acres of land adjacent to the town of Vinita, and heretofore set apart by act of the Cherokee national council for the use of said church for missionary and educational purposes, and now occupied by Willie Halsell College (formerly Galloway College), and shall thereupon receive title thereto; but if said church fail so to do, it may continue to occupy said one hundred and sixty acres of land as long as it uses same for the purposes aforesaid.

Methodist Episcopal Church South may acquire certain land.

69. Cherokee citizens may rent their allotments, when selected, for a term not exceeding one year, and after receiving title to their allotments may rent them without restriction; and cattle grazed on such allotments shall not be liable to any tribal tax. No cattle shall hereafter be introduced into the Cherokee Nation and grazed on lands not selected by citizens as allotments unless permission therefor has been granted by the principal chief and approved by the Secretary of the Interior, in which case the Secretary is authorized to collect from the owners of such cattle a reasonable grazing tax for the benefit of the tribe. Section twenty-one hundred and seventeen, Revised Statutes of the United States, shall not hereafter apply to Cherokee lands.

Lease of allotments permitted, etc.

Grazing of cattle.

Penalty for driving stock to feed on Indian lands.
R. S., sec. 2117, p. 370, amended.

70. All deferred payments under the provisions of this agreement shall constitute a lien in favor of the tribe on the property for which the debt was contracted, and if default in any annual payment is made the lien for the payment of all purchase money remaining unpaid may thereupon be enforced in the United States court in the same manner as vendors' liens are enforced, suit therefor to be brought in the name of the principal chief for the benefit of the tribe, or, on his failure for any cause, in the name of some person appointed therefor by the court.

Deferred payments a lien on property.

—enforcement of lien.

All other liens herein created may be in like manner enforced after the expiration of two years from the date when the amount secured thereby becomes a charge upon the property.

71. The provisions of section thirteen of the Act of Congress approved June twenty-eighth, eighteen hundred and ninety-eight, entitled "An Act for the protection of the people of the Indian Territory, and for other purposes," shall not apply to or in any manner affect the lands or other property of said tribe, and no Act of Congress or treaty provision inconsistent with this agreement shall be in force in said nation except sections fourteen and twenty-seven of said last-mentioned Act, which shall continue in force as if this agreement had not been made.

Mineral leases.
Vol. 30, pp. 498, 499, 504.

72. Nothing contained in this agreement, however, shall be construed to revive or reestablish the Cherokee courts abolished by said last-mentioned Act of Congress, or the authority of any officer, at any time, in any manner connected with said courts.

Cherokee courts abolished.

73. The Secretary of the Interior shall cause to be paid all just indebtedness of said tribe existing at the date of ratification of this agreement which may have lawfully been contracted and warrants therefor regularly issued upon the several funds of the tribe, as also warrants drawn by authority of law after the ratification of this

Existing tribal indebtedness to be paid.

agreement and prior to the dissolution of the tribal government, such payment to be made from any funds in the United States Treasury belonging to said tribe. And all such indebtedness of the tribe shall be paid in full before any pro rata distribution of the funds of the tribe shall be made.

--regulations, etc.

The Secretary of the Interior shall make such payments at the earliest time practicable, and he shall make all needful rules and regulations to carry this provision into effect.

Instruments affecting land east of Grant River, etc.

--where recorded.

--land north of Arkansas River, etc., where recorded.

--exception.

74. All instruments of writing affecting lands in the Cherokee Nation which lie south of Spavinaw Creek, east of Grand River, and north of the Arkansas River, and all other instruments affecting property within said boundaries, required by law to be recorded, shall be recorded in the office of the clerk of the United States court at Tahlequah; and all instruments of writing affecting lands in said nation lying north of the Arkansas River, north of Spavinaw Creek, and west of Grand River, and all other instruments affecting property within said boundaries, required by law to be recorded, shall be recorded in the office of the clerk of the United States court at Vinita: *Provided*, That this shall not include the record of original deeds to allotments and other parcels of lands, and of town lots, herein otherwise provided for.

Tribal ordinance affecting land, etc.

75. No act, ordinance, or resolution of the Cherokee national council in any manner affecting the lands of the tribe, or of individuals after allotment, or the moneys or other property of the tribe, or of the citizens thereof, except appropriations for the necessary incidental and salaried expenses of the Cherokee government as herein limited, shall be of any validity until approved by the President of the United States.

Approval, etc., by President.

When any such act, ordinance, or resolution shall be passed by said council and approved by the principal chief, a true and correct copy thereof, duly certified, shall be immediately transmitted to the President, who shall, within thirty days after its receipt, approve or disapprove the same. If disapproved, it shall be so indorsed and returned to the principal chief. If approved, the approval thereof shall be indorsed thereon, and it shall be published in at least two newspapers having a bona fide circulation in the Cherokee Nation.

Reversion of land reserved from allotment.

--sale, etc.

--church and school lands outside of towns.

76. All lands herein reserved from allotment and not sold, as provided in this agreement, when they cease to be used for the purpose for which they have been set apart, shall, if that occur prior to the completion of the allotment of lands, or to the dissolution of the tribal government, revert to the tribe, and be sold under direction of the Secretary of the Interior, and the proceeds paid into the United States Treasury and become a part of the general fund of the tribe; but if said lands revert after allotment has been completed, and after dissolution of the tribal government, the same may be in like manner sold, and the proceeds thereof used by the United States for the support of the insane asylum herein provided for: *Provided*, That the lots of land upon which the church houses and schoolhouses outside of towns are located, with the improvements thereon, when they cease to be used for the purposes for which they are herein reserved, shall go to the allottees taking the forty-acre tracts from which said reservations were taken.

Court of Claims given jurisdiction of claims of Cherokees against the United States, etc.

77. Jurisdiction is hereby conferred upon the Court of Claims to examine, consider, and adjudicate, with a right of appeal to the Supreme Court of the United States by any party in interest feeling aggrieved at the decision of the Court of Claims, any claim which the Cherokee tribe, or any band thereof, arising under treaty stipulations, may have against the United States, upon which suit shall be instituted within two years after the ratification of this agreement; and also to examine, consider, and adjudicate any claim which the United States may have against said tribe, or any band thereof. The institu-

Attorneys.

tion, prosecution, or defense, as the case may be, on the part of the tribe, or any band thereof, of any such suit shall be through attorneys employed, and to be compensated in the manner prescribed in sections twenty-one hundred and three to twenty-one hundred and six, both inclusive, of the Revised Statutes of the United States, the tribe acting through its principal chief in the employment of such attorneys, and a band acting through a committee recognized by the Secretary of the Interior. The Court of Claims shall have full authority by proper orders and process to make parties to any such suit all persons whose presence in the litigation may be deemed necessary or proper to the final determination of the matter in controversy; and any such suit shall, on motion of either party, be advanced on the docket of either of said courts, and determined at the earliest practicable time.

—compensation.
R. S., secs. 2103, etc.,
p. 367.

Making parties.

Case may be advanced.

Pending suit of Delaware Indians and Cherokee Nation, Court of Claims.

Payment to attorneys authorized.

78. That in the suit pending between the Delaware Indians and the Cherokee Nation in the Court of Claims said court is hereby authorized to fix the compensation of the attorneys of record of the respective litigants, and the same shall be paid to the attorneys representing the Cherokees out of the general fund of the Cherokee Nation and to the attorneys representing the Delawares out of any money belonging to said Delaware Indians; but in no event shall the fees allowed by said court exceed the amounts specified in the contracts with said tribes.

79. That nothing in this Act contained shall be held or construed to change, alter, modify or impair any existing coal or oil rights heretofore acquired by lease, location, development, or otherwise, or to ratify, confirm, recognize, or validate any such rights.

Existing coal or oil rights unaffected.

80. This agreement shall be binding upon the United States and on the Cherokee Nation and all Cherokee citizens when ratified by Congress and by a majority of the whole number of votes cast by the legal voters of the Cherokee Nation in the manner following: The principal chief shall, within twenty days after the approval of this Act make public proclamation that the same shall be voted upon at a special election to be held for that purpose within sixty days thereafter, on a certain day therein named, and he shall appoint such officers and make such other provisions as may be necessary for holding such election. The votes cast at such election shall be forthwith duly certified as required by Cherokee law, and the votes shall be counted by the Cherokee national council in the presence of the Dawes Commission and the principal chief, and said commission and principal chief shall jointly make certificate thereof and proclamation of the result.

Ratification of agreement.

—election.

Approved, March 1, 1901.

CHAP. 676.—An Act To ratify and confirm an agreement with the Muscogee or Creek tribe of Indians, and for other purposes.

March 1, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the agreement negotiated between the Commission to the Five Civilized Tribes and the Muscogee or Creek tribe of Indians at the city of Washington on the eighth day of March, nineteen hundred, as herein amended, is hereby accepted, ratified, and confirmed, and the same shall be of full force and effect when ratified by the Creek national council. The principal chief, as soon as practicable after the ratification of this agreement by Congress, shall call an extra-session of the Creek national council and lay before it this agreement and the Act of Congress ratifying it, and if the agreement be ratified by said council, as provided in the constitution of said nation, he shall transmit to the President of the United States the act of council ratifying the agreement, and the President of

Agreement of Dawes Commission with Muscogee or Creek tribe of Indians ratified.

Ratification by Indians.

Proviso.
—when to be ratified.

the United States shall thereupon issue his proclamation declaring the same duly ratified, and that all the provisions of this agreement have become law according to the terms thereof: *Provided*, That such ratification by the Creek national council shall be made within ninety days from the approval of this Act by the President of the United States.

This agreement by and between the United States, entered into in its behalf by the Commission to the Five Civilized Tribes, Henry L. Dawes, Tams Bixby, Archibald S. McKennon, and Thomas B. Needles duly appointed and authorized thereunto, and the Muskogee (or Creek) tribe of Indians, in Indian Territory, entered into in behalf of said tribe by Pleasant Porter, principal chief, and George A. Alexander, David M. Hodge, Isparhecher, Albert P. McKellop, and Cub McIntosh, delegates, duly appointed and authorized thereunto,

Witnesseth that in consideration of the mutual undertakings herein contained it is agreed as follows:

DEFINITIONS.

Definitions.

1. The words "Creek" and "Muskogee," as used in this agreement, shall be deemed synonymous, and the words "Creek Nation" and "tribe" shall each be deemed to refer to the Muskogee Nation or Muskogee tribe of Indians in Indian Territory. The words "principal chief" shall be deemed to refer to the principal chief of the Muskogee Nation. The words "citizen" or "citizens" shall be deemed to refer to a member or members of the Muskogee tribe or nation of Indians. The words "The Dawes Commission" or "commission" shall be deemed to refer to the United States Commission to the Five Civilized Tribes.

General allotment of lands.

GENERAL ALLOTMENT OF LANDS.

Appraisal.

By whom appraisal made.

Reports.

Allotments.

Standard allotment.

Selection of land in excess of standard.

2. All lands belonging to the Creek tribe of Indians in the Indian Territory, except town sites and lands herein reserved for Creek schools and public buildings, shall be appraised at their true value, excluding only lawful improvements on lands in actual cultivation. The appraisement shall be made under direction of the Dawes Commission by such number of committees, with necessary assistance, as may be deemed necessary to expedite the work, one member of each committee to be appointed by the principal chief; and if the members of any committee fail to agree as to the value of any tract of land, the value thereof shall be fixed by said commission. Each committee shall make report of its work to said commission, which shall from time to time prepare reports of same, in duplicate, and transmit them to the Secretary of the Interior for his approval, and when approved one copy thereof shall be returned to the office of said commission for its use in making allotments as herein provided.

3. All lands of said tribe, except as herein provided, shall be allotted among the citizens of the tribe by said commission so as to give each an equal share of the whole in value, as nearly as may be, in manner following: There shall be allotted to each citizen one hundred and sixty acres of land—boundaries to conform to the Government survey—which may be selected by him so as to include improvements which belong to him. One hundred and sixty acres of land, valued at six dollars and fifty cents per acre, shall constitute the standard value of an allotment, and shall be the measure for the equalization of values, and any allottee receiving lands of less than such standard value may, at any time, select other lands, which, at their appraised value, are sufficient to make his allotment equal in value to the standard so fixed.

If any citizen select lands the appraised value of which, for any reason, is in excess of such standard value, the excess of value shall be charged against him in the future distribution of the funds of the tribe

arising from all sources whatsoever, and he shall not receive any further distribution of property or funds of the tribe until all other citizens have received lands and money equal in value to his allotment. If any citizen select lands the appraised value of which is in excess of such standard value, he may pay the overplus in money, but if he fail to do so, the same shall be charged against him in the future distribution of the funds of the tribe arising from all sources whatsoever, and he shall not receive any further distribution of property or funds until all other citizens shall have received lands and funds equal in value to his allotment; and if there be not sufficient funds of the tribe to make the allotments of all other citizens of the tribe equal in value to his, then the surplus shall be a lien upon the rents and profits of his allotment until paid.

4. Allotment for any minor may be selected by his father, mother, or guardian, in the order named, and shall not be sold during his minority. All guardians or curators appointed for minors and incompetents shall be citizens.

Allotments to minors, etc., how selected.

Allotments may be selected for prisoners, convicts, and aged and infirm persons by their duly appointed agents, and for incompetents by guardians, curators, or suitable persons akin to them, but it shall be the duty of said commission to see that such selections are made for the best interests of such parties.

5. If any citizen have in his possession, in actual cultivation, lands in excess of what he and his wife and minor children are entitled to take, he shall, within ninety days after the ratification of this agreement, select therefrom allotments for himself and family aforesaid, and if he have lawful improvements upon such excess he may dispose of the same to any other citizen, who may thereupon select lands so as to include such improvements; but, after the expiration of ninety days from the ratification of this agreement, any citizen may take any lands not already selected by another; but if lands so taken be in actual cultivation, having thereon improvements belonging to another citizen, such improvements shall be valued by the appraisement committee, and the amount paid to the owner thereof by the allottee, and the same shall be a lien upon the rents and profits of the land until paid: *Provided*, That the owner of improvements may remove the same if he desires.

Selection of allotments from excessive holdings.

—disposition of improvements.

6. All allotments made to Creek citizens by said commission prior to the ratification of this agreement, as to which there is no contest, and which do not include public property, and are not herein otherwise affected, are confirmed, and the same shall, as to appraisement and all things else, be governed by the provisions of this agreement; and said commission shall continue the work of allotment of Creek lands to citizens of the tribe as heretofore, conforming to provisions herein; and all controversies arising between citizens as to their right to select certain tracts of land shall be determined by said commission.

Former allotments confirmed, etc.

7. Lands allotted to citizens hereunder shall not in any manner whatsoever, or at any time, be incumbered, taken, or sold to secure or satisfy any debt or obligation contracted or incurred prior to the date of the deed to the allottee therefor and such lands shall not be alienable by the allottee or his heirs at any time before the expiration of five years from the ratification of this agreement, except with the approval of the Secretary of the Interior.

Allotments exempt from prior debts.

Each citizen shall select from his allotment forty acres of land as a homestead, which shall be nontaxable and inalienable and free from any incumbrance whatever for twenty-one years, for which he shall have a separate deed, conditioned as above: *Provided*, That selections of homesteads for minors, prisoners, convicts, incompetents, and aged and infirm persons, who can not select for themselves, may be made in the manner herein provided for the selection of their allotments; and

Homestead inalienable.

Proviso. Minors', etc., homestead.

if, for any reason, such selection be not made for any citizen, it shall be the duty of said commission to make selection for him.

Descent of homestead.

The homestead of each citizen shall remain, after the death of the allottee, for the use and support of children born to him after the ratification of this agreement, but if he have no such issue, then he may dispose of his homestead by will, free from limitation herein imposed, and if this be not done, the land shall descend to his heirs according to the laws of descent and distribution of the Creek Nation, free from such limitation.

Possession.

8. The Secretary of the Interior shall, through the United States Indian agent in said Territory, immediately after the ratification of this agreement, put each citizen who has made selection of his allotment in unrestricted possession of his land and remove therefrom all persons objectionable to him: and when any citizen shall thereafter make selection of his allotment as herein provided, and receive certificate therefor, he shall be immediately thereupon so placed in possession of his land.

Equalizing allotments.

9. When allotment of one hundred and sixty acres has been made to each citizen, the residue of lands, not herein reserved or otherwise disposed of, and all the funds arising under this agreement shall be used for the purpose of equalizing allotments, and if the same be insufficient therefor, the deficiency shall be supplied out of any other funds of the tribe, so that the allotments of all citizens may be made equal in value, as nearly as may be, in manner herein provided.

Town sites.

TOWN SITES.

Provisions for surveys, plats, etc.

10. All towns in the Creek Nation having a present population of two hundred or more shall, and all others may, be surveyed, laid out, and appraised under the provisions of an Act of Congress entitled "An Act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, nineteen hundred and one, and for other purposes," approved May thirty-first, nineteen hundred, which said provisions are as follows:

Ante, p. 237.

"That the Secretary of the Interior is hereby authorized, under rules and regulations to be prescribed by him, to survey, lay out, and plat into town lots, streets, alleys, and parks, the sites of such towns and villages in the Choctaw, Chickasaw, Creek, and Cherokee nations, as may at that time have a population of two hundred or more, in such manner as will best subserve the then present needs and the reasonable prospective growth of such towns. The work of surveying, laying out, and platting such town sites shall be done by competent surveyors, who shall prepare five copies of the plat of each town site which, when the survey is approved by the Secretary of the Interior, shall be filed as follows: One in the office of the Commissioner of Indian Affairs, one with the principal chief of the nation, one with the clerk of the court within the territorial jurisdiction of which the town is located, one with the Commission to the Five Civilized Tribes, and one with the town authorities, if there be such. Where in his judgment the best interests of the public service require, the Secretary of the Interior may secure the surveying, laying out, and platting of town sites in any of said nations by contract.

Filing plats.

Choctaw and Chickasaw Tribes.
Vol. 30, p. 505.
Work of commission to begin on approval of survey.

"Hereafter the work of the respective town-site commissions provided for in the agreement with the Choctaw and Chickasaw tribes ratified in section twenty-nine of the Act of June twenty-eighth, eighteen hundred and ninety-eight, entitled 'An Act for the protection of the people of the Indian Territory, and for other purposes,' shall begin as to any town site immediately upon the approval of the survey by the Secretary of the Interior and not before.

"The Secretary of the Interior may in his discretion appoint a town-site commission consisting of three members for each of the Creek and Cherokee nations, at least one of whom shall be a citizen of the tribe and shall be appointed upon the nomination of the principal chief of the tribe. Each commission, under the supervision of the Secretary of the Interior, shall appraise and sell for the benefit of the tribe the town lots in the nation for which it is appointed, acting in conformity with the provisions of any then existing Act of Congress or agreement with the tribe approved by Congress. The agreement of any two members of the commission as to the true value of any lot shall constitute a determination thereof, subject to the approval of the Secretary of the Interior, and if no two members are able to agree the matter shall be determined by such Secretary.

Creek and Cherokee town-site commissions.

"Where in his judgment the public interests will be thereby subserved, the Secretary of the Interior may appoint in the Choctaw, Chickasaw, Creek, or Cherokee Nation a separate town-site commission for any town, in which event as to that town such local commission may exercise the same authority and perform the same duties which would otherwise devolve upon the commission for that Nation. Every such local commission shall be appointed in the manner provided in the Act approved June twenty-eighth, eighteen hundred and ninety-eight, entitled 'An Act for the protection of the people of the Indian Territory.'

Choctaw, Chickasaw, Creek, and Cherokee nations.
Separate town-site commissions for towns.

Appointment.

Vol. 30, p. 500.

"The Secretary of the Interior, where in his judgment the public interests will be thereby subserved, may permit the authorities of any town in any of said nations, at the expense of the town, to survey, lay out, and plat the site thereof, subject to his supervision and approval, as in other instances.

Surveys by towns.

"As soon as the plat of any town site is approved, the proper commission shall, with all reasonable dispatch and within a limited time, to be prescribed by the Secretary of the Interior, proceed to make the appraisal of the lots and improvements, if any, thereon, and after the approval thereof by the Secretary of the Interior, shall, under the supervision of such Secretary, proceed to the disposition and sale of the lots in conformity with any then existing Act of Congress or agreement with the tribe approved by Congress, and if the proper commission shall not complete such appraisal and sale within the time limited by the Secretary of the Interior, they shall receive no pay for such additional time as may be taken by them, unless the Secretary of the Interior for good cause shown shall expressly direct otherwise.

Appraisal and sale of lots.

"The Secretary of the Interior may, for good cause, remove any member of any townsite commission, tribal or local, in any of said nations, and may fill the vacancy thereby made or any vacancy otherwise occurring in like manner as the place was originally filled.

Removal of commissioners, etc.

"It shall not be required that the townsite limits established in the course of the platting and disposing of town lots and the corporate limits of the town, if incorporated, shall be identical or coextensive, but such townsite limits and corporate limits shall be so established as to best subserve the then present needs and the reasonable prospective growth of the town, as the same shall appear at the times when such limits are respectively established: *Provided further*, That the exterior limits of all townsites shall be designated and fixed at the earliest practicable time under rules and regulations prescribed by the Secretary of the Interior.

Establishment of corporate and townsite limits.

Provided,—regulations.

"Upon the recommendation of the Commission to the Five Civilized Tribes the Secretary of the Interior is hereby authorized at any time before allotment to set aside and reserve from allotment any lands in the Choctaw, Chickasaw, Creek, or Cherokee nations, not exceeding one hundred and sixty acres in any one tract, at such stations as are or

Reservation from allotments at railroad stations.

Proviso.
Compensation for
occupant's improve-
ments.

Proviso.
Secretary of the In-
terior may appoint
town-site commis-
sioner on failure of
chief of nation, etc.

Right of occupants
of town lots, im-
proved, to purchase,
etc.

—of residence, etc.

Deduction for lands
used as a home.

Sale of unspecified
unimproved lots.

Preference right of
purchase to occupant
of land laid out into
town lots.

Payment for im-
proved lots, etc.

—for unimproved lots

shall be established in conformity with law on the line of any railroad which shall be constructed or be in process of construction in or through either of said nations prior to the allotment of the lands therein, and this irrespective of the population of such townsite at the time. Such townsites shall be surveyed, laid out, and platted, and the lands therein disposed of for the benefit of the tribe in the manner herein prescribed for other townsites: *Provided further*, That whenever any tract of land shall be set aside as herein provided which is occupied by a member of the tribe, such occupant shall be fully compensated for his improvements thereon under such rules and regulations as may be prescribed by the Secretary of the Interior: *Provided*, That hereafter the Secretary of the Interior may, whenever the chief executive or principal chief of said nation fails or refuses to appoint a townsite commissioner for any town or to fill any vacancy caused by the neglect or refusal of the townsite commissioner appointed by the chief executive or principal chief of said nation to qualify or act, in his discretion appoint a commissioner to fill the vacancy thus created."

11. Any person in rightful possession of any town lot having improvements thereon, other than temporary buildings, fencing, and tillage, shall have the right to purchase such lot by paying one-half of the appraised value thereof, but if he shall fail within sixty days to purchase such lot and make the first payment thereon, as herein provided, the lot and improvements shall be sold at public auction to the highest bidder, under direction of the appraisement commission, at a price not less than their appraised value, and the purchaser shall pay the purchase price to the owner of the improvements, less the appraised value of the lot.

12. Any person having the right of occupancy of a residence or business lot or both in any town, whether improved or not, and owning no other lot or land therein, shall have the right to purchase such lot by paying one-half of the appraised value thereof.

13. Any person holding lands within a town occupied by him as a home, also any person who had at the time of signing this agreement purchased any lot, tract, or parcel of land from any person in legal possession at the time, shall have the right to purchase the lot embraced in same by paying one-half of the appraised value thereof, not, however, exceeding four acres.

14. All town lots not having thereon improvements, other than temporary buildings, fencing, and tillage, the sale or disposition of which is not herein otherwise specifically provided for, shall be sold within twelve months after their appraisement, under direction of the Secretary of the Interior, after due advertisement, at public auction to the highest bidder at not less than their appraised value.

Any person having the right of occupancy of lands in any town which has been or may be laid out into town lots, to be sold at public auction as above, shall have the right to purchase one-fourth of all the lots into which such lands may have been divided at two-thirds of their appraised value.

15. When the appraisement of any town lot is made, upon which any person has improvements as aforesaid, said appraisement commission shall notify him of the amount of said appraisement, and he shall, within sixty days thereafter, make payment of ten per centum of the amount due for the lot, as herein provided, and four months thereafter he shall pay fifteen per centum additional, and the remainder of the purchase money in three equal annual installments, without interest.

Any person who may purchase an unimproved lot shall proceed to make payment for same in such time and manner as herein provided for the payment of sums due on improved lots, and if in any case any amount be not paid when due, it shall thereafter bear interest at the rate of ten per centum per annum until paid. The purchaser may in any case at any time make full payment for any town lot.

16. All town lots purchased by citizens in accordance with the provisions of this agreement shall be free from incumbrance by any debt contracted prior to date of his deed therefor, except for improvements thereon.

Lots exempt from debts prior to deed, etc.

17. No taxes shall be assessed by any town government against any town lot remaining unsold, but taxes may be assessed against any town lot sold as herein provided, and the same shall constitute a lien upon the interest of the purchaser therein after any payment thereon has been made by him, and if forfeiture of any lot be made all taxes assessed against such lot shall be paid out of any money paid thereon by the purchaser.

Assessment of taxes, etc.

18. The surveyors may select and locate a cemetery within suitable distance from each town, to embrace such number of acres as may be deemed necessary for such purpose, and the appraisement commission shall appraise the same at not less than twenty dollars per acre, and the town may purchase the land by paying the appraised value thereof; and if any citizen have improvements thereon, other than fencing and tillage, they shall be appraised by said commission and paid for by the town. The town authorities shall dispose of the lots in such cemetery at reasonable prices, in suitable sizes for burial purposes, and the proceeds thereof shall be applied to the general improvement of the property.

Cemetery.

19. The United States may purchase, in any town in the Creek Nation, suitable land for court-houses, jails, and other necessary public buildings for its use, by paying the appraised value thereof, the same to be selected under the direction of the department for whose use such buildings are to be erected; and if any person have improvements thereon, other than temporary buildings, fencing, and tillage, the same shall be appraised and paid for by the United States.

Public buildings purchase of land for.

20. Henry Kendall College, Nazareth Institute, and Spaulding Institute, in Muskogee, may purchase the parcels of land occupied by them, or which may have been laid out for their use and so designated upon the plat of said town, at one-half of their appraised value, upon conditions herein provided; and all other schools and institutions of learning located in incorporated towns in the Creek Nation may, in like manner, purchase the lots or parcels of land occupied by them.

Certain schools, etc., may purchase land occupied by them.

21. All town lots or parts of lots, not exceeding fifty by one hundred and fifty feet in size, upon which church houses and parsonages have been erected, and which are occupied as such at the time of appraisement, shall be properly conveyed to the churches to which such improvements belong gratuitously, and if such churches have other adjoining lots inclosed, actually necessary for their use, they may purchase the same by paying one-half the appraised value thereof.

Church lands: gratuitous conveyances authorized.

22. The towns of Clarksville, Coweta, Gibson Station, and Mounds may be surveyed and laid out in town lots and necessary streets and alleys, and platted as other towns, each to embrace such amount of land as may be deemed necessary, not exceeding one hundred and sixty acres for either, and in manner not to include or interfere with the allotment of any citizen selected prior to the date of this agreement, which survey may be made in manner provided for other towns; and the appraisement of the town lots of said towns may be made by any committee appointed for either of the other towns hereinbefore named, and the lots in said towns may be disposed of in like manner and on the same conditions and terms as those of other towns. All of such work may be done under the direction of and subject to the approval of the Secretary of the Interior.

Towns of Clarksville, Coweta, etc., may be surveyed platted, etc.

TITLES.

Titles.

23. Immediately after the ratification of this agreement by Congress and the tribe, the Secretary of the Interior shall furnish the principal

Deeds for allotments.

chief with blank deeds necessary for all conveyances herein provided for, and the principal chief shall thereupon proceed to execute in due form and deliver to each citizen who has selected or may hereafter select his allotment, which is not contested, a deed conveying to him all right, title, and interest of the Creek Nation and of all other citizens in and to the lands embraced in his allotment certificate, and such other lands as may have been selected by him for equalization of his allotment.

The principal chief shall, in like manner and with like effect, execute and deliver to proper parties deeds of conveyance in all other cases herein provided for. All lands or town lots to be conveyed to any one person shall, so far as practicable, be included in one deed, and all deeds shall be executed free of charge.

Approval of deed;
effect.

All conveyances shall be approved by the Secretary of the Interior, which shall serve as a relinquishment to the grantee of all the right, title, and interest of the United States in and to the lands embraced in his deed.

Acceptance; effect.

Any allottee accepting such deed shall be deemed to assent to the allotment and conveyance of all the lands of the tribe, as provided herein, and as a relinquishment of all his right, title, and interest in and to the same, except in the proceeds of lands reserved from allotment.

—for minors, etc.

The acceptance of deeds of minors and incompetents, by persons authorized to select their allotments for them, shall be deemed sufficient to bind such minors and incompetents to allotment and conveyance of all other lands of the tribe, as provided herein.

Transfer to individual allottees not to inure to benefit of railroads.

The transfer of the title of the Creek tribe to individual allottees and to other persons, as provided in this agreement, shall not inure to the benefit of any railroad company, nor vest in any railroad company, any right, title, or interest in or to any of the lands in the Creek Nation.

Filing deeds.

All deeds when so executed and approved shall be filed in the office of the Dawes Commission, and there recorded without expense to the grantee, and such records shall have like effect as other public records.

RESERVATIONS.

Reservations from
allotment.

24. The following lands shall be reserved from the general allotment herein provided for:

(a) All lands herein set apart for town sites.

(b) All lands to which, at the date of the ratification of this agreement, any railroad company may, under any treaty or act of Congress, have a vested right for right of way, depots, station grounds, water stations, stock yards, or similar uses connected with the maintenance and operation of the railroad.

(c) Forty acres for the Eufaula High School.

(d) Forty acres for the Wealaka Boarding School.

(e) Forty acres for the Newyaka Boarding School.

(f) Forty acres for the Wetumka Boarding School.

(g) Forty acres for the Euchee Boarding School.

(h) Forty acres for the Coweta Boarding School.

(i) Forty acres for the Creek Orphan Home.

(j) Forty acres for the Tallahassee Colored Boarding School.

(k) Forty acres for the Pecan Creek Colored Boarding School.

(l) Forty acres for the Colored Creek Orphan Home.

(m) All lands selected for town cemeteries, as herein provided.

(n) The lands occupied by the university established by the American Baptist Home Mission Society, and located near the town of Muskogee, to the amount of forty acres, which shall be appraised, excluding improvements thereon, and said university shall have the right to purchase the same by paying one-half the appraised value thereof, on terms and conditions herein provided. All improvements made by

said university on lands in excess of said forty acres shall be appraised and the value thereof paid to it by the person to whom such lands may be allotted.

(o) One acre each for the six established Creek court-houses with the improvements thereon.

(p) One acre each for all churches and schools outside of towns now regularly used as such.

All reservations under the provisions of this agreement, except as otherwise provided herein, when not needed for the purposes for which they are at present used, shall be sold at public auction to the highest bidder, to citizens only, under directions of the Secretary of the Interior.

Sale of reservations, etc.

MUNICIPAL CORPORATIONS.

Municipal corporations.

25. Authority is hereby conferred upon municipal corporations in the Creek Nation, with the approval of the Secretary of the Interior, to issue bonds and borrow money thereon for sanitary purposes, and for the construction of sewers, lighting plants, waterworks, and schoolhouses, subject to all the provisions of laws of the United States in force in the organized Territories of the United States in reference to municipal indebtedness and issuance of bonds for public purposes; and said provisions of law are hereby put in force in said nation and made applicable to the cities and towns therein the same as if specially enacted in reference thereto.

Authorized to issue bonds.

CLAIMS.

26. All claims of whatsoever nature, including the "Loyal Creek claim" under Article Four of the treaty of eighteen hundred and sixty-six, and the "Self-emigration claim" under Article Twelve of the treaty of eighteen hundred and thirty-two, which the tribe or any individual thereof may have against the United States, or any other claim arising under the treaty of eighteen hundred and sixty-six, or any claim which the United States may have against said tribe, shall be submitted to the Senate of the United States for determination; and within two years from the ratification of this agreement the Senate shall make final determination thereof; and in the event that any sums are awarded the said tribe, or any citizen thereof, provision shall be made for immediate payment of same.

Claims to be submitted to Senate for determination.
Vol. 7, p. 367.
Vol. 14, p. 787.

Of these claims the "Loyal Creek claim," for what they suffered because of their loyalty to the United States Government during the civil war, long delayed, is so urgent in its character that the parties to this agreement express the hope that it may receive consideration and be determined at the earliest practicable moment.

Preference to "Loyal Creek claim."

Any other claim which the Creek Nation may have against the United States may be prosecuted in the Court of Claims of the United States, with right of appeal to the Supreme Court; and jurisdiction to try and determine such claim is hereby conferred upon said courts.

Court of Claims, etc., to have jurisdiction of other claims.

FUNDS OF THE TRIBE.

27. All treaty funds of the tribe shall hereafter be capitalized for the purpose of equalizing allotments and for the other purposes provided in this agreement.

Tribal funds.

ROLLS OF CITIZENSHIP.

Rolls of citizenship.

28. No person, except as herein provided, shall be added to the rolls of citizenship of said tribe after the date of this agreement, and no person whomsoever shall be added to said rolls after the ratification of this agreement.

Additions to rolls prohibited, etc.

Who may be enrolled.

Vol. 30, p. 502.

Enrolling children of citizens, etc.

To be final rolls.

Enrollment of certain Creeks recently arrived and certain nonresidents authorized.

Proviso.—condition.

Miscellaneous.

Deferred payments a lien on property.

Payments for tribe to be paid into the Treasury to credit of tribes.

Secretary of Interior to make payments for tribe, etc.

Consent of tribe to disbursements necessary.

All citizens who were living on the first day of April, eighteen hundred and ninety-nine, entitled to be enrolled under section twenty-one of the Act of Congress approved June twenty-eighth, eighteen hundred and ninety-eight, entitled "An Act for the protection of the people of the Indian Territory, and for other purposes," shall be placed upon the rolls to be made by said commission under said Act of Congress, and if any such citizen has died since that time, or may hereafter die, before receiving his allotment of lands and distributive share of all the funds of the tribe, the lands and money to which he would be entitled, if living, shall descend to his heirs according to the laws of descent and distribution of the Creek Nation, and be allotted and distributed to them accordingly.

All children born to citizens so entitled to enrollment, up to and including the first day of July, nineteen hundred, and then living, shall be placed on the rolls made by said commission; and if any such child die after said date, the lands and moneys to which it would be entitled, if living, shall descend to its heirs according to the laws of descent and distribution of the Creek Nation, and be allotted and distributed to them accordingly.

The rolls so made by said commission, when approved by the Secretary of the Interior, shall be the final rolls of citizenship of said tribe, upon which the allotment of all lands and the distribution of all moneys and other property of the tribe shall be made, and to no other persons.

29. Said commission shall have authority to enroll as Creek citizens certain full-blood Creek Indians now residing in the Cherokee Nation, and also certain full-blood Creek Indians now residing in the Creek Nation who have recently removed there from the State of Texas, and the families of full-blood Creeks who now reside in Texas, and such other recognized citizens found on the Creek rolls as might, by reason of nonresidence, be excluded from enrollment by section twenty-one of said Act of Congress approved June twenty-eighth, eighteen hundred and ninety-eight: *Provided*, That such nonresidents shall, in good faith, remove to the Creek Nation before said commission shall complete the rolls of Creek citizens as aforesaid.

MISCELLANEOUS.

30. All deferred payments, under provisions of this agreement, shall constitute a lien in favor of the tribe on the property for which the debt was contracted, and if, at the expiration of two years from the date of payment of the fifteen per centum aforesaid, default in any annual payment has been made, the lien for the payment of all purchase money remaining unpaid may be enforced in the United States court within the jurisdiction of which the town is located in the same manner as vendor's liens are enforced; such suit being brought in the name of the principal chief, for the benefit of the tribe.

31. All moneys to be paid to the tribe under any of the provisions of this agreement shall be paid, under direction of the Secretary of the Interior, into the Treasury of the United States to the credit of the tribe, and an itemized report thereof shall be made monthly to the Secretary of the Interior and to the principal chief.

32. All funds of the tribe, and all moneys accruing under the provisions of this agreement, when needed for the purposes of equalizing allotments or for any other purposes herein prescribed, shall be paid out under the direction of the Secretary of the Interior; and when required for per capita payments, if any, shall be paid out directly to each individual by a bonded officer of the United States, under direction of the Secretary of the Interior, without unnecessary delay.

33. No funds belonging to said tribe shall hereafter be used or paid out for any purposes by any officer of the United States without consent of the tribe, expressly given through its national council, except as herein provided.

34. The United States shall pay all expenses incident to the survey, platting, and disposition of town lots, and of allotment of lands made under the provisions of this agreement, except where the town authorities have been or may be duly authorized to survey and plat their respective towns at the expense of such town.

Expenses of surveys, etc.

35. Parents shall be the natural guardians of their children, and shall act for them as such unless a guardian shall have been appointed by a court having jurisdiction; and parents so acting shall not be required to give bond as guardians unless by order of such court, but they, and all other persons having charge of lands, moneys, and other property belonging to minors and incompetents, shall be required to make proper accounting therefor in the court having jurisdiction thereof in manner deemed necessary for the preservation of such estates.

Parents guardians of children.

—accounting.

36. All Seminole citizens who have heretofore settled and made homes upon lands belonging to the Creeks may there take, for themselves and their families, such allotments as they would be entitled to take of Seminole lands, and all Creek citizens who have heretofore settled and made homes upon lands belonging to Seminoles may there take, for themselves and their families, allotments of one hundred and sixty acres each, and if the citizens of one tribe thus receive a greater number of acres than the citizens of the other, the excess shall be paid for by such tribe, at a price to be agreed upon by the principal chiefs of the two tribes, and if they fail to agree, the price shall be fixed by the Indian agent, but the citizenship of persons so taking allotments shall in no wise be affected thereby.

Allotments to Seminoles domiciled with Creeks and to Creeks domiciled with Seminoles.

Titles shall be conveyed to Seminoles selecting allotments of Creek lands in manner herein provided for conveyance of Creek allotments, and titles shall be conveyed to Creeks selecting allotments of Seminole lands in manner provided in the Seminole agreement, dated December sixteenth, eighteen hundred and ninety-seven, for conveyance of Seminole allotments: *Provided*, That deeds shall be executed to allottees immediately after selection of allotment is made.

—conveyances.

This provision shall not take effect until after it shall have been separately and specifically approved by the Creek national council and by the Seminole general council; and if not approved by either, it shall fail altogether, and be eliminated from this agreement without impairing any other of its provisions.

—approval of provision

37. Creek citizens may rent their allotments, when selected, for a term not exceeding one year, and after receiving title thereto without restriction, if adjoining allottees are not injured thereby, and cattle grazed thereon shall not be liable to any tribal tax; but when cattle are introduced into the Creek Nation and grazed on lands not selected by citizens, the Secretary of the Interior is authorized to collect from the owners thereof a reasonable grazing tax for the benefit of the tribe; and section twenty-one hundred and seventeen, Revised Statutes of the United States, shall not hereafter apply to Creek lands.

Lease of allotments permitted.

Grazing of cattle.

Penalty for driving stock to feed on Indian lands.

R. S., sec. 2117, p. 370, amended.

38. After any citizen has selected his allotment he may dispose of any timber thereon, but if he dispose of such timber, or any part of same, he shall not thereafter select other lands in lieu thereof, and his allotment shall be appraised as if in condition when selected.

Disposal of timber.

No timber shall be taken from lands not so selected, and disposed of, without payment of reasonable royalty thereon, under contract to be prescribed by the Secretary of the Interior.

39. No noncitizen renting lands from a citizen for agricultural purposes, as provided by law, whether such lands have been selected as an allotment or not, shall be required to pay any permit tax.

No permit tax from noncitizens.

40. The Creek school fund shall be used, under direction of the Secretary of the Interior, for the education of Creek citizens, and the Creek schools shall be conducted under rules and regulations prescribed by him, under direct supervision of the Creek school superintendent

Creek school fund, school regulations etc.

and a supervisor appointed by the Secretary, and under Creek laws, subject to such modifications as the Secretary of the Interior may deem necessary to make the schools most effective and to produce the best possible results.

Qualifications of teachers.

All teachers shall be examined by or under direction of said superintendent and supervisor, and competent teachers and other persons to be engaged in and about the schools with good moral character only shall be employed, but where all qualifications are equal preference shall be given to citizens in such employment.

Expenses.

All moneys for running the schools shall be appropriated by the Creek national council, not exceeding the amount of the Creek school fund, seventy-six thousand four hundred and sixty-eight dollars and forty cents; but if it fail or refuse to make the necessary appropriations the Secretary of the Interior may direct the use of a sufficient amount of the school funds to pay all expenses necessary to the efficient conduct of the schools, strict account thereof to be rendered to him and to the principal chief.

Accounts.

All accounts for expenditures in running the schools shall be examined and approved by said superintendent and supervisor, and also by the general superintendent of Indian schools, in Indian Territory, before payment thereof is made.

Appeal.

If the superintendent and supervisor fail to agree upon any matter under their direction or control, it shall be decided by said general superintendent, subject to appeal to the Secretary of the Interior; but his decision shall govern until reversed by the Secretary.

Mineral leases.
Vol. 30, pp. 498, 499,
504.

41. The provisions of section thirteen of the Act of Congress approved June twenty-eighth, eighteen hundred and ninety-eight, entitled "An Act for the protection of the people of the Indian Territory, and for other purposes," shall not apply to or in any manner affect the lands or other property of said tribe, or be in force in the Creek Nation, and no Act of Congress or treaty provision inconsistent with this agreement shall be in force in said nation, except section fourteen of said last-mentioned Act, which shall continue in force as if this agreement had not been made.

Tribal ordinance,
etc., to be approved
by the President.

42. No act, ordinance, or resolution of the national council of the Creek Nation in any manner affecting the lands of the tribe, or of individuals after allotment, or the moneys or other property of the tribe, or of the citizens thereof, except appropriations for the necessary incidental and salaried expenses of the Creek government as herein limited, shall be of any validity until approved by the President of the United States. When any such act, ordinance, or resolution shall be passed by said council and approved by the principal chief, a true and correct copy thereof, duly certified, shall be immediately transmitted to the President, who shall, within thirty days after received by him, approve or disapprove the same. If disapproved, it shall be so indorsed and returned to the principal chief; if approved, the approval shall be indorsed thereon, and it shall be published in at least two newspapers having a bona fide circulation in the Creek Nation.

Intoxicants prohibited.

43. The United States agrees to maintain strict laws in said nation against the introduction, sale, barter, or giving away of liquors or intoxicants of any kind whatsoever.

Existing treaties unaffected.

44. This agreement shall in no wise affect the provisions of existing treaties between the United States and said tribe except so far as inconsistent therewith.

Additional power to Secretary of Interior.

45. All things necessary to carrying into effect the provisions of this agreement, not otherwise herein specifically provided for, shall be done under authority and direction of the Secretary of the Interior.

Duration of tribal government.

46. The tribal government of the Creek Nation shall not continue longer than March fourth, nineteen hundred and six, subject to such further legislation as Congress may deem proper.

47. Nothing contained in this agreement shall be construed to revive or reestablish the Creek courts which have been abolished by former Acts of Congress. Creek courts not revived.

Approved, March 1, 1901.

CHAP. 677.—An Act Making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

March 1, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sums of money herein provided for be, and the same are hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, to be available until expended, namely:

Fortifications appropriations.

FORTIFICATIONS AND OTHER WORKS OF DEFENSE.

Fortifications, etc.

For construction of gun batteries, one million six hundred and fifteen thousand dollars.

Gun batteries.

For purchase and installation of search lights for the defenses of New York Harbor, one hundred and fifty thousand dollars.

Search lights, New York Harbor.

For installation of range and position finders, one hundred and fifty thousand dollars.

Range, etc., finders.

For the procurement of land, or right pertaining thereto, needed for the site, location, construction, or prosecution of works for fortifications and coast defenses, two hundred thousand dollars.

Sites.

For the protection, preservation, and repair of fortifications for which there may be no special appropriation available, one hundred thousand dollars.

Repairs.

For reconstruction and repair of the fortifications to protect the harbor of Galveston, Texas, and for each and every purpose necessary in connection therewith, nine hundred and ninety-two thousand dollars.

—Galveston.

For preparation of plans for fortifications, five thousand dollars.

Plans.

For tools, electrical and engine supplies, to be furnished by the Engineer Department, for use of the troops for maintaining and operating electric light and power plants in gun and mortar batteries, twenty-five thousand dollars.

Tools, etc.

For construction of sea walls and embankments, one hundred thousand dollars.

Sea walls.

For the purchase of submarine mines and necessary appliances to operate them for closing the channels leading to our principal sea-ports, including San Juan, Porto Rico; needful casemates, cable galleries, and so forth, to render it possible to operate submarine mines, and continuing torpedo experiments, fifty thousand dollars.

Submarine mines.

ARMAMENT OF FORTIFICATIONS.

Armament.

For oil-tempered and annealed steel for eight-inch, ten-inch, and twelve-inch seacoast guns, four hundred and seventy-six thousand dollars: *Provided*, That no contract for oil-tempered and annealed steel for high-power coast-defense guns and mortars shall be made at a price exceeding twenty-one cents per pound: *Provided*, That in the discretion of the Secretary of War a portion of this money may be used for the purchase of material for steel-wire seacoast guns.

Steel.

Provides.
Maximum price.

Steel-wire seacoast guns.

For purchase, manufacture, alteration, and issue of carriages for mounting seacoast guns of eight, ten, and twelve inch calibers, four hundred and eighty-five thousand dollars.

Carriages.

For powders, projectiles, and explosives for reserve supply for cannon, six hundred thousand dollars.

Reserve supply.
powder, etc.

For rapid-fire guns, including their mounts and ammunition, four hundred and seventy-seven thousand nine hundred and eight dollars.

Rapid-fire guns.

Carriages for mortars.	For carriages for twelve-inch breech-loading mortars, steel, seventy-one thousand dollars.
Contract guns. Vol. 26, pp. 319, 770.	For eight, ten, and twelve inch guns manufactured by contract under the provisions of the fortifications Acts approved August eighteenth, eighteen hundred and ninety, and February twenty-fourth, eighteen hundred and ninety-one, four hundred and fourteen thousand five hundred and thirty-six dollars.
Proof eight, etc., inch guns.	For proof of eight-inch, ten-inch, and twelve-inch guns, twelve thousand one hundred dollars.
Ammunition for proof of guns.	For powder and projectiles for the proof of twelve-inch steel breech-loading seacoast mortars, five thousand dollars.
Armor-piercing tests.	For armor plates and deck plates for testing armor and deck-piercing projectiles, twenty-four thousand dollars.
Practice ammunition.	For ammunition for artillery practice, including components thereof, and tools, etc., for reloading the fired cases, one hundred and seventeen thousand dollars.
Armament chests.	For armament chests for siege and seacoast guns and mortars, seven thousand three hundred dollars.
Machine guns.	For machine guns, including metallic carriages, with limbers and protective shields for same, fifty thousand dollars.
Range finders.	For range finders, including instruments for fire control and azimuth instruments for coast defense, thirty-five thousand dollars.
Preservation, etc.	For implements and equipments for service, and also for mounting, repairs, care, and preservation of armament and of range finders, including twenty-five thousand dollars for care, repair, and preservation of fortifications in the harbor of Galveston, Texas, fifty thousand dollars.
—Galveston, Tex.	
Tools.	For material, power lathes, machinist tools, and tools and implements for the use of battery mechanics at the fortifications, ninety-two thousand six hundred and eighty dollars.
Mountain guns.	For mountain guns, with their carriages and ammunition, seventy-seven thousand dollars.
Siege rifles.	For five-inch breech-loading rifles, siege, eighteen thousand eight hundred and eighty dollars.
—carriages.	For carriages for steel breech-loading rifles, siege, of five-inch caliber, including implements, equipments, platform, and ammunition wagons, twenty-six thousand nine hundred and ninety dollars.
Sights.	For sights for cannon, twenty-three thousand dollars.
Fuses and primers.	For fuses and primers for cannon, twenty-five thousand dollars.
Ammunition.	For providing and procuring mountain, field, and siege ammunition of all kinds, three hundred thousand dollars.
Inspecting instruments.	For inspecting instruments, gauges, and templets for the manufacture of cannon projectiles, and carriages, five thousand dollars.
Subcaliber tubes, etc.	For subcaliber tubes, fittings, and ammunition for seacoast artillery practice, two hundred and twelve thousand dollars.

Sandy Hook proving ground.

PROVING GROUND, SANDY HOOK, NEW JERSEY.

Maintenance.

For current expenses and maintenance of the ordnance proving ground, Sandy Hook, New Jersey, including expenses incident to the transportation of men and material therefor, general repairs and alterations, and accessories incidental to testing and proving ordnance, including hire of assistants for the Ordnance Board, skilled mechanical labor, purchase of instruments and other supplies, building and repairing butts and targets, clearing and grading ranges, thirty-seven thousand dollars.

Expenses of officers.

For the necessary expenses of officers while temporarily employed on ordnance duties at the proving ground and absent from their proper stations, at the rate of two dollars and fifty cents per diem while so employed, and the compensation of draftsmen while employed in the

Army Ordnance Bureau on ordnance construction, eighteen thousand seven hundred dollars.

For repairs of railroad tracks connecting the proving ground with the Central Railroad of New Jersey, four thousand dollars. Repair of railroad tracks, etc.

For concrete traverse on two sides of the service magazine, eight hundred and thirty-seven dollars.

For gun skids for parking new guns and those proved, three thousand two hundred dollars.

For observation platforms on traverses, and steps leading thereto, six hundred dollars.

For clay soil covering between the gun platforms and armor plate backings, one thousand one hundred and thirty dollars.

For ash covering in the gun park and railroad yard, one thousand one hundred dollars.

For electric power for operating gantry crane used for heavy weights and for operating experimental carriages using electrical motors, fifteen thousand dollars.

For building for electrical plant, including foundation for batteries, and so forth, two thousand five hundred dollars. Buildings.

For erecting and equipping a chemical laboratory, fifteen thousand dollars.

WATERVLIET ARSENAL, WEST TROY, NEW YORK.

Watervliet Arsenal.

For completing repairs and alterations on gun shops, including new cornice, ten thousand dollars.

For gallery drive, twelve thousand dollars.

BOARD OF ORDNANCE AND FORTIFICATION.

Board of Ordnance and Fortification.

Purchases.

To enable the board to make all needful and proper purchases, experiments, and tests to ascertain, with a view to their utilization by the Government, the most effective guns, small arms, cartridges, projectiles, fuses, explosives, torpedoes, armor plates, and other implements and engines of war, and to purchase or cause to be manufactured, under authority of the Secretary of War, such guns, carriages, armor plates, and other war material as may, in the judgment of the board, be necessary in the proper discharge of the duty devolved upon it by the Act approved September twenty-second, eighteen hundred and eighty-eight; to pay the salary of the civilian member of the Board of Ordnance and Fortification provided by the Act of February twenty-fourth, eighteen hundred and ninety-one, and for the necessary traveling expenses of said member when traveling on duty as contemplated in said Act; for the payment of the necessary expenses of the board, including a per diem allowance to each officer detailed to serve thereon, when employed on duty away from his permanent station, of two dollars and fifty cents a day; and for the test of experimental guns, carriages, and other devices procured in accordance with the recommendation of the Board of Ordnance and Fortification one hundred thousand dollars, the expenditure of which shall be made by the several Bureaus of the War Department heretofore having jurisdiction of the same, or by the Board itself, as the Secretary of War may direct, and one additional member shall be added to the said Board of Ordnance and Fortification, who shall be an artillery officer of technical ability and experience, to be selected by the Secretary of War: *Provided*, That before any money shall be expended in the construction or test of any gun, gun carriage, ammunition, or implements under the supervision of the said board, the board shall be satisfied, after due inquiry, that the Government of the United States has a lawful right to use the inventions involved in the construction of such gun, gun carriage, ammunition, or implements, or that the construc-

Vol. 25, p. 489.

Civilian member.

Vol. 26, p. 769.

Expenses.

Proviso.
Right to use inventions.

tion or test is made at the request of a person either having such lawful right or authorized to convey the same to the Government.

Gathmann torpedo
gun test.

To enable the Secretary of War to make a comparative test of destructive energy between the Gathmann torpedo gun now at Sandy Hook and the Army twelve-inch service rifle, such tests to be made against two similar targets representing the side construction of the latest type of battle ship; each of said structures to be faced with a Kruppized armor plate eight feet by sixteen, and twelve inches thick, and at least ten shots to be fired from the Army rifle against one structure and one or more Gathmann torpedoes against the other; for the erection of the structures and the purchase of materials, armor plates, ammunition, mount for the torpedo gun and other necessary expenses of such test, fifty thousand five hundred and fifty dollars.

Isham shell and
Tuttle "thorite."

ISHAM SHELL AND TUTTLE "THORITE."

Inquiry as to feasibility of purchase of patent.

To enable the Secretary of War, in his discretion, and if in his judgment it will be for the best interests of the Government, to purchase the United States Letters Patent Numbered Six hundred and twenty-two thousand four hundred and seventy-nine, issued April fourth, eighteen hundred and ninety-nine, covering the Isham high-explosive shell, designed for firing high explosives and carrying the same through armor plate, invented and now owned and controlled by Willard S. Isham, and also to purchase the entire and exclusive right for the United States to manufacture and use the high explosive "thorite," invented and now owned and controlled by Doctor Hiram P. Tuttle, one hundred thousand dollars: *Provided*, That all formulæ, data, and facts related to said process and necessary to the successful manufacture of said "thorite" shall be placed in the possession of the Secretary of War, and to his satisfaction, before any payment for the same shall be made: *Provided further*, That before any money shall be expended in the purchase of said patent the Secretary of War shall be satisfied, after full investigation, that the Government of the United States shall have a lawful right to use said patent, without the use of same being an infringement upon any prior invention, patent, or pending application for patent covering said invention or any material part thereof.

Proviso.
Formula, etc., "thorite" process to be included in sale.

Patent not to infringe.

Purchases to be of American manufacture.

That all material purchased under the foregoing provisions of this Act shall be of American manufacture, except in cases when, in the judgment of the Secretary of War, it is to the manifest interest of the United States to make purchases in limited quantities abroad, which material shall be admitted free of duty.

Approved, March 1, 1901.

March 1, 1901.

CHAP. 678.—An Act Authorizing Calhoun County, State of Texas, to construct and maintain a free bridge across Lavaca Bay.

Calhoun County,
Tex., may bridge Lavaca Bay
—location.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the county of Calhoun, State of Texas, be, and is hereby, authorized to construct and maintain a free bridge across Lavaca Bay, in said State and county, at a point between Nobles Point on one side of said bay and Coxs Point on the other, for the passage of all legitimate traffic of foot, horse, vehicle, animal, and all other legitimate purposes; and for transmission of mails free of all rates of toll whatsoever.

Aids to navigation.

SEC. 2. That the bridge herein authorized to be constructed shall be so kept and managed by said county as to afford proper ways and means for the passage through or under it of vessels, barges, or rafts at all times, both by day and night, and if the bridge be constructed as

a drawbridge the draw shall be opened promptly upon reasonable signal for the passage of boats as the Light-House Board may prescribe.

Lights.

SEC. 3. That if said bridge erected and maintained under the authority of this Act shall at any time substantially or materially obstruct the free navigation of said bay, or shall in the opinion of the Secretary of War obstruct such navigation, he is hereby authorized to cause such change or alteration of said bridge to be made as will effectually obviate such obstruction, and such alteration shall be made and all such obstruction be removed at the expense of said county, and in case of any litigation arising from obstruction or alleged obstruction to the free navigation of said bay the case may be brought in the district court of the United States having jurisdiction thereof: *Provided*, That nothing in this Act be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers and bays or to exempt said bridge from the operation of the same.

Unobstructed navigation.

Proviso.
Existing law unimpaired.

SEC. 4. That the bridge authorized to be constructed under this Act shall be built and located under and subject to such regulations for the security of navigation of said bay as the Secretary of War shall prescribe; and to secure that object the said county shall submit to the Secretary of War, for his examination and approval, a design and drawings of said bridge and a map of the location, prepared with reference to known datum plane upon prescribed scale, furnished by the engineer officer having supervision of said bay, and giving, for the space of two miles above and two miles below the proposed location of the bridge, the topography of the banks of the bay, with shore lines at high and low water, the direction and strength of the currents at all stages, and the soundings accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject. And until the said plans and location of the bridge are approved by the Secretary of War the bridge shall not be built; and should any change be made in the plan of the said bridge during the process of construction such change shall be subject to the approval of the Secretary of War.

Secretary of War to approve plans.

SEC. 5. That the bridge constructed, maintained, and operated under this Act and according to its limitations shall be a lawful structure, and shall be recognized and known as a post route, upon which also no higher charge shall be made for the transportation over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for transportation of said mails, troops, and munitions over the railroads and public highways leading to said bridge; and the United States shall have the right of way for postal, telegraph, and telephone purposes over said bridge.

Lawful structure and post route.

SEC. 6. That this Act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date hereof.

Commencement and completion.

SEC. 7. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

Approved, March 1, 1901.

CHAP. 800.—An Act To carry into effect the stipulations of article seven of the treaty between the United States and Spain concluded on the tenth day of December, eighteen hundred and ninety-eight.

March 2, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States shall appoint, by and with the advice and consent of the Senate, five suitable persons learned in the law, who shall constitute a commission, whose duty it shall be, and it shall have jurisdiction, to

Commission to adjudicate claims of citizens of the United States against Spain (vol. 30, p. 1757) constituted.

	receive, examine, and adjudicate all claims of citizens of the United States against Spain, which the United States agreed to adjudicate and settle by the seventh article of the treaty concluded between the United States and Spain on the tenth day of December, anno Domini eighteen hundred and ninety-eight. It shall adjudicate said claims according to the merits of the several cases, the principles of equity, and of international law. One of said persons shall be designated by the terms of his appointment to be the president of said commission.
President	
Vacancies.	The President of the United States, by and with the advice and consent of the Senate, shall fill by appointment all vacancies which may occur in said commission.
Oath.	SEC. 2: That each of the members of said commission, the Assistant Attorney-General, the assistant attorneys, and the clerk provided for by this Act shall be citizens of the United States, and shall take the oath of office prescribed by law to be taken by officers of the United States.
Sessions.	SEC. 3. That the said commission shall, within thirty days after the appointment of the members thereof, meet, and it shall thereafter hold its sessions, in the city of Washington. The Department of Justice shall provide said commission with all necessary and suitable rooms and offices for holding its sessions and transacting its business.
Rooms.	
Payment of salaries, etc.	All the expenses, including salaries and compensation of said commission and of its officers and employees, shall be paid by the Department of Justice, upon vouchers certified by the president of the commission or by order of the other members of the commission in case of his absence or inability to act; and the sum of fifty thousand dollars annually, or so much thereof as may be necessary, is hereby appropriated and made immediately available for the Department of Justice as a special fund for the payment of said expenses.
Appropriation.	
Rules.	SEC. 4. That the commission is empowered to make all necessary or convenient and proper rules and regulations of practice and procedure for the transaction of its business.
Employees.	SEC. 5. That the commission is empowered to appoint a clerk, and may also appoint one messenger and one or more stenographers, typewriters, and interpreters as the business of the commission may require; and may also appoint one or more commissioners, whose duty it shall be to take testimony in such cases as may be brought before said commission. Such commissioners to take testimony shall be citizens of the United States, and they shall receive for their services such fees as may be fixed by said commission, not exceeding the fees allowed by law for the taking of testimony to be used in the courts of the United States, including the sum of three dollars per day which the courts of the United States are now authorized by section twenty-one of the Act of May twenty-eighth, eighteen hundred and ninety-six, to allow to commissioners.
Commissioners take testimony.	
Vol. 29, p. 184.	
Bond of clerk.	The clerk of said commission shall, before assuming the duties of his office, execute a bond to the United States, with sufficient surety or sureties, in such amount and conditioned as the Attorney-General shall prescribe, for the faithful performance of his duties as such clerk.
Civil service exemption.	The appointments authorized by this section shall be made without reference to the rules and regulations of the civil service.
Additional Assistant Attorney-General and assistant attorneys authorized.	SEC. 6. That the President shall appoint, by and with the advice and consent of the Senate, one additional Assistant Attorney-General of the United States, who shall hold his office during the existence of said commission, and the Attorney-General of the United States is empowered to employ such assistant attorneys as the business of the commission may require. It shall be the duty of said Assistant Attorney-General and assistant attorneys to appear as attorneys and counsel for the United States, under the direction of the Attorney-General, and defend the United States in all proceedings to adjudicate claims which may be had before said commission.
—duties.	

SEC. 7. That each of the said commissioners and the clerk and each of the commissioners to take testimony shall have authority to administer oaths in all proceedings before the commission, and every person knowingly and willfully swearing or affirming falsely in any such proceedings shall be deemed guilty of perjury, and shall, upon conviction, suffer the punishment provided by the laws of the United States for that offense, when committed in its courts of justice.

Authority to administer oaths.

—penalty.

SEC. 8. That all reports, records, proceedings, and other documents now on file or of record in the Department of State, or in any other Department, or certified copies thereof, relating to any claims prosecuted before the said commission under this Act shall be furnished to the commission upon its order, made of its own motion or at the request of the claimant or of the attorney representing the United States before said commission.

Access to departmental files.

SEC. 9. That every claim prosecuted before said commission shall be presented by petition, setting forth concisely and without unnecessary repetition the facts upon which such claim is based together with an itemized schedule setting forth all damages claimed. Said petition shall also state the full name, the residence, and the citizenship of the claimant, and the amount of damages sought to be recovered, and shall pray judgment upon the facts and law. It shall be signed by the claimant or his attorney or legal representative, and be verified by the affidavit of the claimant, his agent, attorney, or legal representative. It shall be filed with the clerk of the commission, and the prosecution of the claim shall be deemed to have been commenced at the date of such filing. All claims shall be filed as aforesaid within six months from the date of the first meeting of the commission, and every claim not filed within such time shall be forever barred: *Provided*, That the commission may receive claims presented within six months after the termination of said period if the claimants shall establish to their satisfaction good reasons for not presenting the same earlier.

Petition.

—contents, etc.

Time for filing claims limited.

Provido.
—reception afterwards.

SEC. 10. That service of the petition shall be made upon the Attorney-General of United States at such time and in such manner as may be prescribed by the rules of said commission. It shall be his duty to defend the interests of the United States, and he shall, within sixty days after the service of the petition upon him, unless the time shall be extended by order of the commission, file a demurrer or answer to said petition, which answer shall set up all matters of counterclaim, set-off, claim of damages, demand, or defense whatsoever of the Government against such claim: *Provided*, That should the Attorney-General fail to so answer or demur, the claimant may proceed with the case under such rules as the commission may adopt; but the claimant shall not in such case have award for his claim or for any part thereof unless he shall establish the same by proof satisfactory to the commission.

Service of petition.

Answer.

Provido.
—failure to answer: procedure.

SEC. 11. That the award in favor of any claimant shall be only for the amount of the actual and direct damage which said claimant shall prove that he has sustained. Remote or prospective damages shall not be awarded, nor shall interest be allowed on any claim.

Extent of award.

SEC. 12. That all awards of said commission shall be final unless a new trial or hearing shall be granted by said commission and no new trial or rehearing shall be had except upon motion made within sixty days of said award.

When award final.

SEC. 13. When the commission is in doubt as to any question of law arising upon the facts in any case before them, they may state the facts and the question of law so arising and certify the same to the Supreme Court of the United States for its decision, and said court shall have jurisdiction to consider and decide the same.

Appeal to Supreme Court.

SEC. 14. That the commission shall file with the Secretary of State a copy of the award in each case immediately after the same shall have been made and become final, and in every case of final award by said

Filing copy of award with Secretary of State.
Payment.

commission the sum found to be due shall be paid out of any appropriation made or to be made by Congress for the payment and satisfaction of such awards on presentation to the Secretary of the Treasury of a copy of said award, certified by the clerk of the commission and signed by the president of said commission, or by the Secretary of State in case said commission has terminated and ceased to exist.

Disposition of records on expiration of commission.

All the files and records of said commission shall immediately upon the expiration thereof be deposited in the office of the Secretary of State.

Salaries.

SEC. 15. That the salaries and compensation of the persons appointed under this Act shall be as follows, and the same shall be paid monthly in equal installments:

To each commissioner, the sum of five thousand dollars per annum.

To the Assistant Attorney-General, the sum of five thousand dollars per annum.

To the clerk, the sum of three thousand five hundred dollars per annum.

To such assistant attorneys as may be employed, at the rate of two hundred dollars per month to each for the time of actual employment.

To the messenger and to each stenographer and typewriter, the sum of one thousand two hundred dollars per annum.

To each interpreter, not exceeding the sum of one thousand eight hundred dollars per annum.

Duration of commission.

SEC. 16. That the powers and jurisdiction hereby granted to said commission shall be in force and continue for the period of two years from the date of the approval of this Act, and for no longer time:

Provisos.
—extension.

Provided, That the President may, from time to time, extend the said period beyond said two years, not exceeding six months in each instance, when in his judgment such extension is necessary to enable the commission to complete its work: *And provided further*, That in case the commission shall have completed its work before the expiration of the said two years the President may dissolve said commission.

—dissolution before two years.

Approved, March 2, 1901.

March 2, 1901.

CHAP. 801.—An Act To create a new Federal judicial district in Pennsylvania, to be called the middle district.

Pennsylvania, middle judicial district created.
Counties detached from eastern and western districts.
R. S., sec. 545, p. 91, amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the counties of Lackawanna, Wyoming, Bradford, Monroe, Wayne, Pike, Susquehanna, Carbon, Tioga, Potter, Cameron, Clinton, Lycoming, Center, Union, Snyder, Mifflin, Juniata, Northumberland, Montour, Columbia, Sullivan, Luzerne, Dauphin, Lebanon, Perry, Huntingdon, Fulton, Franklin, Adams, York, and Cumberland, in the State of Pennsylvania, are hereby detached from the eastern and western districts of said State and shall henceforth constitute and compose a judicial district to be known as the middle district of Pennsylvania, and a circuit and a district court of the United States are hereby established therein.

Courts established.

To be part of third judicial circuit.
Terms of court.

SEC. 2. That the said middle district of Pennsylvania shall be attached to and constitute part of the third judicial circuit, and terms of said circuit and district courts shall be held therein as follows, to wit: At the city of Scranton, in the county of Lackawanna, on the first Monday of March and first Monday of October in each year; at the city of Williamsport, in the county of Lycoming, on the second Monday of January and second Monday of June in each year; at the city of Harrisburg, in the county of Dauphin, on the first Monday of May and second Monday of November in each year, the sessions of said courts to continue for such periods of time as the judges thereof shall, by their prior order, determine; and adjourned terms, sittings,

and sessions may be held when the business shall, in the opinion of such courts, respectively, require it.

SEC. 3. That the President, by and with the advice and consent of the Senate, shall appoint for said middle district a district judge, a marshal, and district attorney; and clerks for the said circuit and district courts shall be appointed in the same manner as is now provided by law with regard to such officers in the western district of Pennsylvania.

Judicial officers to be appointed.

SEC. 4. That the courts and judges of said middle district shall, within said district, respectively possess the same jurisdiction and powers, civil, criminal, equitable, or otherwise, and perform the same duties as are now respectively possessed and performed by the circuit and district courts and judges of the United States of the western district of Pennsylvania.

Jurisdiction.

SEC. 5. That the district judge of the said middle district shall receive the same compensation as is now by law provided for the district judge of the western district of Pennsylvania; and the marshal, district attorney, and clerks of the circuit and district courts shall severally possess the powers and perform the duties lawfully possessed and performed by the like officers in the said western district, and shall be, respectively, entitled to like fees, compensation, and emoluments; and until otherwise provided by law the salaries herein prescribed or provided for shall be paid out of any money in the Treasury not otherwise appropriated.

Salaries, etc.

SEC. 6. That the said circuit and district courts, or either of them, may from time to time, in their discretion, appoint special terms of court, civil or criminal, and require grand, traverse, or petit juries, or all of them, to attend the same, by an order to be entered of record thirty days before the day at which such term shall convene, and at such special terms shall have all the powers which they respectively have at the regular terms appointed by law: *Provided, however,* That no special term of said circuit court shall be appointed except upon the order of the circuit judge or of the associate judge of the supreme court allotted to the third judicial circuit.

Special terms.

Proviso.
—order of circuit judge, etc., necessary.

SEC. 7. That the jurisdiction and authority of the courts and officers of the eastern and western districts of Pennsylvania over the territory embraced within the said middle district shall continue as heretofore constituted and established up to the day of the organization of the courts of said middle district, but shall thereafter cease and determine, except as hereinafter provided in regard to crimes and misdemeanors theretofore committed therein; but any lien acquired by virtue of a decree, judgment, execution, attachment, seizure, or otherwise upon property situate or being within the said middle district shall not be divested or affected by this Act: *Provided,* That to enforce the same, certified copies of the record thereof shall be taken and entered in the proper court of the said middle district, and thereafter like proceedings shall be had thereon as though the same had been originally entered in such court.

Present jurisdiction continued until new courts established.

Existing liens unaffected.

Proviso.
—enforcement of.

SEC. 8. That the jurisdiction of the courts and officers of the eastern and western districts of Pennsylvania as now constituted and established is hereby reserved to the same, respectively, over all crimes and misdemeanors which shall have been committed within the territory embraced in the said middle district prior to the organization of the courts thereof the same as though the said middle district had not been established; and the respective courts of the said eastern and western districts shall have the right to summon grand and petit jurors from the body of the districts as now constituted, respectively, for the purpose of inquiring into such crimes and misdemeanors, and prosecuting and trying indictments founded thereon, until every of such crimes and misdemeanors shall have been inquired into, prosecuted, and tried: *Provided,* That such offenses shall be inquired into, prosecuted, and

Pending prosecutions.

Proviso.

Special sessions, etc.
Future offenses not
included.

Removal of pending
suits to new district.

Removal to western
district, etc.

—costs.

Organization meet-
ing; where held.

Temporary court
rooms.

tried at special terms or sessions to be convened, and upon special writs of venire facias juratores, issued by said courts, respectively: *Provided further*, That nothing in this section shall affect the jurisdiction of the courts of said middle district over crimes and misdemeanors committed therein after the organization of the courts of said middle district.

SEC. 9. That all local actions, suits, and proceedings pending in any of the courts of the eastern or western district of Pennsylvania at the time of the organization of the courts of said middle district, and which relate to property embraced within the territory of the said middle district, shall thereafter be no further proceeded with in the courts where the same are depending, but upon petition of either or any of the parties thereto such local action, suit, or proceedings shall, upon the order of such court, or of a judge thereof in vacation, be removed to the proper court of the said middle district, and the original files thereof and a certified copy of the docket entries shall forthwith be delivered to the clerk of the court to which the same is so removed, who shall enter the same in file and of record, respectively, and like proceedings shall thereafter be had thereon as fully and completely as though the said action, suit, or proceeding had been originally begun in such court of said middle district; and like removals may, in the discretion of the courts of said eastern or western districts, or of a judge thereof in vacation, be had in all transitory actions, suits, and proceedings, upon petition of the defendant or defendants therein, or either of them, where such petitioner resides within the said middle district. In like manner all local actions, suits, and proceedings pending among the records of the courts of the western district of Pennsylvania at Williamsport or Scranton at the time of the organization of the courts of said middle district, and relating to property embraced within the territory of the said western district as hereby constituted, shall, and all transitory actions, suits, and proceedings where a defendant resides in said western district may, be removed to the proper court of such western district; but all other actions pending in the courts at Williamsport or Scranton not so removed or properly removable under the provisions of this section, and all records of said courts there remaining, shall be proceeded with, held, and regarded as though originally begun and depending in the corresponding courts of said middle district. The costs of removal in every case provided for in this section, where such removal shall be ordered, shall be taxed and paid as part of the costs of the action, suit, or proceedings so removed.

SEC. 10. That the organization and first session of the courts of said middle district shall be held at the city of Harrisburg, in the county of Dauphin, on the first Monday of May, anno Domini nineteen hundred and one, and it shall be the duty of the marshal of said middle district, when appointed, to provide a suitable place for the temporary accommodation of said courts at the several cities hereinbefore appointed for holding the same, and also safe and convenient offices for the proper keeping of the records thereof.

Approved, March 2, 1901.

March 2, 1901.

CHAP. 802.—An Act Making appropriations for the diplomatic and consular service for the fiscal year ending June thirtieth, nineteen hundred and two.

Diplomatic and cor-
sular appropriations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, severally appropriated, in full compensation for the diplomatic and consular service for the fiscal year ending June thirtieth, nineteen hundred and two, out of any money in the Treasury

not otherwise appropriated, for the objects hereinafter expressed, namely:

SCHEDULE A.

Schedule A

SALARIES OF AMBASSADORS AND MINISTERS.

Ambassadors extraordinary and plenipotentiary to France, Germany, Great Britain, Mexico, and Russia, at seventeen thousand five hundred dollars each, eighty-seven thousand five hundred dollars;

Ambassadors.

Ambassador extraordinary and plenipotentiary to Italy, twelve thousand dollars;

Envoys extraordinary and ministers plenipotentiary to Austria, Brazil, China, Japan, and Spain, at twelve thousand dollars each, sixty thousand dollars;

Envoys extraordinary and ministers plenipotentiary.

Envoys extraordinary and ministers plenipotentiary to the Argentine Republic, Belgium, Chile, Colombia, Netherlands, Peru, Turkey, and Venezuela, at ten thousand dollars each, eighty thousand dollars;

Envoy extraordinary and minister plenipotentiary to Nicaragua, Costa Rica, and Salvador, ten thousand dollars;

Envoy extraordinary and minister plenipotentiary to Guatemala and Honduras, ten thousand dollars;

Envoys extraordinary and ministers plenipotentiary to Denmark, Paraguay and Uruguay, Portugal, Sweden and Norway, and Switzerland, at seven thousand five hundred dollars each, thirty-seven thousand five hundred dollars;

Envoy extraordinary and minister plenipotentiary to Roumania, Servia, and Greece, six thousand five hundred dollars;

Envoy extraordinary and minister plenipotentiary to Bolivia, seven thousand five hundred dollars;

Envoy extraordinary and minister plenipotentiary to Ecuador, seven thousand five hundred dollars;

Envoy extraordinary and minister plenipotentiary to Haiti, to be accredited also as *chargé d'affaires* to Santo Domingo, seven thousand five hundred dollars;

Minister resident and consul-general to Korea, seven thousand five hundred dollars;

Ministers resident and consuls-general.

Minister resident and consul-general to Siam, seven thousand five hundred dollars;

Minister resident and consul-general to Persia, five thousand dollars;

Minister resident and consul-general to Liberia, four thousand dollars;

Consul-general at Constantinople and agent at Sofia, five thousand dollars;

Agent and consul-general at Cairo, five thousand dollars;

Agent at Cairo.

Chargés d'affaires ad interim and diplomatic officers abroad, thirty thousand dollars.

Chargés d'affaires.

Total, three hundred and ninety thousand dollars.

SALARIES OF DIPLOMATIC AND CONSULAR OFFICERS WHILE RECEIVING INSTRUCTIONS AND MAKING TRANSITS.

To pay the salaries of ambassadors, ministers, consuls, and other officers of the United States for the periods actually and necessarily occupied in receiving instructions, and in making transits to and from their posts, and while waiting recognition and authority to act, in pursuance of the provisions of section seventeen hundred and forty of the Revised Statutes, so much as may be necessary for the fiscal year ending June thirtieth, nineteen hundred and two, is hereby appropriated.

Instruction and transit pay.

R. S., sec. 1740, p. 309.

SALARIES OF SECRETARIES OF EMBASSIES AND LEGATIONS.

Secretaries of embassies and legations.

Secretaries of embassies to Great Britain, France, Germany, Italy, Mexico, and Russia, at two thousand six hundred and twenty-five dollars each, fifteen thousand seven hundred and fifty dollars;

Secretaries of legations to China and Japan, at two thousand six hundred and twenty-five dollars each, five thousand two hundred and fifty dollars;

Secretary of legation and consul-general to Colombia, two thousand dollars;

Secretary of legation and consul-general to Stockholm, one thousand five hundred dollars;

Secretary of legation to Guatemala and Honduras, one thousand eight hundred dollars;

Secretary of legation to Roumania, Servia, and Greece, with residence at Athens, one thousand eight hundred dollars;

Secretaries of legations to Nicaragua, Costa Rica, and Salvador, and to Chile, one thousand eight hundred dollars each, three thousand six hundred dollars;

Secretaries of legations to Netherlands, Turkey, Austria, Spain, and Brazil, at one thousand eight hundred dollars each, nine thousand dollars;

Secretaries of legations to Argentine Republic, Venezuela, and Peru, at one thousand eight hundred dollars each, Liberia, and Korea, at one thousand five hundred dollars each, eight thousand four hundred dollars;

Second secretaries.

Second secretaries of embassies to Great Britain, France, Germany, Italy, Mexico, and Russia, at two thousand dollars each, twelve thousand dollars;

Second secretaries of legations to Japan and China, who shall be American students of the language of the court and country to which they are appointed, respectively, and shall be allowed and required, under the direction of the Secretary of State, to devote their time to the acquisition of such language, at one thousand eight hundred dollars each, three thousand six hundred dollars;

Second secretary of legation at Constantinople, Turkey, who shall be an American student of the language of Turkey, and shall be allowed and required, under the direction of the Secretary of State, to devote his time to the acquisition of such language, one thousand six hundred dollars.

Third secretaries.

Third secretaries of embassies to Great Britain, France, Mexico, and Germany, at one thousand two hundred dollars each, four thousand eight hundred dollars;

Total, seventy-one thousand one hundred dollars.

SALARIES OF INTERPRETERS TO LEGATIONS.

Interpreters.

Chinese secretary, legation to China, and interpreter to legation to Turkey, at three thousand dollars each, six thousand dollars;

Interpreter to legation to Japan, two thousand five hundred dollars;

Interpreter to legation and consulate-general to Persia, one thousand dollars;

Interpreter to legation and consulate-general to Korea, five hundred dollars;

Interpreter to legation and consulate-general to Bangkok, Siam, five hundred dollars;

Total, ten thousand five hundred dollars.

—not to draw salaries appropriated for other officers.

But no person drawing the salary of interpreter as above provided shall be allowed any part of the salary appropriated for any secretary of legation or other officer.

LEGATION TO SPAIN.

Spain.

For clerk hire at legation to Spain, one thousand two hundred dollars.

Clerk hire.

CONTINGENT EXPENSES, FOREIGN MISSIONS.

To enable the President to provide, at the public expense, all such stationery, blanks, records, and other books, seals, presses, flags, and signs as he shall think necessary for the several embassies and legations in the transaction of their business, and also for rent, postage, telegrams, furniture, messenger service, clerk hire, compensation of kavasses, guards, dragomen, and porters, including compensation of interpreter, guards, and Arabic clerk at the consulate at Tangiers, and the compensation of dispatch agents at London, New York, and San Francisco, and for traveling and miscellaneous expenses of embassies and legations, and for printing in the Department of State, and for loss on bills of exchange to and from embassies and legations, one hundred and fifty thousand dollars.

Contingent expenses, foreign missions.

Dispatch agents.

Printing.

Loss by exchange.

STEAM LAUNCH FOR LEGATION AT CONSTANTINOPLE.

Hiring of steam launch for use of the legation at Constantinople, one thousand eight hundred dollars.

Steam launch, Turkey.

RENT OF LEGATION BUILDINGS AND EXTENSION OF LEGATION GROUNDS IN CHINA.

Rent.

Rent of buildings for legation and other purposes at Peking, or such other place in China as shall be designated, three thousand six hundred dollars.

China.

Purchase of ground adjacent to the present legation grounds at Peking, China, and for the erection of necessary buildings thereon, forty thousand dollars, or so much thereof as may be necessary.

Purchase of ground, China.

GROUND RENT OF LEGATION AT TOKYO, JAPAN.

Rent.

Annual ground rent of the legation at Tokyo, Japan, for the year ending March fifteenth, nineteen hundred and two, two hundred and fifty dollars, or so much thereof as may be necessary.

Japan.

REPAIRS OF LEGATION PREMISES AT BANGKOK, SIAM.

For repairing and improvement of legation premises at Bangkok, Siam, the same, with the ground, being the gift of the Government of Siam, two thousand five hundred dollars.

Bangkok, Siam, repairs.

ANNUAL EXPENSES OF CAPE SPARTEL LIGHT, COAST OF MOROCCO.

Annual proportion of the expenses of Cape Spartel and Tangiers Light, on the coast of Morocco, including loss by exchange, three hundred and twenty-five dollars.

Cape Spartel light.

BRINGING HOME CRIMINALS.

Actual expenses incurred in bringing home from foreign countries persons charged with crime, five thousand dollars.

Bringing home criminals.

FEES AND COSTS IN EXTRADITION CASES.

To enable the Secretary of State to comply with the requirements of the fourth section of "An Act regulating fees and the practice in

Extradition expenses. Vol. 22, p. 216.

extradition cases," approved August third, eighteen hundred and eighty-two, to be disbursed by the Secretary of State, five thousand dollars.

RESCUING SHIPWRECKED AMERICAN SEAMEN.

Life-saving testimonials.

Expenses which may be incurred in the acknowledgment of the services of masters and crews of foreign vessels in rescuing American seamen or citizens from shipwreck, four thousand five hundred dollars.

EXPENSES UNDER THE NEUTRALITY ACT.

Expenses neutrality act.

R. S., sec. 291, p. 49.

To meet the necessary expenses attendant upon the execution of the neutrality Act, to be expended under the direction of the President, pursuant to the requirement of section two hundred and ninety-one of the Revised Statutes, eight thousand dollars, or so much thereof as may be necessary.

EMERGENCIES ARISING IN THE DIPLOMATIC AND CONSULAR SERVICE.

Unforeseen emergencies.

R. S., sec. 291, p. 49.

To enable the President to meet unforeseen emergencies arising in the diplomatic and consular service, and to extend the commercial and other interests of the United States, to be expended pursuant to the requirement of section two hundred and ninety-one of the Revised Statutes, sixty-three thousand dollars, or so much thereof as may be necessary.

ALLOWANCE TO WIDOWS OR HEIRS OF DIPLOMATIC OFFICERS WHO DIE ABROAD.

Payment to heirs diplomatic or consular officers dying abroad.

R. S., sec. 1749, p. 311.

Payment, under the provisions of section seventeen hundred and forty-nine of the Revised Statutes of the United States, to the widows or heirs at law of diplomatic or consular officers of the United States dying in foreign countries in the discharge of their duties, five thousand dollars.

TRANSPORTING REMAINS OF DIPLOMATIC OFFICERS, CONSULS, AND CONSULAR CLERKS TO THEIR HOMES FOR INTERMENT.

Bringing home remains of ministers, consuls, etc.

Defraying the expenses of transporting the remains of diplomatic and consular officers of the United States, including consular clerks, who have died or may die abroad or in transit, while in the discharge of their official duties, to their former homes in this country for interment, and for the ordinary and necessary expenses of such interment, at their post or at home, five thousand dollars.

INTERNATIONAL BUREAU OF WEIGHTS AND MEASURES.

International Bureau of Weights and Measures.
Vol. 20, p. 714.

Contribution to the maintenance of the International Bureau of Weights and Measures for the year ending June thirtieth, nineteen hundred and two, in conformity with the terms of the convention of May twenty-fourth, eighteen hundred and seventy-five, the same, or so much thereof as may be necessary, to be paid, under the direction of the Secretary of State, to said Bureau, on its certificate of apportionment, two thousand two hundred and seventy dollars.

INTERNATIONAL BUREAU FOR PUBLICATION OF CUSTOMS TARIFFS.

International Customs Tariffs Bureau.
Vol. 25, p. 1518.

To meet the share of the United States in the annual expense for the year ending March thirty-first, nineteen hundred and two, of sustaining the International Bureau at Brussels for the translation and publication of customs tariffs, one thousand three hundred and eighteen

dollars and seventy-six cents; this appropriation to be available on April first, nineteen hundred and one, pursuant to convention proclaimed December seventeenth, eighteen hundred and ninety.

INTERNATIONAL (WATER) BOUNDARY COMMISSION, UNITED STATES AND MEXICO.

Mexican Boundary Commission. Water Commission.

To enable the commission to continue its work under the treaties of eighteen hundred and eighty-four and eighteen hundred and eighty-nine, twenty thousand dollars.

Vol. 24, p. 1011.
Vol. 26, p. 1512.

INTERNATIONAL BUREAU AT BRUSSELS FOR REPRESSION OF THE AFRICAN SLAVE TRADE.

To meet the share of the United States in the expenses of the special bureau created by article eighty-two of the general act concluded at Brussels July second, eighteen hundred and ninety, for the repression of the African slave trade and the restriction of the importation into and sale in a certain defined zone of the African continent of firearms, ammunition, and spirituous liquors, for the year nineteen hundred and two, one hundred dollars.

Bureau for repression African slave trade.
Vol. 27, p. 917.

INTERNATIONAL PRISON COMMISSION.

For subscription of the United States as an adhering member of the International Prison Commission, and the expenses of a commissioner, including preparation of reports, two thousand dollars, or so much thereof as may be necessary.

International Prison Commission.

INTERNATIONAL GEODETIC ASSOCIATION FOR THE MEASUREMENT OF THE EARTH.

To enable the Government of the United States to pay, through the American embassy at Berlin, its quota as an adhering member of the International Geodetic Association for the Measurement of the Earth, one thousand five hundred dollars.

International Geodetic Association.

REPAIRS TO LEGATION AND CONSULAR PREMISES.

To enable the Secretary of State to keep in repair the legation and consular premises owned by the Government of the United States and occupied by its agents, three thousand dollars.

Repairs to legations and consulates.

For safe-deposit vault for legation premises at Seoul, Korea, one thousand dollars, or so much thereof as may be necessary.

INTERNATIONAL BUREAU OF THE PERMANENT COURT OF ARBITRATION.

To meet the share of the United States in the expenses for the year nineteen hundred of the International Bureau of the Permanent Court of Arbitration, created under article twenty-two of the convention concluded at The Hague, July twenty-ninth, eighteen hundred and ninety-nine, for the pacific settlement of international disputes, one thousand six hundred and forty dollars.

International Bureau of Permanent Court of Arbitration.

SCHEDULE B.

Schedule B.

SALARIES; CONSULAR SERVICE.

Salaries.

CONSULS-GENERAL.

Consuls-general.

For salaries of consuls-general at the following places, namely: Calcutta, Hongkong, London, Paris, Rio de Janeiro, and Shanghai, at five thousand dollars each, thirty thousand dollars;

Melbourne, four thousand five hundred dollars;
 Berlin, Mexico, Montreal, Ottawa, Panama, and Yokohama, at four thousand dollars each, twenty-four thousand dollars;
 Halifax and Vienna, at three thousand five hundred dollars each, seven thousand dollars;
 Antwerp, Apia, Barcelona, Cape Town (Africa), Dresden, Frankfurt, Guayaquil, Rome, Saint Gall, Saint Petersburg, and Singapore, at three thousand dollars each, thirty-three thousand dollars;
 Marseilles and Monterey, at two thousand five hundred dollars each, five thousand dollars;
 Coburg, Guatemala, Maracaibo, Tangier, and Santo Domingo, at two thousand dollars each, ten thousand dollars;
 Christiania, one thousand five hundred dollars;
 Total for salaries of consuls-general, one hundred and fifteen thousand dollars.

Consuls.

CONSULS.

For salaries of consuls at the following places, namely:

Class I, \$5,000 a year.

CLASS I.

At five thousand dollars per annum.
 Liverpool, England.

Class II, \$3,500 a year.

CLASS II.

At three thousand five hundred dollars per annum.
 Amoy, China.
 Callao, Peru.
 Canton, China.
 Havre, France.
 Tientsin, China.

Class III, \$3,000 a year.

CLASS III.

At three thousand dollars per annum.
 Barmen, Germany.
 Basle, Switzerland.
 Belfast, Ireland.
 Bordeaux, France.
 Bradford, England.
 Chefoo, China.
 Chin Kiang, China.
 Colon, Colombia.
 Dawson City, Northwest Territory.
 Demerara, Guiana.
 Fuchau, China.
 Glasgow, Scotland.
 Hankau, China.
 Kingston, Jamaica.
 Manchester, England.
 Montevideo, Uruguay.
 Nagasaki, Japan.
 Niuchwang, China.
 Nottingham, England.
 Nuremberg, Germany.
 Osaka and Hiogo, Japan.
 Prague, Austria.
 Quebec, Canada.
 Valparaiso, Chile.
 Vera Cruz, Mexico.

CLASS IV.

Class IV, \$2,500 a year.

At two thousand five hundred dollars per annum.

Aix la Chapelle, Germany.

Annaberg, Germany.

Athens, Greece.

Bahia, Brazil.

Barbados, West Indies.

Birmingham, England.

Bremen, Germany.

Brussels, Belgium.

Buenos Ayres, Argentine Republic.

Chemnitz, Germany.

Ciudad Juarez, Mexico.

Dundee, Scotland.

Edinburgh, Scotland.

Hamburg, Germany.

Huddersfield, England.

Jerusalem, Syria.

Lyons, France.

Mainz, Germany.

Odessa, Russia.

Para, Brazil.

Pernambuco, Brazil.

Plauen, Germany.

Reichenberg, Austria.

Rotterdam, Netherlands.

Saint Thomas, West Indies.

San Juan del Norte, Nicaragua.

Santos, Brazil.

Sheffield, England.

Smyrna, Turkey.

Southampton, England.

Stuttgart, Germany.

Swansea, Wales.

Tunstall, England.

Victoria, British Columbia.

Vladivostock, Siberia.

Zurich, Switzerland.

CLASS

Class V, \$2,000 a year.

At two thousand dollars per annum.

Aarau, Switzerland.

Acapulco, Mexico.

Asuncion, Paraguay.

Auckland, New Zealand.

Bamberg, Germany.

Barranquilla, Colombia.

Beirut, Syria.

Berne, Switzerland.

Bombay, India.

Brunswick, Germany.

Calais, France.

Cardiff, Wales.

Chatham, Canada.

Chihuahua, Mexico.

Ciudad Porfirio Diaz, Mexico.

Collingwood, Canada.

Cologne, Germany.

Copenhagen, Denmark.

Consuls—Class V—
Continued.

Cork, Ireland.
Crefeld, Germany.
Curaçao, West Indies.
Dublin, Ireland.
Dunfermline, Scotland.
Dusseldorf, Germany.
Erzerum, Turkey.
Genoa, Italy.
Ghent, Belgium.
Glauchau, Germany.
Hamilton, Bermuda.
Hamilton, Ontario.
Hanover, Germany.
Kehl, Germany.
La Guayra, Venezuela.
Leeds, England.
Leghorn, Italy.
Liege, Belgium.
Leipsic, Germany.
London, Canada.
Lourenço Marquez, Africa.
Magdeburg, Germany.
Malta, Great Britain.
Managua, Nicaragua.
Mazatlan, Mexico.
Milan, Italy.
Munich, Bavaria.
Naples, Italy.
Nassau, New Providence.
Newcastle-on-Tyne, England.
Nuevo Laredo, Mexico.
Palermo, Italy.
Port Louis, Mauritius.
Port Stanley, Falkland Islands.
Pretoria, South African Republic.
Rheims, France.
Roubaix, France.
Saint Etienne, France.
Saint Johns, Newfoundland.
Saint John, New Brunswick.
Saint Thomas, Canada.
San Jose, Costa Rica.
San Salvador, Salvador.
Sherbrooke, Canada.
Solingen, Germany.
Sydney, New South Wales.
Tamatave, Madagascar.
Tampico, Mexico.
Tegucigalpa, Honduras.
Toronto, Canada.
Trieste, Austria.
Trinidad, West Indies.
Vancouver, British Columbia.
Weimar, Germany.
Zanzibar, Zanzibar.

Class VI, \$1,500 a
year.

CLASS VI.

At one thousand five hundred dollars per annum.
Aden, Arabia.
Alexandretta, Syria.

Consuls—Class VI—
Continued.

Amherstburg, Canada.
Amsterdam, Netherlands.
Antigua, West Indies.
Belize, Honduras.
Breslau, Germany.
Bristol, England.
Brockville, Canada.
Cadiz, Spain.
Cartagena, Colombia.
Castellamare di Stabia, Italy.
Catania, Italy.
Ceylon, India.
Charlottetown, Prince Edward Island.
Coaticook, Canada.
Cornwall, Canada.
Durango, Mexico.
Florence, Italy.
Fort Erie, Canada.
Freiburg, Germany.
Funchal, Madeira.
Geneva, Switzerland.
Gibraltar, Spain.
Goderich, Canada.
Gothenberg, Sweden.
Grenoble, France.
Guadeloupe, West Indies.
Guelph, Canada.
Harput, Turkey.
Hull, England.
Kingston, Canada.
La Rochelle, France.
Limoges, France.
Malaga, Spain.
Mannheim, Germany.
Martinique, West Indies.
Matamoras, Mexico.
Messina, Italy.
Moscow, Russia.
Nantes, France.
Niagara Falls, Canada.
Nice, France.
Nogales, Mexico.
Orillia, Canada.
Port Hope, Canada.
Port Sarnia, Canada.
Prescott, Canada.
Progreso, Mexico.
Puerto Cabello, Venezuela.
Rosario, Argentine Republic.
Saint Christopher, West Indies.
Saint Helena, Canada.
Saint Hyacinthe, Canada.
Saint Johns, Quebec.
Saint Michaels, Azores.
Saint Pierre, Saint Pierre Island.
Saint Stephen, New Brunswick.
Sierra Leone, Africa.
Sivas, Turkey.
Stettin, Germany.
Stratford, Canada.

Sydney, Nova Scotia.
 Tamsui, Formosa.
 Teneriffe, Spain.
 Three Rivers, Canada.
 Valencia, Spain.
 Venice, Italy.
 Wallaceburg, Canada.
 Windsor, Ontario.
 Winnipeg, Manitoba.
 Woodstock, New Brunswick.
 Yarmouth, Nova Scotia.
 Zittau, Germany.

Schedule C.

SCHEDULE C.

Class VII, \$1,000 a
 year.

CLASS VII.

At one thousand dollars per annum.
 Batavia, Java.
 Cape Haitien, Haiti.
 Ensenada, Mexico.
 Gaspe Basin, Canada.
 Patras, Greece.
 Rouen, France.
 Saltillo, Mexico.
 Tahiti, Society Islands.
 Turin, Italy.
 Utila, Honduras.
 Windsor, Nova Scotia.
 Total, salaries of consuls, four hundred and fifty-five thousand five hundred dollars.

SALARIES OF CONSULAR CLERKS.

Consular clerks.

Nine consular clerks, at one thousand two hundred dollars each, ten thousand eight hundred dollars; and four consular clerks, at one thousand dollars each, four thousand dollars; total, fourteen thousand eight hundred dollars.

SALARIES OF CONSULAR OFFICERS NOT CITIZENS.

Payment to consu-
 lag officers not citi-
 zens.

The salary of a consular officer not a citizen of the United States shall be paid out of the amount specifically appropriated for salary at the consular office to which the alien officer is attached or appointed.

ALLOWANCES FOR CLERK HIRE AT UNITED STATES CONSULATES.

Clerks at consulates.

For allowance for clerk hire at consulates as follows:
 London, three thousand dollars;
 Paris, two thousand six hundred dollars;
 Liverpool, two thousand dollars;
 Bradford, one thousand eight hundred dollars;
 Southampton, one thousand seven hundred and fifty dollars;
 Rio de Janeiro and Shanghai, at one thousand six hundred dollars each, three thousand two hundred dollars;
 Antwerp, one thousand five hundred dollars;
 Barmen, Berlin, Bordeaux, Bremen, Chemnitz, Crefeld, Frankfort, Hamburg, Havre, Hongkong, Lyons, Manchester, Mexico (city), Montreal, Osaka and Hiogo, Ottawa, Rotterdam, Vienna, and Yokohama, at one thousand two hundred dollars each, twenty-two thousand eight hundred dollars;

Belfast and Coburg, at one thousand dollars each, two thousand dollars;

Birmingham and Marseilles, at nine hundred and sixty dollars each, one thousand nine hundred and twenty dollars;

Beirut, Brussels, Calcutta, Colon, Dresden, Dundee, Glasgow, Guayaquil, Kingston (Jamaica), Leipzig, Maracaibo, Melbourne, Mesina, Monterey, Naples, Nuremberg, Palermo, Panama, Port au Prince, Saint Gall, Sheffield, Singapore, Smyrna, Tangier, Toronto, Tunstall, Vancouver, Vera Cruz, and Victoria, at eight hundred dollars each, twenty-four thousand dollars;

Prague, seven hundred and twenty dollars;

Aix la Chapelle, Ciudad Juarez, Ciudad Porifirio Diaz, Edinburgh, and Halifax, at six hundred and forty dollars each, three thousand two hundred dollars;

Aarau, Cairo, Canton, Cologne, Constantinople, Huddersfield, Mainz, Munich, Newcastle-on-Tyne, Nottingham, Odessa, Para, Pernambuco, Tampico, and Zurich, at six hundred dollars each, nine thousand dollars;

Kehl, five hundred dollars;

Berne, Demerara, Florence, Genoa, Malaga, Mannheim, and Stuttgart, at four hundred and eighty dollars each, three thousand three hundred and sixty dollars;

Total, clerk hire, eighty-three thousand three hundred and fifty dollars.

Allowance for clerks at consulates, to be expended under the direction of the Secretary of State at consulates not herein provided for in respect to clerk hire, no greater portion of this sum than five hundred dollars to be allowed to any one consulate in any one fiscal year, forty thousand dollars: *Provided*, That the total sum expended in one year shall not exceed the amount appropriated; Consulates not specified.
Proviso.
—limit.

SALARIES OF INTERPRETERS TO CONSULATES IN CHINA, KOREA, AND JAPAN.

Interpreters to be employed at consulates in China, Korea, and Japan, to be expended under the direction of the Secretary of State, fifteen thousand dollars. Interpreters.

EXPENSES OF INTERPRETERS, GUARDS, AND SO FORTH, IN TURKISH DOMINIONS, AND SO FORTH.

Interpreters and guards at the consulates in the Turkish dominions and at Zanzibar, to be expended under the direction of the Secretary of State, eight thousand dollars. Interpreters, guards etc.

SALARIES, MARSHALS FOR CONSULAR COURTS.

Marshals for the consular courts in China, Korea, and Turkey, nine thousand three hundred dollars. Marshals.

EXPENSES OF PRISONS FOR AMERICAN CONVICTS.

Expenses of a prison and prison keeper at the consulate-general in Bangkok, Siam, one thousand dollars. Consular prisons.
Bangkok.

Actual expense of renting a prison at Shanghai for American convicts in China, seven hundred and fifty dollars; and for the wages of a keeper of such prison, eight hundred dollars; one thousand five hundred and fifty dollars; Shanghai.

Paying for the keeping and feeding of prisoners in China, Korea, Siam, and Turkey, and for such miscellaneous expenses in connection Keeping prisoners.

therewith as may be approved by the Secretary of State, nine thousand dollars: *Provided*, That no more than fifty cents per day for the keeping and feeding of each prisoner while actually confined shall be allowed or paid for any such keeping and feeding. This is not to be understood as covering cost of medical attendance and medicines when required by such prisoners: *And provided further*, That no allowance shall be made for the keeping and feeding of any prisoner who is able to pay or does pay the above sum of fifty cents per day; and the consular officer shall certify to the fact of inability in every case;

Parisian.
—maximum allow-
ance.

—self-supporting
prisoners.

Rent, Turkey. Rent of prison for American convicts in Turkey, and for wages of keepers of the same, one thousand dollars;

Korea, wages, etc. Wages of prison keeper in Korea, six hundred dollars;
Total, thirteen thousand one hundred and fifty dollars.

RELIEF AND PROTECTION OF AMERICAN SEAMEN.

Relief of American
seamen. Relief and protection of American seamen in foreign countries, and shipwrecked American seamen in the Territory of Alaska, in the Hawaiian Islands, Cuba, Porto Rico, and the Philippine Islands, or so much thereof as may be necessary, thirty thousand dollars.

Foreign hospitals.

FOREIGN HOSPITAL AT CAPE TOWN.

Cape Town.

Annual contribution toward the support of the Somerset Hospital (a foreign hospital) at Cape Town, twenty-five dollars, to be paid by the Secretary of State upon the assurance that suffering seamen and citizens of the United States will be admitted to the privileges of said hospital.

FOREIGN HOSPITALS AT PANAMA.

Panama.

Annual contributions toward the support of foreign hospitals at Panama, five hundred dollars, to be paid by the Secretary of State upon the assurance that suffering seamen and citizens of the United States will be admitted to the privileges of said hospitals.

PUBLICATION OF DIPLOMATIC, CONSULAR, AND OTHER COMMERCIAL REPORTS.

Preparing, etc., con-
sular reports.

Employees, etc.

Preparation, printing, publication, and distribution by the Department of State of the diplomatic, consular, and other commercial reports, thirty thousand dollars; and of this sum the Secretary of State is authorized to expend not exceeding six thousand dollars for services of employees in the Bureau of Foreign Commerce (formerly the Bureau of Statistics), Department of State, in the work of compiling and distributing such reports; the sum of two thousand dollars for the cost of cablegrams in instructing consular officers to report upon matters of immediate importance to commerce and industry, and of cablegrams of consuls on such subjects; also to defray the extra expense imposed upon consular officers in collecting certain data where it seems to be warranted; and not exceeding two hundred and fifty dollars in the purchase of such books, maps, and periodicals as may be necessary to the editing of diplomatic, consular, and other commercial reports: *Provided*, That all terms of measure, weight, and money shall be reduced to and expressed in terms of measure, weight, and coin of the United States, as well as in the foreign terms; that each issue of diplomatic, consular, and other commercial reports shall not exceed ten thousand copies.

Proviso.
Equivalents of meas-
ure, etc.
Limit of issue of re-
ports.

CONTINGENT EXPENSES, UNITED STATES CONSULATES.

Contingent ex-
penses, consulates.

Expenses of providing all such stationery, blanks, record and other books, seals, presses, flags, signs, rent, postage, furniture, statistics,

newspapers, freight (foreign and domestic), telegrams, advertising, messenger service, traveling expenses of consular officers and consular clerks, compensation of Chinese writers, loss by exchange, and such other miscellaneous expenses as the President may think necessary for the several consulates, consular agencies, and commercial agencies in the transaction of their business, two hundred thousand dollars.

INTERNATIONAL UNION OF AMERICAN REPUBLICS.

Commercial Bureau of American Republics, thirty-six thousand dollars: *Provided*, That any moneys received from the other American Republics for the support of the Bureau, or from the sale of the Bureau publications, from rents, or other sources shall be paid into the Treasury as a credit in addition to the appropriation, and may be drawn therefrom upon requisitions of the Secretary of State for the purpose of meeting the expenses of the Bureau: *And provided further*, That the Public Printer be, and is hereby, authorized to print an edition of the Monthly Bulletin not to exceed five thousand copies for distribution by the Bureau every month during the fiscal year ending June thirtieth, nineteen hundred and two.

Bureau of American Republics.
Provided,
Use of receipts from sales.

Printing of Monthly Bulletin authorized.

Approved, March 2, 1901.

CHAP. 803.—An Act Making appropriation for the support of the Army for the fiscal year ending June thirtieth, nineteen hundred and two.

March 2, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the Army for the year ending June thirtieth, nineteen hundred and two:

Army appropriations.

COMMANDING GENERAL'S OFFICE.

To defray the contingent expenses of the Commanding General's Office in his discretion, one thousand seven hundred and fifty dollars.

Commanding General's Office.

CONTINGENCIES OF THE ARMY: For all contingent expenses of the Army not provided for by other estimates, and embracing all branches of the military service, to be expended under the immediate orders of the Secretary of War, seventy-five thousand dollars.

Contingent expenses.

ADJUTANT-GENERAL'S DEPARTMENT.

For contingent expenses at the headquarters of the several military departments, including the staff corps serving thereat, except the department judge-advocates, being for the purchase of the necessary articles of office, toilet, and desk furniture, binding, maps, books of reference, professional newspapers and periodicals, and police utensils, seven thousand dollars, to be allotted by the Secretary of War, and to be expended in the discretion of the several military department commanders.

Adjutant-General's Department.

For contingent expenses of the military information division, Adjutant-General's Office, including the purchase of law books, books of reference, periodicals and newspapers, and of the military attachés at the United States embassies and legations abroad, to be expended under the direction of the Secretary of War, six thousand six hundred and forty dollars.

Military information division.

UNITED STATES SERVICE SCHOOLS: To provide means for the theoretical and practical instruction at the artillery school at Fort Monroe, Virginia; the infantry and cavalry school at Fort Leavenworth,

United States service schools.

Kansas; and the cavalry and light-artillery school at Fort Riley, Kansas, by the purchase of text-books books of reference, scientific and professional papers, and for all other absolutely necessary expenses, to be allotted in such proportions as may, in the opinion of the Secretary of War, be for the best interest of the military service, fifteen thousand dollars.

OFFICE OF THE CHIEF SIGNAL OFFICER.

Signal service.

SIGNAL SERVICE OF THE ARMY: For expenses of the Signal Service of the Army, as follows: Purchase, equipment, and repair of field electric telegraphs, signal equipments and stores, binocular glasses, telescopes, heliostats, and other necessary instruments, including necessary meteorological instruments for use on target ranges; war balloons; telephone apparatus (excluding exchange service) and maintenance of the same; electrical installations and maintenance at military posts; maintenance and repair of military telegraph lines and cables, including salaries of civilian employees, supplies, and general repairs, and other expenses connected with the duty of collecting and transmitting information for the Army, by telegraph or otherwise, one hundred and ninety-two thousand five hundred dollars.

Cable to Gardiners Island, N. Y.

For cable from Goshen Point, Connecticut, to Gardiners Island, New York, fourteen miles, sixteen thousand two hundred and ninety-six dollars.

Electrical communication for coast artillery.

For the purchase, installation, operation, and maintenance of the necessary lines and means of electrical communication, including telephones, dial and other telegraphs, wiring, and all special instruments, apparatus, and materials connected with the use of coast artillery, thirty-five thousand dollars: *Provided*, That so much of the appropriation of four hundred and fifty thousand five hundred and fifty dollars, made by the army appropriation Act approved May twenty-sixth, nineteen hundred (Thirty-first Statutes, page two hundred and six), for the purpose of connecting headquarters, Department of Alaska, at Saint Michael, by military telegraph and cable lines with other military stations in Alaska, as shall remain unexpended on June thirtieth, nineteen hundred and one, be continued and made available for the same purpose during the fiscal year ending June thirtieth, nineteen hundred and two.

Proviso.
Unexpended balance for St. Michael, Alaska, available.

Pay.

PAY OF OFFICERS OF THE LINE.

Line.

For pay of officers of the line, five million dollars.

Longevity.

For pay of officers for length of service, to be paid with their current monthly pay, one million dollars.

PAY OF ENLISTED MEN.

Enlisted men.

For pay of enlisted men of all grades, including recruits, fourteen million dollars.

Longevity.

For additional pay for length of service for all enlisted men, exclusive of Hospital Corps, one million dollars.

Provisos.
Allotments of pay by enlisted men for support of their families, etc. Certain credits authorized to disbursing officers who made payments to allottees, etc.

Provided, That hereafter all allotments of pay of enlisted men of the United States Army, under section sixteen of Act of Congress approved March second, eighteen hundred and ninety-nine, that have been or shall be paid to the designated allottees, after the expiration of one month subsequent to the month in which said allotments accrued, shall pass to the credit of the disbursing officer who has made or shall make such payment: *Provided*, That said disbursing officer shall, before making payment of said allotments, use, or shall have used, due diligence in obtaining and making use of all information that may have been received in the War Department relative to the grantors of

Vol. 30, p. 977.

—Inquiry by disbursing officer required.

the allotments: *And provided further*, That if an erroneous payment is made because of the failure of an officer responsible for such report to report, in the manner prescribed by the Secretary of War, the death of a grantor or any fact which renders the allotment not payable, then the amount of such erroneous payment shall be collected by the Paymaster-General from the officer who fails to make such report, if such collection is practicable: *Provided*, That enlistments in the Regular Army on and after April twenty-first, eighteen hundred and ninety-eight, from which date war was declared to have existed between the United States and Spain, up to and including April twenty-sixth, eighteen hundred and ninety-eight, shall be deemed enlistments for the war with Spain, and shall entitle men so enlisting to the extra pay and on the same conditions granted to men who enlisted in the Regular Army subsequent to the declaration of war, for the war only, as provided by an Act approved March third, eighteen hundred and ninety-nine, entitled "An Act making appropriations for the support of the Regular and Volunteer Army for the fiscal year ending June thirtieth, nineteen hundred:" *Provided further*, That in fulfillment of the declaration contained in the joint resolution approved April twentieth, eighteen hundred and ninety-eight, entitled, "For the recognition of the independence of the people of Cuba, demanding that the Government of Spain relinquish its authority and government in the island of Cuba, and to withdraw its land and naval forces from Cuba and Cuban waters, and directing the President of the United States to use the land and naval forces of the United States to carry these resolutions into effect," the President is hereby authorized to "leave the government and control of the island of Cuba to its people" so soon as a government shall have been established in said island under a constitution which, either as a part thereof or in an ordinance appended thereto, shall define the future relations of the United States with Cuba, substantially as follows:

—liability of officers for failure to report, etc.

Dates when enlistments deemed for Spanish war.

Vol. 30, p. 1065.

Cuba.
Future relations with United States must be defined in Constitution.
Vol. 30, p. 798.

I.

That the government of Cuba shall never enter into any treaty or other compact with any foreign power or powers which will impair or tend to impair the independence of Cuba, nor in any manner authorize or permit any foreign power or powers to obtain by colonization or for military or naval purposes or otherwise, lodgment in or control over any portion of said island.

Conditions.—treaties.

II.

That said government shall not assume or contract any public debt, to pay the interest upon which, and to make reasonable sinking fund provision for the ultimate discharge of which, the ordinary revenues of the island, after defraying the current expenses of government shall be inadequate.

—public debt.

III.

That the government of Cuba consents that the United States may exercise the right to intervene for the preservation of Cuban independence, the maintenance of a government adequate for the protection of life, property, and individual liberty, and for discharging the obligations with respect to Cuba imposed by the treaty of Paris on the United States, now to be assumed and undertaken by the government of Cuba.

—intervention by United States.

IV.

That all Acts of the United States in Cuba during its military occupancy thereof are ratified and validated, and all lawful rights acquired thereunder shall be maintained and protected.

—acts of United States during military occupancy ratified.

V.

—sanitary measures.

That the government of Cuba will execute, and as far as necessary extend, the plans already devised or other plans to be mutually agreed upon, for the sanitation of the cities of the island, to the end that a recurrence of epidemic and infectious diseases may be prevented, thereby assuring protection to the people and commerce of Cuba, as well as to the commerce of the southern ports of the United States and the people residing therein.

VI.

—Isle of Pines.

That the Isle of Pines shall be omitted from the proposed constitutional boundaries of Cuba, the title thereto being left to future adjustment by treaty.

VII.

—coaling stations.

That to enable the United States to maintain the independence of Cuba, and to protect the people thereof, as well as for its own defense, the government of Cuba will sell or lease to the United States lands necessary for coaling or naval stations at certain specified points, to be agreed upon with the President of the United States.

VIII.

—foregoing to be made part of a treaty.

That by way of further assurance the government of Cuba will embody the foregoing provisions in a permanent treaty with the United States.

ENGINEER BATTALIONS.

Engineer battalions.

Four hundred and sixteen thousand four hundred and eight-four dollars.

Longevity.

Additional for length of service, eighty-three thousand two hundred and ninety-six dollars and eighty cents.

ORDNANCE DEPARTMENT.

Ordnance Department.

One hundred and seventy-one thousand one hundred and twenty dollars.

Longevity.

Additional pay for length of service, thirty-four thousand two hundred and twenty-four dollars.

NONCOMMISSIONED STAFF (UNATTACHED TO REGIMENTS).

Noncommissioned staff.

One hundred and thirty-two thousand six hundred dollars.

Additional pay for length of service, twenty-six thousand five hundred and twenty dollars.

SIGNAL CORPS.

Signal Corps.

Two hundred and four thousand nine hundred and sixty dollars.

Additional pay for length of service, twenty thousand four hundred and ninety-six dollars.

HOSPITAL CORPS.

Hospital Corps.

One million two hundred and forty thousand eight hundred dollars.
Additional pay for length of service, sixty-two thousand and forty dollars.

PAY TO CLERKS AND MESSENGERS AT DEPARTMENT HEADQUARTERS
AND AT HEADQUARTERS OF THE ARMY.

Five clerks at one thousand eight hundred dollars each per annum. Clerks and messengers at headquarters.

Ten clerks at one thousand six hundred dollars each per annum.

Twenty-five clerks at one thousand four hundred dollars each per annum.

Sixty-five clerks at one thousand two hundred dollars each per annum.

Eighty-six clerks at one thousand dollars each per annum.

Sixty-eight messengers at seven hundred and twenty dollars each per annum.

In all, two hundred and seventy-two thousand nine hundred and sixty dollars.

And said clerks and messengers shall be employed and assigned by the Secretary of War to the offices and positions in which they are to serve.

FOR PAY OF THE GENERAL STAFF.

General staff.

ADJUTANT-GENERAL'S DEPARTMENT: For pay of officers in the Adjutant-General's Department, eighty-three thousand five hundred dollars. Adjutant-General's Department.

For additional pay to such officers for length of service, to be paid with their current monthly pay, twenty-five thousand and fifty dollars. Longevity.

In all, one hundred and eighty thousand five hundred and fifty dollars.

INSPECTOR-GENERAL'S DEPARTMENT: For pay of officers in the Inspector-General's Department, fifty-one thousand five hundred dollars. Inspector-General's Department.

For additional pay to such officers for length of service, to be paid with their current monthly pay, fifteen thousand four hundred and fifty dollars. Longevity.

In all, sixty-six thousand nine hundred and fifty dollars.

Provided, That upon the occurrence of a vacancy in the grade of colonel in the Inspector-General's Department after the present lieutenant-colonels therein shall have been promoted or retired, such vacancy shall not be filled, and thereafter the number of officers authorized for that department shall be as follows: One inspector-general with the rank of brigadier-general; three inspectors-general with the rank of colonel; four inspectors-general with the rank of lieutenant-colonel, and nine inspectors-general with the rank of major. Proviso, Composition of Department after vacancy in grade of colonel.

THE CORPS OF ENGINEERS: For pay of officers in the Corps of Engineers, three hundred and thirty-one thousand nine hundred dollars. Corps of Engineers.

For additional pay to such officers for length of service, to be paid with their current monthly pay, ninety-nine thousand five hundred and seventy dollars. Longevity.

In all, four hundred and thirty-one thousand four hundred and seventy dollars.

ORDNANCE DEPARTMENT: For pay of officers in the Ordnance Department, one hundred and fifty-six thousand four hundred dollars. Ordnance Department.

For additional pay to such officers for length of service, to be paid with their current monthly pay, forty-six thousand nine hundred and twenty dollars. Longevity.

In all, two hundred and three thousand three hundred and twenty dollars.

QUARTERMASTER'S DEPARTMENT: For pay of officers in the Quartermaster's Department, two hundred and seventy-three thousand five hundred dollars. Quartermaster's Department.

For additional pay to such officers for length of service, to be paid with their current monthly pay, sixty-seven thousand and fifty dollars. Longevity.

	In all, three hundred and forty thousand five hundred and fifty dollars.
Subsistence Department.	SUBSISTENCE DEPARTMENT: For pay of officers in the Subsistence Department, one hundred and forty-nine thousand five hundred dollars.
Longevity.	For additional pay to such officers for length of service, to be paid with their current monthly pay, thirty-one thousand three hundred and fifty dollars.
	In all, one hundred and eighty thousand eight hundred and fifty dollars.
Medical Department.	MEDICAL DEPARTMENT: For pay of officers in the Medical Department, one million and seventy-six thousand five hundred dollars.
Longevity.	For additional pay to such officers for length of service, to be paid with their current monthly pay, one hundred and ninety-five thousand four hundred and fifty dollars.
	In all, one million two hundred and seventy-one thousand nine hundred and fifty dollars.
Pay Department.	PAY DEPARTMENT: For pay of officers in the Pay Department, one hundred and twenty-eight thousand dollars.
Longevity.	For additional pay to such officers for length of service, to be paid with their current monthly pay, thirty-eight thousand four hundred dollars.
	In all, one hundred and seventy-one thousand six hundred dollars.
Judge-Advocate-General's Department.	JUDGE-ADVOCATE-GENERAL'S DEPARTMENT: For pay of officers in the Judge-Advocate-General's Department, forty thousand dollars.
Longevity.	For additional pay to such officers for length of service, to be paid with their current monthly pay, twelve thousand dollars.
	In all, fifty-two thousand dollars.
Signal Corps.	SIGNAL CORPS: For pay of the officers of the Signal Corps, eighty-seven thousand nine hundred dollars.
Longevity.	For additional pay to such officers for length of service, to be paid with their current monthly pay, twenty-one thousand seven hundred and twenty dollars.
	In all, one hundred and nine thousand six hundred and twenty dollars.
Record and Pension Office.	RECORD AND PENSION OFFICE: For pay of officers of the Record and Pension Office, eight thousand dollars.
Longevity.	For additional pay to such officers for length of service, to be paid with their current monthly pay, two hundred and fifty dollars.
	In all, eight thousand two hundred and fifty dollars.
<i>Peuriso,</i> Staff Departments. Officers of Volunteers eligible for appointment to lowest grades, etc.	<i>Provided,</i> That appointments to fill original vacancies in the lowest grade in the Adjutant-General's Department, the Inspector-General's Department, and Judge Advocate-General's Department, and in the grade of captain in the Quartermaster's Department, Subsistence Department, and Pay Department may be made from officers of volunteers commissioned since April twenty-first, eighteen hundred and ninety-eight, and the age limit prescribed as to chaplains shall not apply to persons who served as chaplains of volunteers after said date who were under forty-two years of age when originally appointed.
Chaplains. Age limit.	
Retired list.	
	RETIRED OFFICERS.
Officers.	For pay of officers on the retired list and for officers who may be placed thereon during the current year, one million five hundred thousand dollars.
Longevity.	For additional pay to such officers for length of service, to be paid with their current monthly pay, four hundred and nineteen thousand four hundred and seventy-eight dollars and sixty cents.
	In all, one million nine hundred and nineteen thousand four hundred and seventy-eight dollars and sixty cents.

RETIRED ENLISTED MEN.

For pay of the enlisted men of the Army on the retired list, six hundred and thirty-five thousand four hundred and twenty-three dollars and seventy cents.

Enlisted men.

MISCELLANEOUS.

For pay of not exceeding one hundred hospital matrons, twelve thousand dollars.

Hospital matrons.

For pay of one Superintendent Nurse Corps, one thousand eight hundred dollars.

Nurses.

For two hundred and twenty-seven nurses, one hundred and thirty thousand dollars.

For pay of forty-two veterinarians, at one thousand five hundred dollars, sixty-three thousand dollars: *Provided*, That twelve of the veterinarians herein provided for, may be assigned to the artillery.

Veterinarians.

Provided,
—artillery quota.

For thirty dental surgeons, at one hundred and fifty dollars per month, fifty-four thousand dollars.

Dental surgeons.

For pay of ninety paymasters' clerks, one hundred and twenty-six thousand dollars.

Paymasters' clerks.

For paymasters' clerks for length of service, eight thousand seven hundred dollars.

For pay of paymasters' messengers, ten thousand dollars.

—messengers.

For traveling expenses of paymasters' clerks and expert accountant of the Inspector-General's Department, thirty-five thousand dollars.

Travel expenses,
paymasters' clerks.

For expenses of courts-martial, courts of inquiry, and compensation of reporters and witnesses attending the same, twenty thousand dollars.

Courts-martial, etc.,
expenses.

For additional pay to officer in charge of public buildings and grounds at Washington, District of Columbia, one thousand dollars.

Additional pay, officer
in charge of public
buildings, District of
Columbia.

For commutation of quarters to commissioned officers on duty, without troops, at stations where there are no public quarters, four hundred thousand dollars.

Commutation of
quarters.

For travel allowance to enlisted men on discharge, four million dollars.

Travel allowance,
enlisted men on dis-
charge.

For clothing not drawn due to enlisted men on discharge, one million dollars.

Undrawn clothing.

For interest on soldiers' deposits, fifty thousand dollars, and so much as may be necessary to pay back such deposits.

Interest on deposits,
enlisted men.

For pay of the translator and librarian of the military information division of the Adjutant-General's Office, one thousand eight hundred dollars.

Translator, Adju-
tant-General's Office.

For pay of expert accountant for the Inspector-General's Department, two thousand five hundred dollars.

Expert accountant,
Inspector-General's
Department.

For mileage to officers and contract surgeons, when authorized by law, five hundred thousand dollars: *Provided*, That hereafter officers so traveling shall be paid seven cents per mile and no more; distances to be computed and mileage to be paid over the shortest usually traveled routes, with deduction as hereinafter provided; and payment and settlement of mileage accounts of officers shall be made according to distances and deductions computed over routes established and by mileage tables prepared by the Paymaster-General of the Army under the direction of the Secretary of War; and all payments made by paymasters on account of mileage previous to the passage of this Act shall be settled in accordance with distance tables officially promulgated and in use at date of payment. The Secretary of War may determine what shall constitute travel and duty "without troops" within the meaning of the laws governing the payment of mileage and commutation of quarters to officers of the Army: *Provided further*, That officers who so desire may, upon application to the Quartermaster's Department, be furnished with transportation

Mileage to officers.

Provided,
—limit.

Settlement of mile-
age accounts.Travel "without
troops;" what con-
stitutes, etc.Transportation re-
quests.

Travel on bond-aided, etc., railroads, etc.

—deduction.

—reimbursement to officers traveling without transportation requests for certain refunds to United States.

—credit to paymasters.

—reimbursement to officers for transportation not furnished, etc.

Leaves of absence to officers, foreign service, when to commence, etc.

Travel allowance on discharge.
—officers.

—enlisted men.

requests, exclusive of sleeping and parlor car accommodations, for the entire journey under their orders; and the transportation so furnished shall be a charge against the officer's mileage account, to be deducted at the rate of three cents per mile by the paymaster paying the account, and of the amount so deducted there shall be turned over to an authorized officer of the Quartermaster's Department three cents per mile for transportation furnished over any railroad which is not a free, bond-aided, or fifty per centum land-grant railroad for the credit of the appropriation for transportation of the Army and its supplies: *And provided further*, That when the established route of travel shall, in whole or in part, be over the line of any railroad on which the troops and supplies of the United States are entitled to be transported free of charge, or over any of the bond-aided Pacific railroads, or over any fifty per centum land-grant railroad, officers traveling as herein provided for shall, for the travel over such roads, be furnished with transportation requests, exclusive of sleeping and parlor car accommodations, by the Quartermaster's Department: *And provided further*, That when transportation is furnished by the Quartermaster's Department, or when the established route of travel is over any of the railroads above specified, there shall be deducted from the officer's mileage account by the paymaster paying the same three cents per mile for the distance for which transportation has been or should have been furnished: *And provided further*, That officers of the Army and acting assistant surgeons who, by reason of failure to obtain transportation requests for travel over so-called "Agreement railroads," have, in addition to paying their own fare over such railroads, been required by the accounting officers of the Treasury to refund to the United States one-half of the cost of travel fare over such railroads, shall be reimbursed by the proper accounting officers the amount so refunded; and paymasters against whom disallowances have been made by the accounting officers on account of failure to deduct the cost of travel fare over such railroads shall have the amount so disallowed passed to their credit: *And provided further*, That in all cases where three cents per mile has been deducted from the mileage accounts of officers of the Army or acting assistant surgeons on account of transportation which should have been but was not furnished such officers and acting assistant surgeons shall be reimbursed by the proper accounting officers an amount equal to what it would have cost the Government if transportation had been furnished: *And provided further*, That actual expenses only shall be paid to officers for sea travel when traveling, as herein provided for, to, from, or between our island possessions: *Provided*, That leaves of absence which may be granted officers of the Regular or Volunteer Army serving in the Territory of Alaska or without the limits of the United States, for the purpose of returning thereto, or which may have been granted such officers for such purpose since the thirteenth day of October, eighteen hundred and ninety-eight, shall be regarded as taking effect on the dates such officers reached or may have reached the United States, respectively, and as terminating, or as having terminated, on the respective dates of their departure from the United States in returning to their commands, as authorized by an order of the Secretary of War dated October thirteenth, eighteen hundred and ninety-eight: *Provided also*, That hereafter when an officer shall be discharged from the service, except by way of punishment for an offense, he shall receive for travel allowances from the place of his discharge to the place of his residence at the time of his appointment or to the place of his original muster into the service four cents per mile; and an enlisted man when discharged from the service, except by way of punishment for an offense, shall receive four cents per mile from the place of his discharge to the place of his enlistment, enroll-

ment, or original muster into the service: *Provided further*, That any officer or enlisted man in the service of the United States who was discharged in the Philippine Islands and there reentered the service through commission or enlistment shall, when discharged, except by way of punishment for an offense, receive for travel allowances from the place of his discharge to the place in the United States of his last preceding appointment or enlistment, or to his home if he was appointed or enlisted at a place other than his home, four cents per mile: *Provided further*, That for sea travel on discharge actual expenses only shall be paid to officers and transportation and subsistence only shall be furnished to enlisted men.

—reentering service
in Philippines.

—sea travel.

For contract surgeons, eight hundred and sixty-four thousand dollars.

Contract surgeons.

For additional twenty per centum increase on pay of enlisted men, two million five hundred thousand dollars.

Twenty per cent increase, enlisted men.

For additional ten per centum increase on pay of officers serving at foreign stations, five hundred thousand dollars: *Provided*, That hereafter the pay proper of all officers and enlisted men serving beyond the limits of the States comprising the Union, and the Territories of the United States contiguous thereto, shall be increased ten per centum for officers and twenty per centum for enlisted men over and above the rates of pay proper as fixed by law for time of peace, and the time of such service shall be counted from the date of departure from said States to the date of return thereto: *Provided further*, That the officers and enlisted men who have served in China at any time since the twenty-sixth day of May, nineteen hundred, shall be allowed and paid for such service the same increase of pay proper as is herein provided for: *Provided further*, That enlisted men receiving or entitled to the twenty per centum increased pay herein authorized shall not be entitled to or receive any additional increased compensation for what is known as extra or special duty.

—officers, foreign service.
Proviso.
Increase for foreign service fixed.

—time of service computed.
Increase for Chinese service.

—no extra-duty pay.

For the continuance of the Army War College, having for its object the direction and coordination of the instruction in the various service schools, extension of the opportunities for investigation and study in the Army and militia of the United States, and the collection and dissemination of military information, ten thousand dollars.

Army War College.

All the money hereinbefore appropriated, except the appropriation for mileage of officers when authorized by law shall be disbursed and accounted for by the Pay Department as pay of the Army, and for that purpose shall constitute one fund.

Accounting.

SUBSISTENCE DEPARTMENT.

Subsistence Department.

SUBSISTENCE OF THE ARMY: Purchase of subsistence supplies: For issue, as rations to troops, civil employees when entitled thereto, hospital matrons and nurses, general prisoners of war (including Indians held by the Army as prisoners, but for whose subsistence appropriation is not otherwise made); military convicts at posts; for sales to officers and enlisted men of the Army; for authorized issues of candles; of toilet articles, barbers', laundry, and tailors' materials, for use of general prisoners confined at military posts without pay or allowances, and recruits at recruiting stations; of matches for lighting public fires and lights at posts and stations and in the field; of flour used for paste in target practice; of salt and vinegar for public animals; of issues to Indians employed with the Army, without pay, as guides and scouts, and for toilet paper for use by enlisted men at posts, camps, rendezvous, and offices, where water-closets are provided with sewer connections. For payments: For meals for recruiting parties and recruits; for hot coffee, canned meats, and baked beans for troops traveling, when it is impracticable to cook their rations; for scales, weights, measures, utensils, tools, stationery, blank books and forms, printing, advertis-

Supplies.
Purchases.

Payments.

Extra-duty pay.	ing, commercial newspapers, use of telephones, office furniture; for temporary buildings, cellars, and other means of protecting subsistence supplies (when not provided by the Quartermaster's Department); for coffee roasters; for commissary chests, complete, and for renewal of their outfits; for field desks of commissaries; for extra pay to enlisted men employed on extra duty in the Subsistence Department for periods of not less than ten days, at rates fixed by law; for compensation of civilians employed in the Subsistence Department, and for other necessary expenses incident to the purchase, care, preservation, issue, sale, and accounting for subsistence supplies for the Army. For the payment of the regulation allowances for commutation in lieu of rations: To enlisted men on furlough, to ordnance sergeants on duty at ungarrisoned posts, to enlisted men and male and female nurses when stationed at places where rations in kind can not be economically issued, to enlisted men traveling on detached duty when it is impracticable to carry rations of any kind, to enlisted men selected to contest for places or prizes in department and army rifle competitions while traveling to and from places of contest; and to male and female nurses on leaves of absence; to be expended under the direction of the Secretary of War, twelve million dollars.
Civillian employees.	
Commutation of rations.	Subsistence of the masters, officers, crews, and employees of the vessels of the army transport service, three hundred and fifty thousand dollars.
Amount.	Difference between the cost of the ration at twenty-five cents per day and the amount of forty cents per day to be expended by commissaries on request of medical officers for special diet to enlisted patients in hospital who are too sick to be subsisted on the army ration, four hundred and thirty-eight thousand dollars.
Transport service.	Difference between the cost of the ration at twenty-five cents and the cost of rations differing in whole or in part from the ordinary ration, to be issued to enlisted men in camp during periods of recovery from low conditions of health consequent upon service in unhealthy regions or in debilitating climates, to be expended only under special authority of the Secretary of War, one hundred and eighty thousand dollars.
Increased cost of ration enlisted men in hospitals.	For ice to organizations of enlisted men stationed in island possessions, fifty-four thousand seven hundred and fifty dollars.
Convalescents.	Total for the Subsistence Department, thirteen million twenty-two thousand seven hundred and fifty dollars, to be disbursed and accounted for as "Subsistence of the Army," and for that purpose it shall constitute one fund.
Ice, men in foreign service.	

Quartermaster's Department.

QUARTERMASTER'S DEPARTMENT.

Regular supplies.

REGULAR SUPPLIES: Regular supplies of the Quartermaster's Department, including their care and protection, consisting of stoves and heating apparatus required for heating offices, hospitals, barracks, and quarters, and recruiting stations; also ranges and stoves and appliances for cooking and serving food, and repair and maintenance of such heating and cooking appliances; of fuel and lights for enlisted men, including recruits, guards, hospitals, storehouses, and offices, and for sale to officers; and including also fuel and engine supplies required in the operation of modern batteries at established posts; for post bakeries; for the necessary furniture, text-books, paper, and equipment for the post schools and libraries; for the tableware and mess furniture for kitchens and mess halls, each and all for the enlisted men, including recruits; of forage in kind for the horses, mules, and oxen of the Quartermaster's Department at the several posts and stations and with the armies in the field, and for the horses of the several regiments of cavalry, the batteries of artillery, and such companies of infantry and

Forage, etc.

scouts as may be mounted, and for the authorized number of officers' horses, including bedding for the animals; of straw for soldiers' bedding, and of stationery, including blank books for the Quartermaster's Department, certificates for discharged soldiers, blank forms for the Pay and Quartermaster's Departments, and for printing department orders and reports, nine million dollars: *Provided*, That no part of the appropriations for the Quartermaster's Department shall be expended on printing, unless the same shall be done by contract after due notice and competition, except in such cases as the emergency will not admit of the giving notice of competition, and in cases where it is impracticable to have the necessary printing done by contract the same may be done, with the approval of the Secretary of War, by the hire of the necessary labor for the purpose: *Provided further*, That hereafter, except in cases of emergency or where it is impracticable to secure competition, the purchase of all supplies for the use of the various departments, and posts of the Army and of the branches of the army service shall only be made after advertisement, and shall be purchased where the same can be purchased the cheapest, quality and cost of transportation and the interests of the Government considered; but every open-market emergency purchase made in the manner common among business men which exceeds in amount two hundred dollars shall be reported for approval to the Secretary of War under such regulations as he may prescribe.

Amount.

Proviso.
Contracts for printing.

 Purchase of supplies
by advertisement, etc.

—report.

Incidental expenses

INCIDENTAL EXPENSES: Postage, cost of telegrams on official business received and sent by officers of the Army; extra pay to soldiers employed on extra duty, under the direction of the Quartermaster's Department, in the erection of barracks, quarters, and storehouses, in the construction of roads, and other constant labor for periods of not less than ten days, and as clerks for post quartermasters at military posts, and for prison overseers at posts designated by the War Department for the confinement of general prisoners; for expenses of expresses to and from frontier posts and armies in the field, of escorts to paymasters and other disbursing officers and to trains where military escorts can not be furnished; expenses of the interment of officers killed in action or who die when on duty in the field, or at military posts or on the frontiers, or when traveling under orders, and of non-commissioned officers and soldiers; and in all cases where such expenses would have been lawful claims against the Government reimbursement may be made of expenses heretofore or hereafter incurred by individuals of burial and transportation of remains of officers, including acting assistant surgeons, not to exceed the amount now allowed in the cases of officers, and for the reimbursement in the cases of enlisted men not exceeding the amount now allowed in their cases may be paid out of the proper funds appropriated by this Act, and the disbursing officers shall be credited with such reimbursement heretofore made; but hereafter no reimbursement shall be made of such expenses incurred prior to the twenty-first day of April, eighteen hundred and ninety-eight; authorized office furniture; hire of laborers in the Quartermaster's Department, including the hire of interpreters, spies, or guides for the Army; compensation of clerks and other employees to the officers of the Quartermaster's Department, and incidental expenses of recruiting; for the apprehension, securing, and delivering of deserters, including escaped military prisoners, and the expenses incident to their pursuit, and no greater sum than fifty dollars for each deserter or escaped military prisoner shall, in the discretion of the Secretary of War, be paid to any civil officer or citizen for such services and expenses; for a donation of five dollars to each dishonorably discharged prisoner upon his release from confinement under court-martial sentence involving dishonorable discharge; for the following expenditures

required for the several regiments of cavalry, the batteries of light artillery, and such companies of infantry and scouts as may be mounted, the authorized number of officers' horses, and for the trains, to wit: hire of veterinary surgeons, purchase of medicines for horses and mules, picket ropes, blacksmiths' tools and materials, horseshoes and blacksmiths' tools for the cavalry service, and for the shoeing of horses and mules, and such additional expenditures as are necessary and authorized by law in the movements and operations of the Army and at military posts, and not expressly assigned to any other department, two million four hundred thousand dollars.

Amount.

Purchase of horses.

Proviso.
—limit, etc.

HORSES FOR CAVALRY AND ARTILLERY: For the purchase of horses for the cavalry and artillery, and for the Indian scouts, and for such infantry and members of the Hospital Corps in field campaigns as may be required to be mounted, and the expenses incident thereto, seven hundred and fifty thousand dollars: *Provided*, That the number of horses purchased under this appropriation, added to the number now on hand, shall be limited to the actual needs of the mounted service, and, unless otherwise ordered by the Secretary of War, no part of this appropriation shall be paid out for horses not purchased by contract after competition duly invited by the Quartermaster's Department, and an inspection by such Department, all under the direction and authority of the Secretary of War.

Barracks and quarters.

BARRACKS AND QUARTERS: For barracks and quarters for troops, storehouses for the safe-keeping of military stores, for offices, recruiting stations, and for the hire of buildings and grounds for summer cantonments, and for temporary buildings at frontier stations, for the construction of temporary buildings and stables, and for repairing public buildings at established posts, including the extra-duty pay of enlisted men employed on the same: *Provided*, That no part of the moneys so appropriated shall be paid for commutation of fuel, or for quarters to officers or enlisted men, three million dollars: *Provided further*, That the number of and total sum paid for civilian employees in the Quartermaster's Department, including those paid from the funds appropriated for regular supplies, incidental expenses, barracks and quarters, army transportation, clothing, camp and garrison equipage, shall be limited to the actual requirements of the service, and that no employee paid therefrom shall receive a salary of more than one hundred and fifty dollars per month, except upon the approval of the Secretary of War.

Provisos.
Not available for
commutation of fuel,
etc.

Civilian employees,
number, etc., limited.

—limit individual
salaries.

Transportation.

TRANSPORTATION OF THE ARMY AND ITS SUPPLIES: Transportation of the Army, including baggage of the troops when moving either by land or water, and including also the transportation of recruits and recruiting parties heretofore paid from the appropriation for "Expenses for recruiting;" of supplies to the militia furnished by the War Department; of the necessary agents and employees; of clothing, camp and garrison equipage, and other quartermaster's stores, from army depots or places of purchase or delivery to the several posts and army depots, and from those depots to the troops in the field; of horse equipments and subsistence stores from the places of purchase, and from the places of delivery under contract to such places as the circumstances of the service may require them to be sent; of ordnance, ordnance stores, and small arms from the foundries and armories to the arsenals, fortifications, frontier posts, and army depots; freights, wharfage, tolls, and ferriages; the purchase and hire of draft and pack animals and harness, and the purchase and repair of wagons, carts, and drays, and of ships and other vessels and boats required for the transportation of troops and supplies and for garrison purposes; for drayage and cartage at the several posts; hire of teamsters and other employees; extra-duty pay of enlisted men driving teams, repairing means of transportation, and employed as trainmasters, and in opening roads and

building wharves; transportation of funds of the Army; the expenses of sailing public transports on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific oceans; for procuring water, and introducing the same to buildings, at such posts as from their situation require it to be brought from a distance, and for the disposal of sewage and drainage, and for constructing roads and wharves; for the payment of army transportation lawfully due such land-grant railroads as have not received aid in Government bonds (to be adjusted in accordance with the decisions of the Supreme Court in cases decided under such land-grant Acts), but in no case shall more than fifty per centum of full amount of service be paid: *Provided*, That such compensation shall be computed upon the basis of the tariff or lower special rates for like transportation performed for the public at large, and shall be accepted as in full for all demands for such service: *Provided, further*, That in expending the money appropriated by this Act, a railroad company which has not received aid in bonds of the United States, and which obtained a grant of public land to aid in the construction of its railroad on condition that such railroad should be a post route and military road, subject to the use of the United States for postal, military, naval, and other Government services, and also subject to such regulations as Congress may impose restricting the charge for such Government transportation, having claims against the United States for transportation of troops and munitions of war and military supplies and property over such aided railroads, shall be paid out of the moneys appropriated by the foregoing provision only on the basis of such rate for the transportation of such troops and munitions of war and military supplies and property as the Secretary of War shall deem just and reasonable under the foregoing provision, such rate not to exceed fifty per centum of the compensation for such Government transportation as shall at that time be charged to and paid by private parties to any such company for like and similar transportation; and the amount so fixed to be paid shall be accepted as in full for all demands for such service, thirty-four million dollars: *Provided*, That the balance of the appropriation of one hundred thousand dollars made by the Act of May twenty-sixth, nineteen hundred, for construction of military roads and bridges in Alaska remaining unexpended on June thirtieth, nineteen hundred and one, is hereby reappropriated and made available for such construction: *Provided further*, That the number of draft animals purchased from this appropriation, added to those now on hand, shall be limited to such numbers as are actually required for the service.

CLOTHING, AND CAMP AND GARRISON EQUIPAGE: For cloth, woollens, materials, and for the manufacture of clothing for the Army, for issue and for sale at cost price according to the Army Regulations; for altering and fitting clothing and washing and cleaning, when necessary; for equipage, and for expenses of packing and handling, and similar necessities; for a suit of citizen's outer clothing, to cost not exceeding ten dollars, to be issued upon release from confinement to each prisoner who has been confined under a court-martial sentence involving dishonorable discharge, for indemnity to officers and men of the Army for clothing and bedding, and so forth, destroyed by order of medical officers of the Army for sanitary reasons, eight million dollars.

CONSTRUCTION AND REPAIR OF HOSPITALS: For construction and repair of hospitals at military posts already established and occupied, including the extra-duty pay of enlisted men employed on the same, and including also all expenditures for construction and repairs required at the Army and Navy Hospital at Hot Springs, Arkansas, except quarters for the officers, one hundred thousand dollars.

QUARTERS FOR HOSPITAL STEWARDS: For construction of quarters for hospital stewards at military posts already established and occu-

Payment to land-grant railroads.

—maximum.
—compensation, how computed.

Fifty per cent to railroads not bond aided.

Unexpended balance for military roads in Alaska available.
Ante, p. 214.

Limit number of draft animals.

Clothing, camp, and garrison equipage.

Amount.

Hospitals.
Hot Springs.

Quarters for hospital stewards.

pied, including the extra-duty pay of enlisted men employed on the same, ten thousand dollars.

Shooting ranges.

SHOOTING GALLERIES AND RANGES: For shelter, shooting galleries, ranges for small-arms target practice, repairs, and expenses incident thereto, ten thousand dollars.

Medical Department.

MEDICAL DEPARTMENT.

Supplies, etc.

For the purchase of medical and hospital supplies, including disinfectants for military posts, camps, hospitals, hospital ships, and transports; for the purchase, installation, operation, and maintenance of ice-making plants; for expenses of medical supply depots; for medical care and treatment of officers and enlisted men of the Army on duty, and of prisoners of war and other persons in military custody or confinement, at posts and stations for which no other provision is made, under such regulations as shall have been or shall be prescribed by the Secretary of War; for the proper care and treatment of epidemic and contagious diseases in the Army or at military posts or stations, including measures to prevent the spread thereof, and the payment of reasonable damages not otherwise provided for for bedding and clothing injured or destroyed in such prevention; for the pay of male and female nurses, not including the Nurse Corps (female), and of cooks and other civilians, employed for the proper care of sick officers and soldiers under such regulations fixing their number, qualifications, assignment, pay, and allowances as shall have been or shall be prescribed by the Secretary of War; for the pay of civilian physicians employed to examine physically applicants for enlistment and enlisted men, and to render other professional service from time to time under proper authority; for the pay of other employees of the Medical Department; for the payment of express companies and local transfers employed directly by the Medical Department for the transportation of medical and hospital supplies, including bidders' samples and water for analysis; for supplies for use in teaching the art of cooking to the Hospital Corps; for the supply of the Army and Navy Hospital at Hot Springs, Arkansas; for advertising, laundry, and all other necessary miscellaneous expenses of the Medical Department, two million dollars.

Museum.

ARMY MEDICAL MUSEUM AND LIBRARY: For Army Medical Museum, preservation of specimens, and the preparation and purchase of new specimens, five thousand dollars.

Library.

For the library of the Surgeon-General's Office, including the purchase of necessary books of reference and periodicals, ten thousand dollars.

Engineer Department.

ENGINEER DEPARTMENT.

Incidental expenses.

ENGINEER DEPOT AT WILLETS POINT, NEW YORK: For incidental expenses of the depot, including fuel, lights, chemicals, stationery, hardware, extra-duty pay to soldiers necessarily employed for periods not less than ten days as artificers on work in addition to and not strictly in the line of their military duties, such as carpenters, blacksmiths, draftsmen, printers, lithographers, photographers, engine drivers, telegraph operators, teamsters, wheelwrights, masons, machinists, painters, overseers, laborers, repairs of, and for materials to repair, public buildings, machinery, and unforeseen expenses, five thousand dollars.

Materials.

For the purchase of material for use of United States Engineer School and for instruction of engineer troops at Fort Totten, Willets Point, in their special duties as sappers and miners; for land and submarine mines, pontoniers, torpedo drill, and signaling, and for travel expenses of officers on journeys approved by the Chief of Engineers and made for the purpose of instruction, one thousand five hundred

dollars: *Provided*, That the traveling expenses herein provided for shall be in lieu of mileage or other allowances.

For purchase and repair of instruments, to be issued to officers of the Corps of Engineers and to officers detailed and on duty as acting engineer officers, for use on public works and surveys, three thousand dollars.

Instruments.

For purchase and binding of professional works of recent date treating of military and civil engineering and kindred scientific subjects; for library of the United States Engineering School, five hundred dollars.

Library.

Addition to the building containing the collection of engineering models used for illustration and instruction, and the library of the United States Engineer School, to be available until expended, twelve thousand dollars.

Addition to building.

For pontoon trains, intrenching tools, instruments, and drawing materials, twenty thousand dollars.

Tools, etc.

For services of surveyors, draftsmen, photographers, master laborers, clerks to engineer officers on the staff of division, corps, and department commanders, twenty-five thousand dollars.

Surveyors, etc.

Total for Engineer Department, sixty-seven thousand dollars.

ORDNANCE DEPARTMENT.

Ordnance Department.

ORDNANCE SERVICE: For current expenses of the ordnance service required to defray the current expenses of receiving stores and issuing arms and other ordnance supplies; of police and office duties; of rents, tolls, fuel, and light; of stationery and office furniture; of tools and instruments for use; incidental expenses of the ordnance service and those attending practical trials and tests of ordnance, small arms, and other ordnance supplies, including purchase of publications for ordnance office and payment for mechanical labor in the office of the Chief of Ordnance, three hundred thousand dollars.

Current expenses.

ORDNANCE, ORDNANCE STORES, AND SUPPLIES: For manufacture or purchase of metallic ammunition for small arms and ammunition for reloading cartridges, including the cost of targets and material for target practice, ammunition for burials at the National Home for Disabled Volunteer Soldiers and its several Branches, including National Soldiers' Home in Washington, District of Columbia, and at Soldiers and Sailors' State Homes, and marksmen's medals and insignia for all arms of the service, seven hundred and fifty thousand dollars.

Ammunition for small arms.

For repairing and preserving ordnance and ordnance stores in the hands of troops and for issue at the arsenals and depots, seventy-five thousand dollars.

Repairing and preserving stores, etc.

For purchase and manufacture of ordnance stores to fill requisitions of troops, five hundred thousand dollars.

Purchases for requisitions.

For infantry, cavalry, and artillery equipments, including horse equipments for cavalry and artillery, seven hundred and fifty thousand dollars.

Equipments.

For overhauling, cleaning, and preserving new ordnance and ordnance stores on hand at the arsenals, posts, and depots, fifty thousand dollars.

Preserving, etc., ordnances.

For firing the morning and evening gun at military posts prescribed by General Orders, Numbered Seventy, Headquarters of the Army, dated July twenty-third, eighteen hundred and sixty-seven, and at National Home for Disabled Volunteer Soldiers and its several Branches, including National Soldiers' Home in Washington, District of Columbia, and at Soldiers and Sailors' State Homes, including material for cartridge bags, reworking obsolete powder, and so forth, twenty-five thousand dollars.

Morning and evening gun.

For targets for artillery practice and implements for mechanical maneuvers, ten thousand dollars.

Artillery targets.

Manufacturing arms.

Provisos.
Appropriations not available for freight charges.

Additional members Board of Ordnance, etc., authorized.

Time extended to War Department to examine monthly accounts of Army expenditures.

Vol. 28, p. 209.

Philippine Islands. Vol 80, p. 1754.
President authorized to establish temporary civil government in.

Provisos.

Franchises to contain reservation of right to amend.

Reports to be made to Congress, etc.

Proviso.

No sale, etc., of public lands.

Restrictions on grant of franchises.

Repeal.

Manufacture, repairing, procuring, and issuing arms at the national armories, one million one hundred thousand dollars: *Provided*, That no part of the appropriations made for the Ordnance Department shall be used in payment of freight charges on ordnance or ordnance stores issued by said Department.

Provided further, That the Secretary of War is hereby authorized to appoint two additional members for the Board of Ordnance and Fortification, both of whom shall be selected from the Artillery Corps.

The time for examination of monthly accounts, covering expenditures from appropriations for the Army, by the bureaus and offices of the War Department, after the date of actual receipt and before transmitting the same to the Auditor for the War Department, as limited by section twelve, Act approved July thirty-first, eighteen hundred and ninety-four, is hereby extended from twenty to sixty days.

All military, civil, and judicial powers necessary to govern the Philippine Islands, acquired from Spain by the treaties concluded at Paris on the tenth day of December, eighteen hundred and ninety-eight, and at Washington on the seventh day of November, nineteen hundred, shall, until otherwise provided by Congress, be vested in such person and persons and shall be exercised in such manner as the President of the United States shall direct, for the establishment of civil government and for maintaining and protecting the inhabitants of said islands in the free enjoyment of their liberty, property, and religion: *Provided*, That all franchises granted under the authority hereof shall contain a reservation of the right to alter, amend, or repeal the same.

Until a permanent government shall have been established in said archipelago full reports shall be made to Congress on or before the first day of each regular session of all legislative acts and proceedings of the temporary government instituted under the provisions hereof; and full reports of the acts and doings of said government, and as to the condition of the archipelago and of its people, shall be made to the President, including all information which may be useful to the Congress in providing for a more permanent government: *Provided*, That no sale or lease or other disposition of the public lands or the timber thereon or the mining rights therein shall be made: *And provided further*, That no franchise shall be granted which is not approved by the President of the United States, and is not in his judgment clearly necessary for the immediate government of the islands and indispensable for the interest of the people thereof, and which can not, without great public mischief, be postponed until the establishment of permanent civil government; and all such franchises shall terminate one year after the establishment of such permanent civil government.

All laws or parts of laws inconsistent with the provisions of this Act are hereby repealed.

Approved, March 2, 1901.

March 2, 1901.

CHAP. 804.—An Act Making appropriations for the support of the Military Academy for the fiscal year ending June thirtieth, nineteen hundred and two, and for other purposes.

Military Academy appropriations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the Military Academy for the fiscal year ending June thirtieth, nineteen hundred and two.

Permanent establishment.

Pay of professors.

PERMANENT ESTABLISHMENT.

For pay of seven professors, twenty-two thousand five hundred dollars;

For pay of one chaplain, two thousand dollars;

For pay of one associate professor of mathematics, two thousand dollars;

For pay of cadets, two hundred and twenty-nine thousand five hundred dollars; Cadets.

Provided, That section thirteen hundred and nineteen, chapter four, title fourteen, of the Revised Statutes be, and the same is hereby, amended to read as follows:

"SEC. 1319. Appointees shall be examined under regulations to be framed by the Secretary of War before they shall be admitted to the Academy and shall be required to be well versed in such subjects as he may, from time to time, prescribe." —examination.
R. S., sec. 1319, p. 226
amended.

Provided further, That the Superintendent of the Military Academy shall make such rules, to be approved by the Secretary of War, as will effectually prevent the practice of hazing; and any cadet found guilty of participating in or encouraging or countenancing such practice shall be summarily expelled from the Academy and shall not thereafter be reappointed to the corps of cadets or be eligible for appointment as a commissioned officer in the Army or Navy or Marine Corps, until two years after the graduation of the class of which he was a member. Penalty for hazing

In all, for permanent establishment, two hundred and fifty-six thousand dollars;

For extra pay of officers of the Army on detached service at the Military Academy: Extra to officers.

For pay of one Superintendent of the United States Military Academy (colonel), in addition to pay as captain, mounted, one thousand seven hundred dollars;

For one commandant of cadets (lieutenant-colonel), in addition to pay as captain, not mounted, one thousand four hundred and eighty dollars;

For pay of one instructor of practical military engineering (major), in addition to pay as captain, mounted, five hundred dollars;

For pay of one instructor of ordnance and science of gunnery (major), in addition to pay as captain, mounted, five hundred dollars;

For pay of eight assistant professors (captains), in addition to pay as first lieutenants, not mounted, four thousand dollars;

For pay of five senior instructors of cavalry, artillery, and infantry tactics, ordnance and gunnery, and practical military engineering (captains), in addition to pay as first lieutenants, not mounted, two thousand five hundred dollars;

For pay of six assistant instructors of cavalry, artillery, and infantry tactics (captains), in addition to pay as second lieutenants, not mounted, three thousand six hundred dollars;

For pay of one adjutant, in addition to pay as second lieutenant, not mounted, six hundred dollars;

For pay of one treasurer and quartermaster, and commissary of cadets, in addition to pay as captain, not mounted, seven hundred dollars;

For pay of one line officer on duty in Quartermaster's Department, in addition to pay as first lieutenant, mounted, four hundred dollars;

For additional pay of librarian, one hundred and twenty dollars;

For additional pay of professors and officers (and officers on increased rank) for length of service, nine thousand three hundred and fifty-four dollars and twenty-five cents; Longevity.

In all, for extra pay of officers of Army on detached service at the Military Academy, twenty-five thousand one hundred and seventy-four dollars and twenty-five cents;

For pay of the Military Academy Band, field musicians, general army service, cavalry detachment, and enlisted men on detached service, and extra pay for enlisted men on special duty: Pay of enlisted men.
Band.

Composition, etc.
R. S., sec. 1278, p. 221,
repealed.
Vol. 19, p. 380.

Provided, That section twelve hundred and seventy-eight of the Revised Statutes and sections two and three of the Act approved March third, eighteen hundred and seventy-seven (Nineteenth Statutes at Large, three hundred and eighty), are hereby repealed, and section eleven hundred and eleven of the Revised Statutes is hereby amended to read as follows:

Pay, etc.
R. S., sec. 1111, p. 204,
amended.

"SEC. 1111. The Military Academy Band shall hereafter consist of one teacher of music, who shall be the leader of the band, and of forty enlisted musicians. The teacher of music shall receive the pay, of a second lieutenant, not mounted; and of the enlisted musicians of the band, twelve shall each receive thirty-four dollars per month, twelve shall each receive twenty-five dollars per month, and the remaining sixteen shall each receive seventeen dollars per month, and each of the aforesaid enlisted men shall also be entitled to the clothing, fuel, rations, and other allowances of musicians of cavalry; and the said teacher of music and the enlisted musicians of the band shall be entitled to the same benefits in respect to pay, emoluments, and retirement arising from longevity, reenlistment, and length of service as are, or may hereafter become, applicable to other enlisted men of the Army.

Teacher of music;
pay, etc.

For pay of military band, twelve enlisted musicians, at thirty-four dollars per month, four thousand eight hundred and ninety-six dollars;

Twelve enlisted musicians, at twenty-five dollars per month, three thousand six hundred dollars;

Sixteen enlisted musicians, at seventeen dollars per month, three thousand two hundred and sixty-four dollars;

Additional pay for length of service, one thousand three hundred and twenty dollars;

Field musicians. Clothing on discharge, one thousand two hundred dollars;

For pay of field musicians, one sergeant, with pay of first-class musician, four hundred and eight dollars;

One corporal, one hundred and eighty dollars;

Thirteen privates, two thousand and twenty-eight dollars;

Additional pay for length of service, eighty-four dollars;

Clothing on discharge, five hundred dollars;

General Army service.

For pay of General Army Service: One first sergeant, three hundred dollars;

Six sergeants, one thousand two hundred and ninety-six dollars;

Two cooks, four hundred and thirty-two dollars;

Seven corporals, one thousand two hundred and sixty dollars;

One hundred and nine privates, seventeen thousand and four dollars;

Additional pay for length of service, nine thousand four hundred and sixty-eight dollars;

Clothing on discharge, seven thousand dollars;

Cavalry detach-
ment.

For pay of cavalry detachment: One first sergeant, three hundred dollars;

Five sergeants, one thousand and eighty dollars;

One cook, two hundred and sixteen dollars;

Four corporals, seven hundred and twenty dollars;

Two trumpeters, three hundred and twelve dollars;

Two farriers and blacksmiths, three hundred and sixty dollars;

One saddler, one hundred and eighty dollars;

One wagoner, one hundred and sixty-eight dollars;

Fifty-eight privates (cavalry), nine thousand and forty-eight dollars;

Additional pay for length of service, one thousand three hundred and ninety-two dollars;

Clothing on discharge, two thousand three hundred dollars;

Artillery detach-
ment.

For pay of artillery detachment: One first sergeant, three hundred dollars;

Three sergeants, six hundred and forty-eight dollars;

One cook, two hundred and sixteen dollars;

Three corporals, five hundred and forty dollars;
 One farrier, one hundred and eighty dollars;
 One saddler, one hundred and eighty dollars;
 One wagoner, one hundred and eighty dollars;
 Two trumpeters, three hundred and twelve dollars;
 Thirty privates, four thousand six hundred and eighty dollars;
 Additional pay for length of service, one thousand dollars;
 Clothing on discharge, one thousand dollars;
 Interest on deposits due enlisted men, one hundred dollars;
 Travel allowances to enlisted men on discharge, six hundred dollars;
 For extra pay of one ordnance soldier as draftsman and lithographic printer, at fifty cents per day, one hundred and forty-three dollars and fifty cents;

Miscellaneous.

Interest on deposits,
 enlisted men, extra
 pay, etc.

For extra pay of one ordnance soldier as machinist, at fifty cents per day, one hundred and forty-three dollars and fifty cents;

For extra pay of one ordnance soldier as clerk, at fifty cents per day, one hundred and forty-three dollars and fifty cents;

For extra pay of one enlisted man employed as clerk in the offices of the adjutant, United States Military Academy, at fifty cents per day, one hundred and eighty-two dollars and fifty cents;

For extra pay of two enlisted men employed as clerks in the office of the commandant of cadets, at fifty cents each per day, three hundred and sixty-five dollars;

For extra pay of four enlisted men as printers, at headquarters United States Military Academy, at fifty cents each per day, six hundred and twenty-six dollars;

For extra pay of one enlisted man employed as watchman, at thirty-five cents per day, one hundred and ninety-one dollars and sixty-three cents;

For extra pay of one enlisted man employed as trumpeter at the cadet barracks, at thirty-five cents per day, one hundred and twenty-seven dollars and seventy-five cents;

For extra pay of one enlisted man employed in the philosophical department observatory as a mechanic, at fifty cents per day, one hundred and fifty-six dollars and fifty cents;

For extra pay of one enlisted man employed in the philosophical department in care of apparatus, at fifty cents per day, one hundred and fifty-six dollars and fifty cents;

For extra pay of one enlisted man employed in the chemical department, at fifty cents per day, one hundred and fifty-six dollars and fifty cents;

For extra pay of one enlisted man employed in the department of drawing, at fifty cents per day, one hundred and fifty-six dollars and fifty cents;

For extra pay of one enlisted man employed in the mathematical department, at fifty cents per day, one hundred and fifty-six dollars and fifty cents;

For extra pay of two enlisted men (cavalrymen) when performing special skilled mechanical labor, at fifty cents each per day, three hundred and thirteen dollars;

For extra pay of one enlisted man employed as saddler, at fifty cents per day, one hundred and fifty-six dollars and fifty cents;

For extra pay of one enlisted man on duty in charge of engineer property and fatigue, at fifty cents per day, one hundred and fifty-six dollars and fifty cents;

For extra pay of two enlisted men as assistants and attendants at the library, at fifty cents each per day, three hundred and thirteen dollars;

For extra pay of one enlisted man as clerk in the department of practical military engineering and to the officer in charge of water-

works and works of construction at the Military Academy, at fifty cents per day, one hundred and fifty-six dollars and fifty cents;

For extra pay of three enlisted men as clerks in the office of the quartermaster, United States Military Academy, at fifty cents each per day, four hundred and sixty-nine dollars and fifty cents;

Proviso.

No extra-duty pay.

Provided, That the extra pay provided by the nineteen preceding paragraphs shall not be paid to any enlisted man who receives extra-duty pay under existing laws or army regulations;

In all, for pay of Military Academy Band, field musicians, general army service, cavalry detachment, artillery detachment, enlisted men on detached service, and extra pay of enlisted men on special duty at the Military Academy, eighty-four thousand seven hundred and ninety dollars and eighty-eight cents.

Pay of civilians,
clerks, etc.

PAY OF CIVILIANS.

Master of the sword.

Proviso.
R. S., sec. 1338, p. 228,
amended.

To act as instructor
of physical culture,
etc.

—termination of of-
fice.

For pay of the master of the sword, one thousand six hundred dollars;
Provided, That section thirteen hundred and thirty-eight of the Revised Statutes is hereby amended to read as follows:

"SEC. 1338. The master of the sword shall hereafter act as instructor of military gymnastics and physical culture at the Military Academy, and shall have the relative rank and shall be entitled to the pay, allowances, and emoluments of a first lieutenant, mounted: *Provided, however*, That whenever a vacancy shall occur in the office of master of the sword and instructor of military gymnastics and physical culture the said office shall cease and determine, and the duties thereunto pertaining shall thereafter be performed by an officer of the line of the Army to be selected for that purpose by the Secretary of War;"

For pay of one teacher of music, one thousand four hundred dollars;

For clerk to the disbursing officer and quartermaster, one thousand five hundred dollars;

For clerk to adjutant in charge of cadet records, one thousand five hundred dollars;

For one clerk to the adjutant, one thousand two hundred dollars;

For clerk to treasurer, one thousand five hundred dollars;

For one clerk to the quartermaster, one thousand two hundred dollars;

For pay of librarian's assistant, one thousand five hundred dollars;

For pay of one superintendent of gas works, one thousand five hundred dollars;

For pay of engineer of heating and ventilating apparatus for the academic building, the cadet barracks and office building, cadet hospital, chapel, and philosophical building, including the library, one thousand five hundred dollars;

For pay of assistant engineer of same, one thousand dollars;

For pay of eleven firemen, six thousand six hundred dollars;

For pay of one draftsman in department of civil and military engineering, one thousand dollars;

For pay of mechanic and attendant skilled in the technical preparations necessary to chemical and electrical lectures and to the instruction in mineralogy and geology, one thousand dollars;

For pay of mechanic assistant in department of natural and experimental philosophy, one thousand dollars;

For pay of custodian of new academy building, one thousand dollars;

For pay of one electrician, one thousand two hundred dollars;

For pay of one civilian plumber, one thousand two hundred dollars;

For pay of assistant plumber, seven hundred and twenty dollars;

For pay of one scavenger, at sixty dollars a month, seven hundred and twenty dollars;

For compensation of chapel organist, two hundred dollars;

For pay of keeper of post cemetery, nine hundred dollars;
 For pay of engineer and janitor for Memorial Hall, nine hundred dollars;

For pay of printer at headquarters United States Military Academy, one thousand two hundred dollars;

For pay of one janitress, Memorial Hall, six hundred dollars;

For pay of one master mechanic, one thousand two hundred dollars;

In all, to civilians employed at Military Academy, thirty-four thousand eight hundred and forty dollars.

For current and ordinary expenses as follows:

For expenses of the Board of Visitors, including mileage, three thousand dollars; Board of Visitors.

Contingencies for Superintendent of the Academy, one thousand dollars; Superintendent.

Repairs and improvements, namely: Timber, planks, boards, joists, wall strips, laths, shingles, slate, tin, sheet lead, zinc, nails, screws, locks, hinges, glass, paints, turpentine, oils, varnish, brushes, stone, brick, flag, lime, cement, plaster hair, sewer and drain pipe, blasting powder, fuse, iron, steel, tools, machinery, mantels, and other similar materials, renewing roofs, and for pay of architect overseer and citizen mechanics, and labor employed upon repairs and improvements that can not be done by enlisted men, twenty-five thousand dollars; Repairs.

For fuel and apparatus, namely: Coal, wood, charcoal, stoves, grates, heaters, furnaces, ranges and fixtures, fire bricks, clay, sand, and for repairs of steam heating apparatus, grates, stoves, heaters, ranges, and furnaces, mica, twenty-five thousand dollars; Fuel and lights.

For gas pipes, gas and electric fixtures, electric lamps, and lighting supplies, lamp-posts, gasometers and retorts, and annual repairs of the same, one thousand five hundred dollars;

For fuel for cadets' mess hall, shops, and laundry, three thousand dollars;

For postage and telegrams, two hundred dollars;

For stationery, namely: Blank books, paper, envelopes, quills, steel pens, rubbers, erasers, pencils, mucilage, wax, wafers, folders, fasteners, rules, files, ink, inkstands, typewriting supplies, penholders, tape, desk knives, blotting pads, and rubber bands, nine hundred dollars; Postage and telegrams.
 Stationery.

For transportation of materials, discharged cadets, and ferriages, one thousand dollars; Transportation.

Printing: For printing and binding, type, materials for office, including repairs to motor and machinery, diplomas for graduates, annual registers, blanks, and monthly reports to parents of cadets, one thousand two hundred dollars; Printing.

For department of cavalry, artillery, and infantry tactics: Tanbark or other proper cover for riding hall, to be purchased in open market upon written order of the Superintendent, five hundred dollars; Department of cavalry, artillery, and infantry tactics.

For repairing camp stools and camp furniture, one hundred dollars;

For repairs and improvements of dressing rooms, platform, and swimming tank, two hundred and twenty dollars;

For stationery, typewriting supplies and repairs, for use of instructor and assistant instructors of tactics, two hundred dollars;

For books and maps, binding books, and mounting maps, one hundred and seventy-five dollars;

For silk and worsted sashes for cadet officers and acting officers, two hundred and twenty dollars;

For foils, masks, belts, fencing gloves, and fencing jackets, gaiters, sabers, and repairs, four hundred dollars;

For soap, lye, sapolio, buckets, scrubbing brushes, mops, dust pans, brooms, feather dusters, and other similar articles and material, for policing cadet barracks, guardhouse, and sinks, three hundred and twenty-five dollars;

For door mats for cadet barracks, sinks, and guardhouse, fifty dollars;
 For plumes for cadet officers and acting officers, seventy-five dollars;
 For additional furniture for cadet barracks, to be immediately available, one thousand one hundred and sixty-eight dollars and seventy-five cents;

For repairs and furniture for offices, one hundred dollars;

For twelve topographical canvas wall maps, with features in oil colors, large scale, to be immediately available, one hundred and twenty dollars;

For eight canvas relief maps, in colors, large scale, to be immediately available, eighty dollars;

For three dozen pocket compasses for field reconnaissance, to be immediately available, ninety dollars;

Department of civil
and military engi-
neering.

For department of civil and military engineering: Models, maps, purchase and repair of instruments, apparatus, drawing boards, desks, chairs, shelves, and cases for books and instruments, text-books, books of reference, and stationery for the use of instructors, and contingencies, one thousand dollars;

Department of nat-
ural, etc., philosophy.

For department of natural and experimental philosophy: For additions to apparatus to illustrate the principles of mechanics, acoustics, optics, and astronomy, one thousand dollars;

For books of reference, scientific periodicals, text-books, stationery, materials, and repairs, four hundred dollars;

For repairs to the observatory buildings, repairs to clocks, and fittings to new lecture room, four hundred and fifty dollars;

Department of
mathematics.

For department of instruction in mathematics, namely: For text-books, books of reference, binding, and stationery, one hundred and fifty dollars;

For tables of logarithms, fifty dollars;

For rules and triangles, twenty-five dollars;

For purchase of geometrical drawings and models, one hundred dollars;

For contingencies, fifty dollars;

For cases for geometrical models, three hundred and fifty dollars;

Department of
chemistry, etc.

For department of chemistry, mineralogy, and geology: Chemicals, chemical apparatus, glass and porcelain ware, paper, wire, sheet metal, ores, photographic apparatus and materials, nine hundred dollars;

For chemical cases in the laboratory for storing and preserving supplies used in practical work, six hundred dollars;

For benches and raised platform for chemical lecture room, two hundred and fifty dollars;

For rough specimens, fossils, and for apparatus and materials to be used in the practical determinations of mineralogical and geological specimens, pencils and paper for the practical instructions in the same branches, and for gradual increase and improvement of the cabinet, five hundred dollars;

For repairs and additions to electric, magnetic, pneumatic, thermic, and optical apparatus, one thousand dollars;

For purchase of modern electric machinery and appliances not in the Academy, six hundred dollars;

Models, maps, and diagrams, books of reference, text-books, and stationery for the use of instructors, one hundred and eighty dollars;

Contingencies, one hundred dollars;

Department of
drawing.

For department of drawing: For drawing material for use of instructors, tacks, sponges, brushes, glue, alcohol, tumblers, saucers, towels, soap, ink, stationery, and contingent expenses, three hundred dollars;

For repairs to models, desks, stretchers, racks, stands, and materials, one hundred and twenty-five dollars;

Photographic material for enlarging room and general photographic work, two hundred and fifty dollars;

For slides and apparatus for lectures, fifty dollars;

For books and periodicals on art, architecture, and technology, one hundred and twenty-five dollars;

Frames for retained drawings of cadets and wall models, fifty dollars;

For binding periodicals, loose sheets of maps, books, and so forth, fifty dollars;

For forty-two new drawing desks for use of cadets, at ten dollars and fifteen cents each, four hundred and twenty-six dollars and thirty cents;

For fifty new stools for use of cadets, at seventy-five cents each, thirty-seven dollars and fifty cents;

For twenty-one new reconnaissance sketching boards, at five dollars each, one hundred and five dollars;

For forty new sketching rulers, celluloid and brass, with scale, forty dollars;

For twenty-five new stretcher boards, large size, at two dollars and fifty cents each, sixty-two dollars and fifty cents;

For one hundred and thirty new stretcher boards, small size, at one dollar and seventy-five cents each, two hundred and twenty-seven dollars and fifty cents;

For eighty-six new open stretcher frames, medium, at fifty cents each, forty-three dollars;

For twenty-four new open stretcher frames, large, at seventy-five cents each, sixteen dollars;

For twenty-four new open stretcher frames, medium, at seventy-five cents each, sixteen dollars;

For sixty-four steel triangles, at one dollar and twenty-five cents each, eighty dollars;

For thirty-six steel straightedges, at three dollars each, one hundred and eight dollars;

For department of modern languages: For stationery, text-books, and books of reference for use of instructors, for repairs of books and apparatus and for office furniture, and for printing examination papers, and for contingencies, four hundred and fifteen dollars;

Department of modern languages.

For department of law and history: For stationery, text-books, and books of reference for the use of instructors, maps, map fixtures, furniture, and for repairs to the same, four hundred dollars;

Department of law and history.

For cost of exchanging one Densmore typewriter, eighty dollars, to be immediately available;

For department of practical military engineering: For purchase and repair of instruments; transportation; purchase of tools, implements, and materials, and for extra-duty pay of engineer soldiers, as follows, namely: For instruments for use in instructing cadets in making reconnoissances; photographic apparatus and material for field photography; drawing instruments and material for platting reconnoissances; surveying instruments; instruments and material for signaling and field telegraphy; transportation of field parties; tools and material for the preservation, augmentation, and repair of wooden pontoon, and one canvas pontoon train; sapping and mining tools and material; rope; cordage; material for rafts and for spar and trestle bridges; intrenching tools; tools and material for the repair of Fort Clinton and the batteries of the Academy, and extra-duty pay of engineer soldiers, at fifty cents per day each, when performing special skilled mechanical labor in the department of practical military engineering; for models, books of reference, and stationery, and for extra pay of one engineer soldier as assistant in photographic laboratory, and in charge of pho-

Department of practical military engineering.

Department of ordnance and gunnery.

tographic laboratory, photographic apparatus, materials, and supplies, at fifty cents per day, one thousand five hundred dollars;

For department of ordnance and gunnery: For purchase and repair of instruments, models, and apparatus, and purchase of necessary material; for the purchase of samples of arms and accouterments other than those supplied to the military service; for books of reference, text-books, stationery, and lithographic printing materials, and for contingencies, four hundred and fifty dollars;

For purchase of ammunition for rapid-fire guns now on hand, three hundred dollars;

For manufacture or purchase of models of breech mechanisms of cannon, rapid-fire guns, small arms, and the various machines and tools used in their manufacture, for cadet instruction, one thousand two hundred dollars;

In all, for current and ordinary expenses, seventy-nine thousand seven hundred and eighty-five dollars and fifty-five cents.

Miscellaneous items and incidental expenses.

MISCELLANEOUS ITEMS AND INCIDENTAL EXPENSES.

For stationery for office of the treasurer, United States Military Academy, namely: Blank books, paper, envelopes, pens, mucilage, typewriting supplies and repairs, and other items of stationery, one hundred dollars;

For gas coal, oil, candles, lanterns, matches, chimneys, and wicking for lighting the Academy building, chapel, library, cadet barracks, mess hall, shops, hospital, offices, stables and riding hall, sidewalks, camp, and wharfs, six thousand five hundred dollars;

For water pipe, plumbing, and repairs, three thousand dollars;

For cleaning public buildings (not quarters), one thousand dollars;

For brooms, brushes, pails, tubs, soap, and cloths, two hundred dollars;

For chalk, crayons, sponges, slate, rubbers, rulers, pointers, card, and toilet paper, and so forth, for recitation rooms, three hundred dollars;

Increase and expense of library, namely:

For periodicals, stationery, binding books, and scientific, historical, biographical, and general literature, to be purchased in open market on the written order of the Superintendent, two thousand five hundred dollars;

For repairing books, and for furniture and contingencies, one thousand dollars;

For binding pamphlets and periodicals, two hundred dollars;

For carpets and furniture for cadet hospital, and for repairs of damaged articles, one hundred dollars;

For contingent funds, to be expended under the direction of the academic board: For instruments, books, repairs to apparatus and other incidental expenses not otherwise provided for, one thousand dollars;

Proviso.
Contract purchases.

Provided, That all technical and scientific supplies for the departments of instruction of the Military Academy shall be purchased by contract or otherwise, as the Secretary of War may deem best.

For renewing furniture in section rooms, and repairing the same, three hundred dollars;

Musical supplies.

For purchase of instruments for band, to be purchased in open market by order of the Superintendent, three hundred and fifty dollars;

For purchase of reeds, pads, strings, and other materials necessary for string instruments, one hundred and fifty dollars;

For repairs to instruments, music stands, and other equipments, to be purchased in open market on the order of the Superintendent, two hundred dollars;

For purchase of music for band, to be purchased in open market on the order of the Superintendent, three hundred dollars;

For repair of cooking utensils and the replacement of worn-out cooking utensils in the cadet subsistence department, to be expended without advertising, three hundred dollars; Subsistence department.

For repairs of chairs, tables, and other furniture in cadet subsistence department, to be expended without advertising, one hundred and twenty-five dollars;

For repairs, new machines, and fixtures for gymnasium, three hundred dollars; Gymnasium.

For one twenty-eight foot metal drying room of twelve eighteen-inch racks, complete and installed in the cadet laundry, to be immediately available, seven hundred and twenty-five dollars; Laundry.

For one three-roll number five collar and cuff ironer, to be immediately available, one thousand two hundred dollars;

For eighteen ironing tables, twenty-eight by fifty inches, to be immediately available and to be purchased without advertising, one hundred and fifty dollars;

One number two dampener for belts, to be immediately available and to be purchased without advertising, one hundred and fifty dollars;

For one collar and cuff starcher, to be immediately available and to be purchased without advertising, three hundred and fifty dollars;

For six rattan laundry baskets, to be immediately available and to be purchased without advertising, seventy-six dollars;

For one Carter's pressure water filter number three, to be immediately available and to be purchased without advertising, two hundred and twenty-five dollars;

For one Worthington pump and receiver, to be immediately available and to be purchased without advertising, four hundred dollars;

For one hydraulic dampener, twenty-four by thirty-two by thirty-six inches, to be immediately available and to be expended without advertising, one hundred dollars;

For purchase of two hundred and forty dictionaries for the use of the cadets, at fifteen dollars each, three thousand six hundred dollars; Dictionaries.

For partly meeting the expenses incident to the exercises in commemoration of the one hundredth anniversary of the opening of the United States Military Academy, to be expended under the direction of the Superintendent, ten thousand dollars; Commemoration-exercises expenses.

In all, for miscellaneous items and incidental expenses, thirty-four thousand nine hundred and one dollars.

Buildings and grounds, Military Academy: For cases, materials, fittings, fixtures, and other appliances and repairs for ordnance museum in new academy building, three hundred dollars; Buildings and grounds.

For repairs to ordnance laboratory and other buildings pertaining to the department of ordnance and gunnery, painting buildings, and materials for roads and walks, and for repairs to machinery and tools, one hundred and fifty dollars;

For filling in, raising, and otherwise improving engineer ponton ground, and constructing sea wall at same, three thousand dollars;

For painting walls throughout cavalry barracks, three hundred and seventy-five dollars;

For whitewashing interior and painting exterior of cavalry stables, four hundred and eighty dollars;

For lumber for general repairs of cavalry stables, one hundred and fifty dollars;

For benching cellar wall of quarters of the hospital steward at the soldiers' hospital, eighty dollars;

For materials and labor for repairs, alterations, and additions needed at the soldiers' hospital, as follows:

For screens to all transoms, forty dollars;

For storm windows and doors, three hundred and seventy-five dollars;

For porcelain sink, with hot and cold water combination spigots (two), one hundred and fifty dollars;

For Welsbach burners, mantles, and mica chimneys, twenty-five dollars;

For brushes, paints, glass, putty, wax, and turpentine, for general repairs and waxing floors, seventy-five dollars;

For materials for rebronzing radiators, thirty dollars;

For purchase of flowers and shrubs for hospital grounds, fifty dollars;

Waterworks.

For metal ceiling for walls, three hundred dollars;

For waterworks: Renewal of material in filter beds; improving ventilation of filter house and water house; hose for use in cleaning filter beds and water house, and for use in fire service at same; tools, implements, and materials for use of the two keepers and for repairs of siphon house, filter house, and of four and one-half miles of supply pipe; for shed for tools and storage of fuel for keeper of Round Pond, and for tool house at filter; for gauges at Round Pond and Delafield Pond, and for stairs for access to same, and all other necessary work of maintenance and repairs, one thousand two hundred dollars;

For necessary improvements to water-supply system: To grade and remove vegetable growth and properly drain the vicinity of Lusk reservoir and fence road around it, five thousand dollars;

— extra-duty pay to
overseer.

Provided, That from the foregoing appropriations for waterworks, or from any appropriation that may hereafter be made for waterworks, a sum not to exceed seventy-five cents per day may be paid as extra-duty pay to the overseer, when such overseer is a soldier detailed for that duty.

Repairs.

For painting and for general incidental repairs and improvements to the cadet quartermaster's department building, including store-rooms, office, tailor shops, shoe-repairing shops, to be expended as required without advertising, three hundred dollars;

For electric motor to run elevator, fans, and sewing machines in cadet quartermaster's department building, to be immediately available, one hundred and fifty dollars;

For one furnace and connection, complete, for one set of quarters belonging to the cadet quartermaster's department and occupied by one of its employees, to be immediately available, two hundred and fifty dollars;

Repairs and additions to the cadet hospital, as follows:

For repainting walls and woodwork of halls, wards, lavatories, and so forth, three hundred dollars;

For repainting exterior of brick annex to wards, and painting exterior of new brick addition to same, one hundred and fifty dollars;

For new boiler for range in kitchen in hospital corps mess, ninety-five dollars;

For closets for storing dust pans, brooms, bedpans, etc., in each lavatory pertaining to wards, sixty dollars;

For material for rebronzing radiators and piping, thirty dollars;

For paraffin and turpentine for waxing and polishing floors, fifty dollars;

For metal ceiling for dormitories of the hospital corps, with cost of labor, one hundred dollars;

For constructing a south wing to the hospital, to correspond with the present north wing, for the accommodation of the sick, to be built of stone, with brick annex for lavatories, baths, and water-closets, including cost of labor, plumbing, gas fittings, radiators, and so forth, forty-six thousand dollars;

For purchase of flowers and shrubs for hospital grounds, seventy-five dollars;

For purchase of Welsbach burners, droplights, mantles, tubes, and so forth, forty dollars;

For painting walls, ceiling, and ironwork of main hall of gymnasium, bowling alleys, closets, vestibules, reception room, office, store-rooms, and halls, eight hundred dollars;

For steel ceiling for gymnasium, seven hundred dollars;

For furniture, curtains, and rugs, for cadet reception room, one hundred and fifty dollars;

For two-story brick addition (about twenty-eight by seventy-five feet) to north end of cadet laundry, finished to correspond to main building, to be immediately available, four thousand two hundred dollars;

For adding second story of brick to one-story addition, fifteen by twenty-eight feet (boiler room), on south end of main building, to be immediately available, one thousand dollars;

For one two-story brick addition, fifteen by thirty feet, to west side of cadet laundry, to be immediately available, one thousand six hundred dollars;

For enlarging cadet mess hall, kitchen, and servants' quarters, to be immediately available, sixty-nine thousand four hundred and fifty dollars;

For wiring for electric lights for mess hall, kitchens, pantries, bakery, cold-storage rooms, dormitories, and for chandeliers, brackets, switches, and machinery, to be immediately available, two thousand five hundred dollars;

For repairing and varnishing woodwork, repairing plastering, painting walls and ceilings in cadet guardhouse, one hundred and fifty dollars;

For granolithic pavement in rear of cadet barracks, and for laying a cement gutter along same, in all six thousand eight hundred square feet, two thousand dollars;

Repairs to cadet barracks:

For repairing and renewing plastering, painting and calcimining, repairs to woodwork, reflooring, rearranging rooms, increasing sinks, baths, and for other incidental repairs to the building, ten thousand dollars;

For water main and sewerage for quarters recently built and to be built during the coming year, five thousand dollars;

For maintaining and improving the grounds of the post cemetery, three thousand dollars;

For converting coal shed into storehouse for lime, cement, stoves, and so forth, one thousand and sixty dollars;

For removing and replacing the asphalt and galvanized-iron roofs and gutters of the Academy building by copper or other durable material, eleven thousand dollars;

For repairing and renewing damaged plastered walls, ceilings, and cornices of the Academy building, due to leaks in roof, one thousand dollars;

For rebuilding north dock, four thousand two hundred dollars;

For filling the ditches and leveling the parapets of the modern portion of Fort Clinton, to be immediately available, five thousand dollars;

For two double sets of officers' quarters, to be of brick, with plumbing and heat, complete, forty thousand dollars;

For continuing the construction and repair of the roads between the site of the old south guardhouse and the southern boundary line of reservation, and for continuing the laying of a stone walk along same, one thousand dollars;

For repairing roads and paths, including roads and bridges on reservation, one thousand dollars;

To repair the sidewalks of the post, one thousand dollars;

For continuing the construction of breast-high wall in dangerous places, five hundred dollars;

For broken stone and gravel for roads, one thousand five hundred dollars;

For building for officers' quarters and mess, twenty-nine thousand nine hundred and sixty dollars;

Appropriations
available until ex-
pended.
Autc., p. 654.

Provided, That the foregoing appropriation, and the appropriation contained in the Act approved June sixth, nineteen hundred, for building for officers' mess and quarters, seventy-eight thousand nine hundred and ninety dollars are hereby made available until expended;

Total buildings and grounds, two hundred and fifty-eight thousand one hundred and fifty dollars.

Approved, March 2, 1901.

March 2, 1901.

CHAP. 805.—An Act Making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and two.

Agricultural Depart-
ment appropriations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, in full compensation for the fiscal year ending June thirtieth, nineteen hundred and two, for the purposes and objects hereinafter expressed, namely:

DEPARTMENT OF AGRICULTURE.

Pay of Secretary, As-
sistant, clerks, etc.

OFFICE OF THE SECRETARY: For compensation of Secretary of Agriculture, eight thousand dollars; Assistant Secretary of Agriculture, four thousand five hundred dollars; chief clerk, who shall be superintendent of the Department buildings, two thousand five hundred dollars; private secretary to the Secretary of Agriculture, two thousand two hundred and fifty dollars; stenographer to the Secretary of Agriculture, one thousand four hundred dollars; private secretary to the Assistant Secretary of Agriculture, one thousand six hundred dollars; one appointment clerk, two thousand dollars; one chief of supply division, two thousand dollars; one telegraph and telephone operator, one thousand two hundred dollars; one clerk class four, one thousand eight hundred dollars; two clerks class three, three thousand two hundred dollars; two clerks class two, two thousand eight hundred dollars; seven clerks of class one, eight thousand four hundred dollars; four clerks, at one thousand dollars each, four thousand dollars; one clerk, eight hundred and forty dollars; one engineer, who shall be captain of the watch, one thousand six hundred dollars; one fireman, who shall be steam fitter, nine hundred dollars; one assistant fireman, seven hundred and twenty dollars; one assistant fireman, six hundred dollars; one electrician, nine hundred dollars; nine night watchmen, at seven hundred and twenty dollars each, six thousand four hundred and eighty dollars; two day watchmen, at seven hundred and twenty dollars each, one thousand four hundred and forty dollars; one mechanic, one thousand one hundred dollars; six messengers, at eight hundred and forty dollars each, five thousand and forty dollars; two assistant messengers, at seven hundred and twenty dollars each, one thousand four hundred and forty dollars; in all, sixty-six thousand seven hundred and ten dollars.

Laborers, etc.

OFFICE OF THE SECRETARY: LABORERS AND CHARWOMEN: One laborer, seven hundred and twenty dollars; one laborer, six hundred dollars; three charwomen, at four hundred and eighty dollars each, one thousand four hundred and forty dollars; five charwomen, at two hundred and forty dollars each, one thousand two hundred dollars; for extra laborers and emergency employment, one thousand dollars; in all, four thousand nine hundred and sixty dollars.

WEATHER BUREAU.

Weather Bureau.

SALARIES OF THE WEATHER BUREAU: Office of Chief of Weather Bureau: One Chief of Bureau, five thousand dollars; two professors of meteorology, at three thousand dollars each, for service in the city of Washington or elsewhere, as the exigencies of the Bureau may demand, six thousand dollars; four professors of meteorology, at two thousand five hundred dollars each, for service in the city of Washington or elsewhere, as the exigencies of the Bureau may demand, ten thousand dollars; five forecast officials, at two thousand dollars each, for service in the city of Washington or elsewhere, as the exigencies of the Bureau may demand, ten thousand dollars; one chief clerk, two thousand two hundred and fifty dollars; three chiefs of divisions, at two thousand dollars each, six thousand dollars; three clerks of class four, five thousand four hundred dollars; one chief of Division of Supplies, one thousand eight hundred dollars; five clerks of class three, eight thousand dollars; seventeen clerks of class two, twenty-three thousand eight hundred dollars; twenty-five clerks of class one, thirty thousand dollars; fourteen clerks, at one thousand dollarseach, fourteen thousand dollars; one telegraph operator, in the city of Washington or elsewhere, as the exigencies of the Bureau may demand, one thousand dollars; five clerks, at nine hundred dollars each, four thousand five hundred dollars; four copyists or typewriters, at eight hundred and forty dollars each, three thousand three hundred and sixty dollars; two copyists or typewriters, at seven hundred and twenty dollars each, one thousand four hundred and forty dollars; one chief mechanic, one thousand four hundred dollars; one captain of the watch, one thousand dollars; one engineer, one thousand dollars; one battery man, eight hundred and forty dollars; four skilled artisans, at eight hundred and forty dollars each, three thousand three hundred and sixty dollars; two skilled mechanics, at one thousand dollars each, two thousand dollars; three messengers, at seven hundred and twenty dollars each, two thousand one hundred and sixty dollars; two firemen, at seven hundred and twenty dollars each, one thousand four hundred and forty dollars; three watchmen, at seven hundred and twenty dollars each, two thousand one hundred and sixty dollars; one carpenter, eight hundred and forty dollars; five laborers, at six hundred and sixty dollars each, three thousand three hundred dollars; eight messengers or laborers, at six hundred dollars each, four thousand eight hundred dollars; five messengers or laborers, at four hundred and fifty dollars each, two thousand two hundred and fifty dollars; three charwomen, at two hundred and forty dollars each, seven hundred and twenty dollars; in all, one hundred and fifty-nine thousand eight hundred and twenty dollars.

Pay of chief, professors, clerks, etc.

FUEL, LIGHTS, AND REPAIRS, WEATHER BUREAU: For fuel, lights, repairs, pay of firemen, watchmen, messengers, and other labor, and other expenses for the care and preservation of the public buildings and grounds of the Weather Bureau, nine thousand dollars.

Fuel, lights, and repairs.

CONTINGENT EXPENSES, WEATHER BUREAU: For stationery, blank books, necessary scientific and other publications; furniture, and repairs to same; freight, express charges; subsistence, care, and purchase of horses, for official purposes only; repairs of harness; advertising, dry goods, twine, mats, oils, paints, glass, lumber, hardware, ice, washing towels, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Weather Bureau, eight thousand dollars.

Contingent expenses.

GENERAL EXPENSES, WEATHER BUREAU: General expenses of the Weather Bureau, under the direction of the Secretary of Agriculture, for the benefit of agriculture, commerce, navigation, and other interests, as provided by law, namely:

General expenses.

—inspectors, observers, etc.

Salary of one inspector, not to exceed two thousand dollars; thirty local-forecast officials; section directors, observers, operators, repair men, messengers, boy messengers, laborers, and other necessary employees, outside of the city of Washington, who, without additional expense to the Government, may hereafter, in the discretion of the Secretary of Agriculture, be granted such leaves of absence as are now authorized to employees in the office of the Chief of the Weather Bureau, not to exceed thirty days in any one year, four hundred and eight thousand five hundred dollars.

Itemized expenses.

All other expenses, itemized as follows: Maps, bulletins, stationery, and scientific and other publications for stations, and the maintenance of a printing office in the District of Columbia for printing the necessary circulars, weather maps, bulletins, and monthly weather reviews (including the hire of printers, lithographers, and other necessary working force); for traveling expenses; for freight and express charges; for instruments and shelters therefor; for telegraphing or telephoning reports and messages, the rates to be fixed by the Secretary of Agriculture by agreement with the companies performing the services; for rents and other incidental expenses of offices maintained as stations of observation; for maintenance and repair of seacoast telegraph lines; for experiments in wireless telegraphy, including all necessary expenses; for river observations and reports; for storm and other signals; for cotton-region observations and reports; for corn and wheat observations and reports; for aerial observations and reports; for supplies for climate and crop services, and for investigations on climatology, including assistance and all necessary expenses, four hundred and fifty-seven thousand dollars.

West Indies stations.

For maintaining the Weather Bureau stations already established by the Secretary of Agriculture, or to be established by the Secretary of Agriculture, in Bermuda, in the West Indies or on adjacent coasts, and for establishing and equipping meteorological stations in the Hawaiian Islands for taking daily observations of meteorological phenomena; for collecting reports thereof by cable and otherwise; for disseminating information based thereon of the approach of tropical hurricanes and other storms; and for collecting and publishing such climatological data as may be of public benefit, including salaries of one professor of meteorology, at not exceeding three thousand dollars; one forecast official, at not exceeding two thousand dollars; section directors, observers, and other necessary employees (all for duty at the places named in this Act or at such points in the United States as the exigencies of the weather service may require); rent of offices; stationery, furniture, and instrumental supplies; traveling expenses; freight and express charges; cablegrams and telegrams; and all other necessary expenses, sixty thousand dollars.

Hawaiian Islands.

Erection of buildings authorized.

For the purchase of a site and the erection of a small brick and wood building at each of the following-named places, for use of the Weather Bureau, and for all necessary labor, materials, and expenses, plans and specifications to be prepared and approved by the Secretary of Agriculture, and work done under the supervision of the Chief of Weather Bureau, namely: Atlantic City, New Jersey, six thousand dollars; Hatteras, North Carolina, five thousand dollars; Fort Canby, Washington, four thousand dollars; Port Crescent, Washington, three thousand dollars; and Tatoosh Island, Washington, five thousand dollars; Point Reyes, California, three thousand dollars, including the purchase of instruments, furniture, supplies, flagstaffs, and storm warning towers to properly equip these stations; for the purchase and laying of a cable between the mainland and Tatoosh Island, and for general repairs to telegraph line from Port Crescent to Tatoosh Island, Washington, including all necessary labor, materials, and other expenses, twenty thousand dollars; in all, forty-six thousand dollars:

Cable, Tatoosh Island.

Provided, That if any of the money for these several buildings and cable remains unexpended for the special purposes for which it is appropriated, so much of it as is necessary may be expended for the repair, improvement, and equipment of the buildings owned by the Government and occupied by the Weather Bureau at Cape Henry, Virginia; Bismarck, North Dakota; Kitty Hawk, North Carolina, and Jupiter, Florida: *And further provided*, That in lieu of the building of the cable to Tatoosh Island such of the money herein appropriated may, in the discretion of the Secretary of Agriculture, be used for the purchase of ground and the erection of a building on the mainland nearly opposite Tatoosh Island, and the installation and operation of a system of wireless communication between the said mainland and Tatoosh Island. Total for Weather Bureau, one million one hundred and forty-eight thousand three hundred and twenty dollars.

Provisos.
Unexpended balances available for Cape Henry, Va., etc.

Wireless communication to Tatoosh Island authorized in lieu of cable.

BUREAU OF ANIMAL INDUSTRY.

Bureau of Animal Industry.

Salaries of chief, clerks, etc.

SALARIES, BUREAU OF ANIMAL INDUSTRY: One Chief of Bureau, four thousand dollars; one assistant chief, two thousand five hundred dollars; one chief clerk of Bureau, two thousand dollars; one chief of inspection division, two thousand five hundred dollars; one assistant chief of inspection division, one thousand eight hundred dollars; one chief of dairy division, two thousand five hundred dollars; one assistant chief of dairy division, one thousand eight hundred dollars; one chief of pathological division, two thousand five hundred dollars; two assistants in pathological division, at one thousand two hundred dollars each, two thousand four hundred dollars; one assistant in pathological division, eight hundred and forty dollars; one chief of biochemic division, two thousand five hundred dollars; one assistant in biochemic division, one thousand six hundred dollars; one assistant in biochemic division, one thousand four hundred dollars; one assistant in biochemic division, one thousand two hundred dollars; one assistant in biochemic laboratory, seven hundred and twenty dollars; one chief of miscellaneous division, two thousand dollars; one zoologist, two thousand two hundred and fifty dollars; one veterinary inspector, one thousand eight hundred dollars; one veterinary inspector, one thousand six hundred dollars; two veterinary inspectors, at one thousand four hundred dollars each, two thousand eight hundred dollars; one superintendent of experiment station, two thousand dollars; one assistant superintendent, one thousand dollars; one clerk class four, one thousand eight hundred dollars; one editorial clerk, one thousand eight hundred dollars; one clerk class three, one thousand six hundred dollars; three clerks class two, four thousand two hundred dollars; five clerks class one, six thousand dollars; seven clerks, at one thousand dollars each, seven thousand dollars; seven clerks, at eight hundred and forty dollars each, five thousand eight hundred and eighty dollars; two firemen, at seven hundred and twenty dollars each, one thousand four hundred and forty dollars; four messengers, at seven hundred and twenty dollars each, two thousand eight hundred and eighty dollars; two skilled laborers, at six hundred and sixty dollars each, one thousand three hundred and twenty dollars; one illustrator, one thousand four hundred dollars; in all, seventy-nine thousand and thirty dollars.

GENERAL EXPENSES, BUREAU OF ANIMAL INDUSTRY: For carrying out the provisions of an Act of May twenty-ninth, eighteen hundred and eighty-four, establishing the Bureau of Animal Industry, and the Act of August thirtieth, eighteen hundred and ninety, providing for an inspection of meats and animals, and also the provisions of the Act of March third, eighteen hundred and ninety-one, providing for the inspection of live cattle, hogs, and the carcasses and products

Expenses.
Inspection of meat, cattle, etc.
Vol. 23, p. 31.
Vol. 26, p. 414.

Vol. 26, p. 1089.

Provisos.
—live horses.

—waiver of certificate
with beef.

Preventing diseases
among animals.

Purchase, etc., of
diseased animals.

Bethesda, Md., sta-
tion.

Foreign markets for
farm products, etc.

Laboratory.

Inspection of dairy
products for exporta-
tion authorized.
Vol. 28, p. 732.
Vol. 25, p. 1090.

—label.

Animal quarantine
stations.

Bureau of Plant In-
dustry.

Salaries of chief, etc.

thereof which are the subjects of interstate and foreign commerce, and for other purposes: *Provided*, That live horses and the products and carcasses thereof be entitled to the same inspection as other animals, carcasses, and products thereof herein named: *Provided further*, That the Secretary of Agriculture may in his discretion waive the requirement of a certificate with beef and other products, which are exported to countries that do not require such inspection, one million and fifty thousand dollars; and the Secretary of Agriculture is hereby authorized to use any part of this sum he may deem necessary or expedient, in such manner as he may think best, in the collection of information concerning live stock, dairy, and other animal products, and to prevent the spread of pleuropneumonia, blackleg, tuberculosis, sheep scab, glanders or farcy, hog cholera, and other diseases of animals, and for this purpose to employ as many persons as he may deem necessary, and to expend any part of this sum in the purchase and destruction of diseased or exposed animals and the quarantine of the same whenever in his judgment it is essential to prevent the spread of pleuropneumonia, tuberculosis, or other diseases of animals from one State to another, for improving and maintaining the Bureau Experiment Station, at Bethesda, Maryland; for printing and publishing such reports relating to animal industry as he may direct; and the Secretary of Agriculture may use so much of this sum as he deems necessary for promoting the extension and development of foreign markets for dairy and other farm products of the United States, and for suitable transportation of the same; and such products may be bought in open market and disposed of at the discretion of the Secretary of Agriculture, and he is authorized to apply the moneys received from the sales of such products toward the continuation and repetition of such experimental exports; and the Secretary is hereby authorized to rent a suitable building in the District of Columbia, at an annual rental not exceeding one thousand eight hundred dollars, to be used as a laboratory for said Bureau of Animal Industry, and the employees of the Bureau of Animal Industry outside of the city of Washington may hereafter, in the discretion of the Secretary of Agriculture, be granted leaves of absence not to exceed fifteen days in any one year: *Provided*, That the Secretary of Agriculture may construe the provisions of the Act of March third, eighteen hundred and ninety-one, as amended March second, eighteen hundred and ninety-five, for the inspection of live cattle and products thereof, to include dairy products intended for exportation to any foreign country, and may apply, under rules and regulations to be prescribed by him, the provisions of said Act for inspection and certification appropriate for ascertaining the purity and quality of such products, and may cause the same to be so marked, stamped, or labeled as to secure their identity and make known in the markets of foreign countries to which they may be sent from the United States their purity, quality, and grade; and all the provisions of said Act relating to live cattle and products thereof for export shall apply to dairy products so inspected and certified.

ANIMAL QUARANTINE STATIONS: To purchase, establish, and maintain quarantine stations, and to provide proper shelter and equipment for the care of neat cattle and domestic animals imported, at such ports as may be deemed necessary, twenty-five thousand dollars.

Total for Bureau of Animal Industry, one million one hundred and fifty-four thousand and thirty dollars.

BUREAU OF PLANT INDUSTRY.

BUREAU OF PLANT INDUSTRY, SALARIES: One plant physiologist and pathologist, who shall be Chief of Bureau, three thousand dollars; one plant pathologist, two thousand five hundred dollars; one botanist,

two thousand five hundred dollars; one pomologist, two thousand five hundred dollars; one agrostologist, two thousand five hundred dollars; one assistant pathologist, one thousand eight hundred dollars; one assistant botanist, one thousand eight hundred dollars; one assistant pomologist, one thousand eight hundred dollars; one assistant agrostologist, one thousand eight hundred dollars; two clerks class three, three thousand two hundred dollars; three clerks class two, four thousand two hundred dollars; three clerks class one, three thousand six hundred dollars; five clerks, at one thousand dollars each, five thousand dollars; two clerks, at nine hundred dollars each, one thousand eight hundred dollars; two clerks, at eight hundred and forty dollars each, one thousand six hundred and eighty dollars; in all, thirty-nine thousand six hundred and eighty dollars.

GENERAL EXPENSES, BUREAU OF PLANT INDUSTRY; VEGETABLE PATHOLOGICAL AND PHYSIOLOGICAL INVESTIGATIONS: Investigating the nature of diseases injurious to fruits, fruit trees, grain, cotton, vegetables, and other useful plants; experiments in the treatment of the same; the study of plant physiology in relation to crop production and the improvement of crops by breeding and selection; to investigate the diseases affecting citrus fruits, pineapples, and truck crops grown during the winter in the Southern States; to investigate and report upon the diseases affecting plants on the Pacific coast; to originate or introduce improved varieties of fruits and vegetables in cooperation with the Section of Seed and Plant Introduction; to study the relation of soil and climatic conditions to diseases of plants, particularly with reference to the California vine diseases and the diseases of the sugar beet, in cooperation with the Bureau of Soils, and for other purposes connected with the discovery and practical application of improved methods of crop production; to continue the work of originating, by breeding and selection, in cooperation with the other divisions of the Department and the experiment stations, new varieties of oranges, lemons, and other tropical and subtropical fruits more resistant to cold and disease, and of better quality; varieties of wheat and other cereals more resistant to rust and smut and better suited to the various sections of this country; varieties of cotton more resistant to disease and of longer and better staple, and varieties of pears and apples more resistant to blight and better adapted for export; the employment of investigators, local and special agents, clerks, assistants, and student scientific aids at an annual salary of four hundred and eighty dollars each, and other labor required in conducting experiments in the city of Washington and elsewhere, and collating, digesting, reporting, and illustrating the results of such experiments; for gas and electric current; purchase of chemicals and apparatus required in the field and laboratory; necessary traveling expenses; the preparation of reports and illustrations; the rent of a building, not to exceed one thousand four hundred dollars per annum; and for other expenses connected with the practical work of the investigations, sixty thousand dollars.

Investigations and expenses.
Vegetable patho-
logical, etc.

POMOLOGICAL INVESTIGATIONS: Investigating, collecting, and disseminating information relating to the fruit industry; the collection and distribution of seeds, shrubs, trees, and specimens; and for collecting and modeling fruits, vegetables, and other plants, and furnishing duplicate models to the experiment stations of the various States as far as found practicable; the employment of investigators, local and special agents, clerks, assistants, student scientific aids at an annual salary of four hundred and eighty dollars each, and other labor required in conducting experiments in the city of Washington and elsewhere; and in collating, digesting, reporting, and illustrating the results of such experiments; for traveling and other necessary expenses; to continue the investigations and experiments in the introduction of

Pomological inves-
tigations.

the culture of European table grapes and the study of the diseases that affect them, for the purpose of discovering remedies therefor, this work to be done in cooperation with the Section of Seed and Plant Introduction; to investigate in cooperation with the other divisions of the Department and experiment stations of the several States the market conditions affecting the fruit trade in the United States and foreign countries, and the methods of harvesting, packing, storing, and shipping fruit and vegetables, and for experimental shipments of fruits to foreign countries, for the purpose of increasing the exportation of American fruits, and for all necessary expenses connected with the practical work of the same; to investigate, map, and report upon the commercial fruit districts of the United States, for the purpose of determining the relative adaptability of the several important fruits thereto, by a study of the conditions of soil and climate, and of the prevalence of plant diseases existing therein as related to commercial fruit production, twenty thousand dollars.

Botanical investigations.

BOTANICAL INVESTIGATIONS AND EXPERIMENTS: Investigations relating to medicinal, poisonous, fiber, and other economic plants, seeds, and weeds; the collection of plants, traveling expenses, and express charges; the purchase of paper and all other necessary supplies, materials, and apparatus; for rent and ordinary repairs of a building for office and laboratory purposes not to exceed one thousand dollars; for gas and electric current; for the employment of investigators, local and special agents, clerks, assistants, and student scientific aids at an annual salary of four hundred and eighty dollars each, and other labor in conducting experiments in the city of Washington and elsewhere; and in collating, digesting, reporting, and illustrating the results of such experiments; subscriptions to and purchase of botanical publications for use in the division; and the preparation, illustration, and publication of reports; and the Secretary of Agriculture is hereby authorized to purchase samples of seeds in open market, test same, and when found not up to standard, he may, at his discretion, publish the results of such of these tests, together with the names of the seedsmen by whom the seeds were sold; to investigate and publish reports upon the useful plants and plant cultures of the tropical territory of the United States, and to investigate, report upon, and introduce other plants promising to be valuable for the tropical territory of the United States, such plants and botanical and agricultural information when secured to be made available for the work of agricultural experiment stations and schools; to investigate the varieties of wheat and other cereals grown in the United States or suitable for introduction, in order to standardize the naming of varieties as a basis for the experimental work of the State experiment stations, and as an assistance in commercial grading; and to investigate, in cooperation with the Bureau of Chemistry, the causes of deterioration of export grain, particularly in oceanic transit, and devise means of preventing losses from those causes, forty-five thousand dollars.

Grass and forage plant investigations.

GRASS AND FORAGE PLANT INVESTIGATIONS: To enable the Secretary of Agriculture to conduct investigations of grasses, forage plants, and animal foods in cooperation with other divisions of the Department; to collect and purchase seeds, roots, and specimens of valuable economic grasses and forage plants for investigation; experimental cultivation and distribution, and for experiments and reports upon the best methods of extirpating Johnson and other noxious and destructive grasses; to purchase tools, materials, apparatus, and supplies; to pay freight, express charges, and traveling expenses; for the employment of local and special agents, clerks, assistants, and scientific student aids at an annual salary of four hundred and eighty dollars each, and other labor required in conducting experiments in the city of Washington and elsewhere; to prepare drawings and illustrations for

circulars, reports, and bulletins; and the agricultural experiment stations are hereby authorized and directed to cooperate with the Secretary of Agriculture in establishing and maintaining experimental grass stations, for determining the best methods of caring for and improving meadows and grazing lands, the use of different grasses and forage plants, and their adaptability to various soils and climates, the best native and foreign species for reclaiming overstocked ranges and pastures, for renovating worn-out lands, for binding drifting sands and washed lands, and for turfing lawns and pleasure grounds, and for solving the various forage problems presented in the several sections of our country, twenty thousand dollars: *Provided*, That five thousand dollars of this sum, or such part thereof as the Secretary of Agriculture may deem necessary, to be immediately available.

Proviso.
Appropriation immediately available.

EXPERIMENTAL GARDENS AND GROUNDS: Cultivation and care of experimental gardens and grounds, including the keep of lawns, trees, roadways, and walks; management and maintenance of the conservatories, greenhouses, and plant and fruit propagating houses; employment of foremen, gardeners, laborers, carpenters, painters, plumbers, and other mechanics; machinery, tools, wagons, carts, horses, harness, plows, lawn mowers, sprinklers, hose, watering cans, tubs, pots, and other implements required in cultivation; lumber, hardware, glass, paints, tin, stone, gravel, and other material required for repairs; fertilizers, insecticide apparatus, and chemicals; blacksmithing, horse-shoeing, and repairs to implements and machinery; seeds, plants, and bulbs for propagating purposes; labels, potting and packing materials, feed for horses, freight and express charges, repairing roadways and walks, traveling and other necessary expenses, and for electric lighting, twenty thousand dollars.

Experimental gardens, etc.

Total for Bureau of Plant Industry, two hundred and four thousand six hundred and eighty dollars.

BUREAU OF FORESTRY.

Bureau of Forestry.

BUREAU OF FORESTRY, SALARIES: One forester, who shall be chief of bureau, three thousand dollars; one assistant forester, two thousand five hundred dollars; one assistant forester, one thousand eight hundred dollars; one assistant forester, two thousand dollars; one chief clerk, one thousand eight hundred dollars; one stenographer, one thousand two hundred dollars; one field assistant, one thousand five hundred dollars; one field assistant, one thousand four hundred dollars; one field assistant, one thousand two hundred dollars; one field assistant, one thousand dollars; one field assistant, seven hundred and twenty dollars; ten collaborators at three hundred dollars each, three thousand dollars; one clerk class three, one thousand six hundred dollars; one photographer, one thousand two hundred dollars; one computer, one thousand dollars; three clerks class one, three thousand six hundred dollars; two clerks at one thousand dollars each, two thousand dollars; four clerks at nine hundred dollars each, three thousand six hundred dollars; seven clerks at seven hundred and twenty dollars each, five thousand and forty dollars; in all, thirty-nine thousand one hundred and sixty dollars.

Salaries of chief, clerks, etc.

GENERAL EXPENSES, BUREAU OF FORESTRY: To enable the Secretary of Agriculture to experiment and to make and continue investigations and report on forestry, forest reserves, forest fires, and lumbering; to advise the owners of woodlands as to the proper care of the same; to seek, through investigations and the planting of native and foreign species, suitable trees for the treeless regions; to collect and distribute valuable economic forest-tree seeds and plants; for the employment of local and special agents, clerks, assistants, and other labor required in conducting experiments and investigations in the

Investigations.

city of Washington and elsewhere, and for collating, digesting, reporting, illustrating, and printing the results of such experiments and investigations; for the purchase of all necessary supplies, apparatus, and office fixtures; for freight and express charges, and traveling expenses, one hundred and forty-six thousand two hundred and eighty dollars, of which sum not to exceed two thousand dollars may be used for the payment of rent. In all, for the Bureau of Forestry, one hundred and eighty-five thousand four hundred and forty dollars.

BUREAU OF CHEMISTRY.

Bureau of chemistry.

Salaries of chief, clerks, etc.

BUREAU OF CHEMISTRY, SALARIES: One chemist, who shall be chief of bureau, three thousand dollars; one assistant chemist, two thousand five hundred dollars; one assistant chemist, one thousand eight hundred dollars; one assistant chemist, one thousand six hundred dollars; two clerks, class one, two thousand four hundred dollars; in all, eleven thousand three hundred dollars.

Expenses.

GENERAL EXPENSES, BUREAU OF CHEMISTRY: Chemical apparatus, chemicals, laboratory fixtures, and supplies, repairs to engine and apparatus; gas and electric current, purchase of supplies and necessary expenses in conducting special investigations, including necessary traveling and other expenses, labor and expert work in such investigations, in the city of Washington and elsewhere, and in collating, digesting, reporting, and illustrating the results of such experiments; to continue the collaboration with other bureaus and divisions of the Department desiring chemical investigations and to collaborate with the other departments of the Government, whose heads request the Secretary of Agriculture for such assistance and for other miscellaneous work; for the employment of additional assistant chemists when necessary.

Food, drugs, and liquors adulterations.

To investigate the adulteration of foods, drugs, and liquors, when deemed by the Secretary of Agriculture advisable; and the Secretary of Agriculture, whenever he has reason to believe that articles are being imported from foreign countries which by reason of such adulteration are dangerous to the health of the people of the United States, shall make a request upon the Secretary of the Treasury for samples from original packages of such articles for inspection and analysis; and the Secretary of the Treasury is hereby authorized to open such original packages and deliver specimens to the Secretary of Agriculture for the purpose mentioned, giving notice to the owner or consignee of such articles, who may be present and have the right to introduce testimony; and the Secretary of the Treasury shall refuse delivery to the consignee of any such goods which the Secretary of Agriculture reports to him have been inspected and analyzed and found to be dangerous to health because of such adulteration.

Opening packages of suspected imports.

—notice to owner.

—delivery refused.

Investigation of food preservatives.

—of foreign tests of American food products, etc.

To enable the Secretary of Agriculture to investigate the character of proposed food preservatives and coloring matters, to determine their relation to digestion and to health, and to establish the principles which should guide their use; to enable the Secretary of Agriculture to investigate the character of the chemical and physical tests which are applied to American food products in foreign countries, and to inspect before shipment, when desired by the shippers or owners of these food products, American food products intended for countries where chemical and physical tests are required before said food products are allowed to be sold in the countries mentioned, and for all necessary expenses connected with such inspection and studies of methods of analysis in foreign countries; for the preparation of reports, the purchase of apparatus, chemicals, samples, and supplies required in conducting such investigations, the employment of local and special agents, clerks, assistants, and other labor required in conducting such experiments in the city of Washington and elsewhere,

and in collating, digesting, reporting, and illustrating the results of such experiments; for freight and express charges, and for traveling and other necessary expenses, twenty-four thousand five hundred dollars, of which sum two thousand five hundred dollars may be used for the rent of a laboratory building.

Total for Bureau of Chemistry, thirty-five thousand eight hundred dollars, of which five thousand dollars shall be immediately available.

BUREAU OF SOILS.

Bureau of Soils.

BUREAU OF SOILS, SALARIES: One soil physicist who shall be Chief of Bureau, three thousand dollars; one scientist, two thousand five hundred dollars; one scientist, one thousand eight hundred dollars; one scientist, one thousand dollars; one chief clerk, two thousand dollars; one stenographer, one thousand two hundred dollars; three clerks of class one, three thousand six hundred dollars; one clerk, one thousand dollars; one clerk, eight hundred and forty dollars; one watchman, seven hundred and twenty dollars; one charwoman, four hundred and eighty dollars; in all, eighteen thousand one hundred and forty dollars.

Salaries of chief clerks, etc.

GENERAL EXPENSES, BUREAU OF SOILS: Investigation of the relation of soils to climate and organic life; for the investigation of the texture and composition of soils in the field and laboratory; for the investigation of the cause and prevention of the rise of alkali in the soils of the irrigated districts; the investigation of the relation of soils to drainage and seepage waters, and of methods for the prevention of the accumulation of and injury from seepage waters, in irrigated districts; for investigations of soils in the United States and for indicating upon maps or plats, by coloring or otherwise, the results of such investigations; to map the tobacco soils of the United States; to investigate the soils and conditions of tobacco growth in Cuba, Sumatra, and other tobacco competing countries; to investigate, in cooperation with the Bureau of Plant Industry, the methods of curing, with particular reference to fermentation; to originate, through selection and breeding, improved varieties for the principal tobacco districts of the United States, and to secure, as far as may be, a change in the methods of supplying tobacco to foreign countries; the location of the stations; rent of buildings, not to exceed one thousand four hundred dollars per annum, for office and laboratory purposes; the employment of local and special agents, clerks, assistants, and other labor required in conducting experiments in the city of Washington and elsewhere, and in collating, digesting, reporting, and illustrating the results of such experiments; the preparation of drawings and illustrations; for materials, tools, instruments, apparatus, gas and electric current, supplies, and for traveling expenses, freight and express charges; to enable the Secretary of Agriculture to continue and extend the survey and investigations of agricultural lands as hereinbefore provided, and for all necessary expenses connected with the survey; preparation and printing of reports and illustrations; employment of local and special agents, clerks, assistants, and other labor required, in the city of Washington and elsewhere, in collecting, collating, digesting, reporting, and illustrating the results of such surveys; freight and express charges, and for traveling and other necessary expenses, ninety-one thousand dollars, ten thousand dollars of which shall be immediately available.

Soil investigation.

Total for Bureau of Soils, one hundred and nine thousand one hundred and forty dollars.

DIVISION OF ENTOMOLOGY, SALARIES: One entomologist, who shall be chief of division, two thousand five hundred dollars; one assistant entomologist, who shall be assistant chief of division, one thousand eight hundred dollars; one assistant entomologist or clerk, one thousand six hundred dollars; one assistant entomologist or clerk, one

Division of Entomology.
Salaries of chief clerks, etc.

thousand four hundred dollars; two assistant entomologists or clerks, at one thousand two hundred dollars each, two thousand four hundred dollars; one clerk, one thousand dollars; in all, ten thousand seven hundred dollars.

Investigations.

GENERAL EXPENSES OF ENTOMOLOGICAL INVESTIGATIONS: Promotion of economic entomology; investigating the history and habits of insects injurious and beneficial to agriculture, horticulture, and arboriculture; ascertaining the best means of destroying those found to be injurious, including an investigation into the ravages of the codling moth, with a view of ascertaining the best method of its extermination; investigations in apiculture; purchase of chemicals, insecticide apparatus, and other materials, supplies, and instruments required in conducting such experiments and investigations; for the employment of local and special agents, clerks, assistants, and other labor required in conducting experiments in the city of Washington and elsewhere, and in collating, digesting, reporting, and illustrating the results of such experiments; freight and express charges, and necessary traveling expenses; preparing, illustrating, and publishing the results of the work of the division, twenty-five thousand five hundred dollars: *Provided*, That six thousand five hundred dollars of the amount hereby appropriated be used for the following purposes: Three thousand five hundred dollars for an investigation into the ravages of the cotton-boll weevil, with a view of ascertaining the best method of its extermination; two thousand dollars for investigations in apiculture; and one thousand dollars for an investigation into the ravages of the codling moth in the Northwest, with a view of ascertaining the best remedial measures to be adopted in that section of the country.

Total for Division of Entomology, thirty-six thousand two hundred dollars.

Division of Biological Survey.

DIVISION OF BIOLOGICAL SURVEY, SALARIES: One biologist, who shall be chief of division, two thousand five hundred dollars; one assistant biologist, who shall be assistant chief of division, one thousand eight hundred dollars; two assistant biologists, at one thousand five hundred dollars each, three thousand dollars; one assistant biologist, one thousand four hundred dollars; one clerk class one, one thousand two hundred dollars; two clerks, at one thousand dollars each, two thousand dollars; one clerk, nine hundred dollars; in all, twelve thousand eight hundred dollars.

Investigations.

GENERAL EXPENSES OF BIOLOGICAL INVESTIGATIONS: For biological investigations, including the geographic distribution and migrations of animals, birds, and plants; for the promotion of economic ornithology and mammalogy; for an investigation of the food habits of North American birds and mammals in relation to agriculture, horticulture, and forestry; for the employment of local and special agents, clerks, assistants, and other labor required in conducting experiments, in the city of Washington and elsewhere, and in collating, digesting, reporting, and illustrating the results of such experiments; for freight and express charges; for preparation and publication of reports, and for illustrations, field work, and traveling and other expenses in the practical work of the division, and to enable the Secretary of Agriculture to carry into effect the provisions of an Act approved May twenty-fifth, nineteen hundred, entitled "An Act to enlarge the powers of the Department of Agriculture, prohibiting the transportation by interstate commerce of game killed in violation of local laws, and for other purposes," twenty thousand dollars, one thousand dollars of which shall be immediately available.

Total for Division of Biological Survey, thirty-two thousand eight hundred dollars.

Authority of Secretary to preserve, etc., game.
Ante, p. 187.

Division of Accounts, etc.

DIVISION OF ACCOUNTS AND DISBURSEMENTS: Chief of division and disbursing clerk, two thousand five hundred dollars; one assistant

chief of division, two thousand dollars; one cashier, one thousand eight hundred dollars; three clerks class three, four thousand eight hundred dollars; three clerks class two, four thousand two hundred dollars; three clerks class one (one of whom shall be a stenographer and typewriter), three thousand six hundred dollars; in all, eighteen thousand nine hundred dollars.

DIVISION OF PUBLICATIONS, SALARIES: One editor, who shall be chief of division, two thousand five hundred dollars; assistant chief of division, one thousand eight hundred dollars; one editorial clerk, one thousand six hundred dollars; two editorial clerks, at one thousand four hundred dollars each, two thousand eight hundred dollars; one clerk, at one thousand two hundred dollars; five clerks, at one thousand dollars each (one of whom shall be a stenographer), five thousand dollars

Division of Publications.
Salaries.

Document section: One assistant in charge, one thousand eight hundred dollars; one foreman, one thousand four hundred dollars; one clerk, one thousand dollars; one chief folder, one thousand dollars; one folder, eight hundred and forty dollars; four folders, at six hundred dollars each, two thousand four hundred dollars; two copyists, at eight hundred and forty dollars each, one thousand six hundred and eighty dollars; in all, twenty-five thousand and twenty dollars.

Document section.

GENERAL EXPENSES, DIVISION OF PUBLICATIONS: For the preparation, printing, illustration, publication, indexing, and distribution of documents, bulletins, and reports, one hundred and seventy thousand five hundred dollars; of which sum one hundred and seven thousand five hundred dollars shall be available for the preparation and printing of farmers' bulletins, which shall be adapted to the interest of the people of the different sections of the country, an equal proportion of four-fifths of which shall be delivered to or sent out under the addressed franks furnished by Senators, Representatives, and Delegates in Congress, as each Senator, Representative, or Delegate shall direct: *Provided*, That the Secretary of Agriculture shall notify Senators and Representatives of the title and character of each such bulletin, and also of any other publication of the Department of Agriculture not sent to the folding rooms of the Senate and House, with the total number to which each Senator, Representative, and Delegate may be entitled for distribution; and on the face of the envelope inclosing said bulletins shall be printed the title of each bulletin contained therein: *Provided further*, That all such bulletins included in the quotas of Senators, Representatives, or Delegates not called for on or before the thirtieth day of June in each fiscal year shall revert to the Secretary of Agriculture, and be available to him, either for miscellaneous distribution or in making up Congressional quotas for the next fiscal year; and the remainder of said sum for the pay of artists, draftsmen, and engravers, and of proofreaders and indexers when necessary; for the purchase of manuscript for publication, and of tools, instruments, and artists' materials; for printing proofs, charts, and maps; for drawings, engravings, photographs, paintings, lithographs, other illustrations, and electrotypes, and for traveling expenses when necessary; for paper, envelopes, gum, twine, and other necessary material; for the employment of local and special agents, clerks, assistants, and other labor required, in the city of Washington and elsewhere, sixty-three thousand dollars, of which sum five thousand five hundred dollars shall be immediately available; for the rent of a building and for such alterations as may be needed, not to exceed two thousand five hundred dollars per annum, for the storage of publications, to be immediately available; in all, one hundred and seventy-three thousand dollars.

General expenses.

Farmers' bulletins.

Provisos.
Notice to Senators,
etc., of departmental
publications.

Disposition of publications
uncalled for.

Total for Division of Publications, one hundred and ninety-eight thousand and twenty dollars.

Division of Statistics.

DIVISION OF STATISTICS, SALARIES: One statistician, who shall be chief of division, three thousand dollars; one assistant statistician, who shall be assistant chief of division, two thousand two hundred dollars; one clerk class four, one thousand eight hundred dollars; three clerks class three, four thousand eight hundred dollars; five clerks class two, seven thousand dollars; five clerks class one, six thousand dollars; eight clerks, at one thousand dollars each, eight thousand dollars; four clerks, at eight hundred and forty dollars each, three thousand three hundred and sixty dollars; in all, thirty-six thousand one hundred and sixty dollars.

Collecting agricultural statistics.

GENERAL EXPENSES, DIVISION OF STATISTICS: Collecting domestic and foreign agricultural statistics; compiling, writing, and illustrating statistical matter for monthly, annual, and special reports; special investigations and compilations; subscription to, and purchase of, statistical and newspaper publications containing data for permanent comparative records; maps and charts; stationery supplies, blanks, blank books, circulars, paper, envelopes, postal cards, postage stamps, freight and express charges, and necessary traveling expenses: *Provided*, That the monthly crop report issued on the tenth day of each month shall embrace a statement of the condition of the crops, by States, in the United States, with such explanations, comparisons, and information as may be useful for illustrating the above matter, and that it shall be submitted to, and officially approved by, the Secretary of Agriculture before being issued or published: *Provided, also*, That fifteen thousand dollars of the amount hereby appropriated, or so much thereof as the Secretary of Agriculture may deem necessary, may be expended in continuing the investigations concerning the feasibility of extending the demands of foreign markets for the agricultural products of the United States, and to secure, as far as may be, a change in the methods of supplying farm products to foreign countries, one hundred and twenty thousand dollars, of which sum not more than sixty-three thousand dollars shall be expended for salaries in the city of Washington, District of Columbia, of which sum three thousand dollars shall be immediately available.

Provisos.
Monthly crop reports.

Extending demands of foreign markets.

Total for Division of Statistics, one hundred and fifty-six thousand one hundred and sixty dollars.

Library.
Salaries.

LIBRARY, SALARIES: One librarian, one thousand eight hundred dollars; one assistant librarian, one thousand four hundred dollars; one clerk (who shall be a translator), one thousand two hundred dollars; one cataloguer, one thousand two hundred dollars; one cataloguer, one thousand dollars; two clerks, eight hundred and forty dollars each, one thousand six hundred and eighty dollars; one messenger, seven hundred and twenty dollars; in all, nine thousand dollars.

Expenses.

GENERAL EXPENSES FOR DEPARTMENT LIBRARY: Purchase of technical books of reference, technical papers, and technical periodicals necessary for the work of the Department, and for expenses incurred in completing imperfect series, and for library fixtures, shelving, library cards, and other material, seven thousand dollars.

Total for library, Department of Agriculture, sixteen thousand dollars.

Museum.

MUSEUM: One care taker, one thousand dollars; for labor in cleaning and caring for building, one charwoman, at five hundred and forty dollars; three charwomen, at two hundred and forty dollars each, seven hundred and twenty dollars; in all, two thousand two hundred and sixty dollars.

Contingent expenses.

CONTINGENT EXPENSES, DEPARTMENT OF AGRICULTURE: Purchase of stationery, blank books, necessary scientific and other publications, twine, paper, gum, dry goods, soap, brushes, brooms, mats, oils, paints, glass, lumber, hardware, ice, fuel, water and gas pipes, heating apparatus, furniture, carpets, matting; for lights, freight, express charges, advertising, telegraphing, washing towels, and necessary

repairs and improvements to buildings and heating apparatus; for the employment of one carpenter, at one thousand dollars, and for the employment of one painter, at nine hundred dollars; the purchase, subsistence, and care of horses, for official purposes only; the purchase and repair of harness; the purchase and repair of vehicles, for official purposes only; payment of duties on imported articles, and the Department of Agriculture's proportionate share of the dispatch agent in New York, not to exceed four hundred dollars; actual traveling expenses while on business of the Department; and other miscellaneous supplies and expenses not otherwise provided for, and necessary for the practical and efficient work of the Department, including not to exceed two thousand five hundred dollars for postage, thirty-seven thousand dollars.

Dispatch agent.

MISCELLANEOUS.

AGRICULTURAL EXPERIMENT STATIONS: To carry into effect the provisions of an Act approved March second, eighteen hundred and eighty-seven, entitled "An Act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an Act approved July second, eighteen hundred and sixty-two, and of the Acts supplementary thereto," and to enforce the execution thereof, seven hundred and eighty-nine thousand dollars; thirty-three thousand dollars of which sum shall be payable upon the order of the Secretary of Agriculture, to enable him to carry out the provisions of section three of said Act of March second, eighteen hundred and eighty-seven, and twelve thousand dollars of which sum may be expended by the Secretary of Agriculture to investigate and report to Congress upon the agricultural resources and capabilities of Alaska; and to establish and maintain agricultural experiment stations in said Territory, including the erection of buildings and all other expenses essential to the maintenance of such stations, of which sum three thousand dollars shall be immediately available; and the Secretary of Agriculture shall prescribe the form of the annual financial statement required by section three of said Act of March second, eighteen hundred and eighty-seven; shall ascertain whether the expenditures under the appropriation hereby made are in accordance with the provisions of said Act, and shall make report thereon to Congress; and the Secretary of Agriculture is hereby authorized to employ such assistants, clerks, and other persons as he may deem necessary, in the city of Washington and elsewhere, and to incur such other expenses for office fixtures and supplies, stationery, traveling, freight, and express charges, illustration of the Experiment Station Record, bulletins and reports, as he may find essential in carrying out the objects of the above Acts, and the sums apportioned to the several States shall be paid quarterly in advance. And the Secretary of Agriculture is hereby authorized to furnish to such institutions or individuals as may care to buy them, copies of the card index of agricultural literature prepared by the Office of Experiment Stations, and charge for the same a price covering the additional expense involved in the preparation of these copies, and he is hereby authorized to apply the moneys received toward the expense of the preparation of the index. And the Secretary of Agriculture is hereby authorized to expend twelve thousand dollars of which sum to establish and maintain an agricultural station in the Hawaiian Islands, including the erection of buildings, the printing (in the Hawaiian Islands), illustration, and distribution of reports and bulletins, and all other expenses essential to the maintenance of said station. And the Secretary of Agriculture is hereby authorized to expend twelve thousand dollars of which sum to establish and maintain an agricultural experiment station in Porto Rico, including the erection of buildings, the printing (in

Agricultural experiment stations.

Vol. 24, p. 440.

Vol. 12, p. 503.

Forms.

Vol. 24, p. 441.

Alaska.

Annual statement.

Experiment Station Record, etc.

Index of agricultural literature.

Hawaiian Islands station.

Porto Rican station.

Porto Rico), illustration, and distribution of reports and bulletins, and all other expenses essential to the maintenance of said station; in all, seven hundred and eighty-nine thousand dollars.

Arlington experi-
mental farm.
Expenses.

Aut., p. 134.

ARLINGTON EXPERIMENTAL FARM: To enable the Secretary of Agriculture to commence the necessary improvements to establish and maintain a general experimental farm and agricultural station on the Arlington estate, in the State of Virginia, in accordance with the provisions of the Act of Congress approved April eighteenth, nineteen hundred, entitled "An Act to set apart a portion of the Arlington estate for experimental agricultural purposes, and to place said portion under the jurisdiction of the Secretary of Agriculture and his successors in office," the sum of ten thousand dollars.

Nutrition investiga-
tions.

NUTRITION INVESTIGATIONS: To enable the Secretary of Agriculture to investigate and report upon the nutritive value of the various articles and commodities used for human food, with special suggestions of full, wholesome, and edible rations less wasteful and more economical than those in common use; and the agricultural experiment stations are hereby authorized to cooperate with the Secretary of Agriculture in carrying out said investigations in such manner and to such extent as may be warranted by a due regard to the varying conditions and needs of the respective States and Territories, and as may be mutually agreed upon; and the Secretary of Agriculture is hereby authorized to require said stations to report to him the results of any such investigations which they may carry out, whether in cooperation with said Secretary of Agriculture or otherwise, twenty thousand dollars.

Irrigation investi-
gations.

IRRIGATION INVESTIGATIONS: To enable the Secretary of Agriculture to investigate and report upon the laws and institutions relating to irrigation and upon the use of irrigation waters, with especial suggestions of better methods for the utilization of irrigation waters in agriculture than those in common use, and for the preparation, printing, and illustration of reports and bulletins on irrigation; and the agricultural experiment stations are hereby authorized and directed to cooperate with the Secretary of Agriculture in carrying out said investigations in such manner and to such extent as may be warranted by a due regard to the varying conditions and needs of the respective States and Territories as may be mutually agreed upon, fifty thousand dollars.

Public road in-
quiries.

PUBLIC ROAD INQUIRIES: To enable the Secretary of Agriculture to make inquiries in regard to the system of road management throughout the United States; to make investigations in regard to the best methods of road making, and the best kind of road-making materials in the several States; the employment of local and special agents, clerks, assistants, and other labor required in conducting experiments in the city of Washington and elsewhere; and in collating, digesting, reporting, and illustrating the results of such experiments; to enable the Secretary of Agriculture to investigate the chemical and physical character of road materials, for the pay of experts, chemists, and laborers, for necessary apparatus and materials; traveling, and other necessary expenses, and for preparing and publishing bulletins and reports on this subject for distribution, and to enable him to assist the agricultural colleges and experiment stations in disseminating information on this subject, twenty thousand dollars.

Investigating pro-
duction of domestic
sugar.

INVESTIGATING PRODUCTION OF DOMESTIC SUGAR: For all expenses necessary to enable the Secretary of Agriculture to continue inquiry and ascertain the progress made in the production of domestic sugar from beets and sorghum, including the area of available lands adapted thereto by irrigation or otherwise, and to investigate all other matters concerning the same, five thousand dollars.

TEA CULTURE: For all expenses necessary to enable the Secretary of Agriculture to investigate and report on the cost of making tea and the best method of cultivating and preparing the same for market, so as to demonstrate whether it is practicable to introduce its culture in the Southern States as a profitable industry, seven thousand dollars, two thousand dollars of which shall be immediately available.

Tea culture.

PURCHASE AND DISTRIBUTION OF VALUABLE SEEDS: For the purchase, propagation, and distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants; the employment of local and special agents, clerks, assistants, and other labor required, in the city of Washington and elsewhere; transportation, paper, twine, gum, printing, postal cards, and all necessary material and repairs for putting up and distributing the same, and to be distributed in localities adapted to their culture, two hundred and seventy thousand dollars, of which amount not more than forty-three thousand dollars shall be expended for labor in the city of Washington, District of Columbia, of which sum five thousand dollars shall be immediately available, and not less than one hundred and eighty thousand dollars shall be allotted for Congressional distribution.

Division of Seeds.
Purchase, distribution, etc.

Seeds adapted to locality, etc.

And the Secretary of Agriculture is authorized to expend for labor in the city of Washington during the present fiscal year, out of the sum appropriated for seeds for nineteen hundred and one, a total amount not exceeding thirty-three thousand dollars.

And the Secretary of Agriculture is hereby directed to expend the said sum, as nearly as practicable, in the purchase and distribution of such valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants, the best he can obtain at public or private sale, and such as shall be suitable for the respective localities to which the same are to be apportioned, and in which same are to be distributed as hereinafter stated, and such seed so purchased shall include a variety of vegetable and flower seeds, suitable for planting and culture in the various sections of the United States. An equal proportion of two-thirds of all seeds, bulbs, trees, shrubs, vines, cuttings, and plants shall, upon their request, after due notification by the Secretary of Agriculture that the allotment to their respective districts is ready for distribution, be supplied to Senators, Representatives, and Delegates in Congress for distribution among their constituents, or mailed by the Department upon the receipt of their addressed franks; and the person receiving such seeds shall be requested to inform the Department of the results of the experiments therewith: *Provided*, That all seeds, bulbs, plants, and cuttings herein allotted to Senators, Representatives, and Delegates in Congress for distribution remaining uncalled for on the first of April shall be distributed by the Secretary of Agriculture, giving preference to those persons whose names and addresses have been furnished by Senators and Representatives in Congress, and who have not before, during the same season, been supplied by the Department: *And provided also*, That the Secretary shall report, as provided in this Act, the place, quantity, and price of seeds purchased, and the date of purchase; but nothing in this paragraph shall be construed to prevent the Secretary of Agriculture from sending seeds to those who apply for the same. And the amount herein appropriated shall not be diverted or used for any other purpose but for the purchase, propagation, and distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants: *Provided, however*, That upon each envelope or wrapper containing packages of seeds the contents thereof shall be plainly indicated, and the Secretary shall not distribute to any Senator, Representative, or Delegate seeds entirely unfit for the climate and locality he represents, but shall distribute the same so that each member may have seeds of equal value, as near as may be, and the best

Congressional allotment.

Provided,
—uncalled for; disposition.

Report of purchases.

Indication of contents of wrappers.

Seeds adapted to locality.

Early delivery to southern section.

Purchase of foreign seeds, etc., for experimental tests.

Plans for administrative building authorized.

adapted to the locality he represents: *Provided also*, That the seeds allotted to Senators and Representatives for distribution in the districts embraced within the twenty-fifth and thirty-fourth parallels of latitude shall be ready for delivery not later than the tenth day of January: *Provided further*, That twenty thousand dollars of the sum thus appropriated, or so much thereof as the Secretary of Agriculture shall direct, may be used to collect, purchase, test, propagate, and distribute rare and valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants, from foreign countries for experiments with reference to their introduction into this country; and the seeds, bulbs, trees, shrubs, vines, cuttings, and plants thus collected, purchased, tested, and propagated shall not be included in general distribution, but shall be used for experimental tests, to be carried on with the cooperation of the agricultural experiment stations.

To enable the Secretary of Agriculture to have prepared, under his direction, plans for a fireproof administrative building, to be erected on the grounds of the Department of Agriculture, in the city of Washington, said plans, and such recommendations thereon as the Secretary of Agriculture may deem necessary, to be transmitted to Congress at its next regular session, five thousand dollars, to be immediately available.

Approved, March 2, 1901.

March 2, 1901.

CHAP. 806.—An Act To amend an Act entitled "An Act to provide ways and means to meet war expenditures, and for other purposes," approved June thirteenth, eighteen hundred and ninety-eight, and to reduce taxation thereunder.

Reduction of taxes to meet expenditures war with Spain.
Vol. 30, p. 448, amended.

Reduction on fermented liquors.

R. S., sec. 3339, p. 561, amended.

Proviso.
Cancellation of existing stamps.

Special taxes.

On bankers.

—definition.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section one of the Act entitled "An Act to provide ways and means to meet war expenditures, and for other purposes," approved June thirteenth, eighteen hundred and ninety-eight, is hereby amended so as to read as follows: "That there shall be paid, in lieu of the tax of one dollar now imposed by law, a tax of one dollar and sixty cents on all beer, lager beer, ale, porter, and other similar fermented liquors, brewed or manufactured and sold, or stored in warehouse, or removed for consumption or sale, within the United States, by whatever name such liquors may be called, for every barrel containing not more than thirty-one gallons; and at a like rate for any other quantity or for the fractional parts of a barrel authorized and defined by law. And section thirty-three hundred and thirty-nine of the Revised Statutes is hereby amended accordingly: *Provided*, That in lieu of or in addition to the present requirements of law in that respect, all stamps used for denoting the tax upon fermented liquors or other taxes may, in the discretion of the Commissioner of Internal Revenue, be canceled by perforations to be made in such manner and form as the Commissioner may by regulations prescribe."

SEC. 2. That section two of said Act is hereby amended so as to read as follows:

"**SEC. 2.** That special taxes shall be, and hereby are, imposed annually as follows, that is to say:

"One. Bankers using or employing a capital not exceeding the sum of twenty-five thousand dollars shall pay fifty dollars; when using or employing a capital exceeding twenty-five thousand dollars, for every additional thousand dollars in excess of twenty-five thousand dollars, two dollars, and in estimating capital surplus shall be included. The amount of such annual tax shall in all cases be computed on the basis of the capital and surplus for the preceding fiscal year. In the case of bankers who were not in business in the preceding fiscal year the tax

shall be computed on the capital at the time of commencing business. Every person, firm, or company, and every incorporated or other bank, having a place of business where credits are opened by the deposit or collection of money or currency, subject to be paid or remitted upon draft, check, or order, or where money is advanced or loaned on stocks, bonds, bullion, bills of exchange, or promissory notes, or where stocks, bonds, bullion, bills of exchange, or promissory notes are received for discount or sale shall be a banker under this Act: *Provided*, That any savings bank having no capital stock, and whose business is confined to receiving deposits and loaning or investing the same for the benefit of its depositors, and which does no other business of banking, shall not be subject to this tax.

Proviso.
—exception.

“Two. Brokers shall pay fifty dollars. Every person, firm, or company, whose business it is to negotiate purchases or sales of stocks, bonds, exchange, bullion, coined money, bank notes, promissory notes, or other securities for themselves or others, shall be regarded as a broker: *Provided*, That any person having paid the special tax as a broker shall not be required to pay the special tax as a broker.

On brokers.
—definition.

Proviso.
Bankers not taxable
as brokers.
On pawnbrokers.
—definition.

“Three. Pawnbrokers shall pay twenty dollars. Every person, firm, or company whose business or occupation it is to take or receive, by way of pledge, pawn, or exchange, any goods, wares, or merchandise, or any kind of personal property whatever, as security for the repayment of money loaned thereon, shall be deemed a pawnbroker.

“Four. Custom-house brokers shall pay ten dollars. Every person, firm, or company whose occupation it is, as the agent of others, to arrange entries and other custom-house papers, or transact business at any port of entry relating to the importation or exportation of goods, wares, or merchandise, shall be regarded as a custom-house broker.

On custom-house
brokers.
—definition.

“Five. Proprietors of theaters, museums, and concert halls in cities having more than twenty-five thousand population as shown by the last preceding United States census, shall pay one hundred dollars. Every edifice used for the purpose of dramatic or operatic or other representations, plays, or performances, for admission to which entrance money is received, not including halls rented or used occasionally for concerts or theatrical representations, shall be regarded as a theater: *Provided*, That whenever any such edifice is under lease at the passage of this Act, the tax shall be paid by the lessee, unless otherwise stipulated between the parties to said lease.

On theaters, muse-
ums, and concert
halls.

—definition.

Proviso.
—payment by lessees.

“Six. The proprietor or proprietors of circuses shall pay one hundred dollars. Every building, space, tent, or area where feats of horsemanship or acrobatic sports or theatrical performances are exhibited shall be regarded as a circus: *Provided*, That no special tax paid in one State, Territory, or the District of Columbia shall exempt exhibitions from the tax in another State, Territory, or the District of Columbia, and but one special tax shall be imposed for exhibitions within any one State, Territory, or District.

Circuses.
—definition.

Proviso.
Payment of tax in
one State no exemp-
tion in another State.

“Seven. Proprietors or agents of all other public exhibitions or shows for money not enumerated in this section shall pay ten dollars: *Provided*, That a special tax paid in one State, Territory, or the District of Columbia shall not exempt exhibitions from the tax in another State, Territory, or the District of Columbia, and but one special tax shall be required for exhibitions within any one State, Territory, or the District of Columbia.

Public exhibitions
unenumerated.

Proviso.
Payment of tax in
one State no exemp-
tion in another State.

“Eight. Proprietors of bowling alleys and billiard rooms shall pay five dollars for each alley or table. Every building or place where bowls are thrown or where games of billiards or pool are played, and that are open to the public with or without price, shall be regarded as a bowling alley or a billiard room, respectively.”

Bowling alleys and
billiard rooms.
—definition.

SEC. 3. That the internal-revenue tax on cigars weighing more than three pounds per thousand shall be three dollars per thousand; and the

Cigars and ciga-
rettes.

tax on cigars weighing not more than three pounds per thousand shall be eighteen cents per pound, and on cigarettes weighing not more than three pounds per thousand and of a wholesale value or price of not more than two dollars per thousand shall be eighteen cents per pound; and the tax on cigarettes weighing not more than three pounds per thousand and of a wholesale value or price of more than two dollars per thousand shall be thirty-six cents per pound; and all such cigars and cigarettes weighing not more than three pounds per thousand shall for purposes of taxation be held and considered as weighing three pounds.

Discount on sales by collectors to manufacturers of tobacco and snuff, etc.

Provisos.
Packages of smoking tobacco.

Drawbacks.

SEC. 4. That there shall be allowed a discount of twenty per centum on all sales by collectors to manufacturers of tobacco and snuff upon the stamps provided for the payment of internal-revenue taxes upon manufactured tobacco and snuff: *Provided*, That in addition to the packages of smoking tobacco now authorized by law there shall be packages of two ounces, three ounces, and four ounces: *And provided further*, That on all original and unbroken factory packages of smoking and manufactured tobacco and snuff, and cigars, held by manufacturers or dealers at the time such discount or reduction of tax shall go into effect, upon which the tax has been paid, there shall be allowed a drawback or rebate of the full amount of such discount or reduction of tax, but the same shall not apply in any case where the claim has not been presented within sixty days following the date of the reduction; and no claim shall be allowed or drawback paid for a less amount than ten dollars. It shall be the duty of the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, to adopt such rules and regulations and to prescribe and furnish such blanks and forms as may be necessary to carry this section into effect.

SEC. 5. That section six of said Act is hereby amended by striking out the words "medicines, preparations, matters, and things," in the last paragraph of said section, and inserting in lieu thereof the word "wines," so that the section as amended shall read as follows:

Adhesive stamps.

"ADHESIVE STAMPS.

Bonds, etc.

"SEC. 6. That on and after the first day of July, eighteen hundred and ninety-eight, there shall be levied, collected, and paid, for and in respect of the several bonds, debentures, or certificates of stock and of indebtedness, and other documents, instruments, matters, and things mentioned and described in Schedule A of this Act, or for or in respect of the vellum, parchment, or paper upon which such instruments, matters, or things, or any of them, shall be written or printed by any person or persons, or party who shall make, sign, or issue the same, or for whose use or benefit the same shall be made, signed, or issued, the several taxes or sums of money set down in figures against the same, respectively, or otherwise specified or set forth in the said schedule.

Wines.

"And there shall also be levied, collected, and paid, for and in respect to the wines mentioned and described in Schedule B of this Act, manufactured, sold, or removed for sale, the several taxes or sums of money set down in words or figures against the same, respectively, or otherwise specified or set forth in Schedule B of this Act."

Cancellation.

SEC. 6. That section nine of said Act is hereby amended by striking out the proviso, so that the section as amended shall read as follows:

Vol. 30, p. 453.

"SEC. 9. That in any and all cases where an adhesive stamp shall be used for denoting any tax imposed by this Act, except as hereinafter provided, the person using or affixing the same shall write or stamp thereupon the initials of his name and the date upon which the same shall be attached or used, so that the same may not again be used. And if any person shall fraudulently make use of an adhesive stamp to denote any tax imposed by this Act without so effectually canceling

—penalty.

and obliterating such stamp, except as before mentioned, he, she, or they shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than fifty nor more than five hundred dollars, or be imprisoned not more than six months, or both, at the discretion of the court."

SEC. 7. That section thirteen of said Act is hereby amended by striking out the words "Schedule A of," and also by inserting in the first proviso, after the words "bonds, debentures, or certificates of stock or of indebtedness," the words "or any instrument, document, or paper of any kind or description whatsoever mentioned in Schedule A of this Act;" so that said section as amended shall read as follows:

"SEC. 13. That any person or persons who shall register; issue, sell, or transfer, or who shall cause to be issued, registered, sold, or transferred, any instrument, document, or paper of any kind or description whatsoever mentioned in this Act, without the same being duly stamped, or having thereupon an adhesive stamp for denoting the tax chargeable thereon, and canceled in the manner required by law, with intent to evade the provisions of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding fifty dollars, or by imprisonment not exceeding six months, or both, in the discretion of the court; and such instrument, document, or paper, not being stamped according to law, shall be deemed invalid and of no effect: *Provided*, That hereafter, in all cases where the party has not affixed to any instrument the stamp required by law thereon at the time of issuing, selling, or transferring the said bonds, debentures, or certificates of stock or of indebtedness, or any instrument, document, or paper of any kind or description whatsoever mentioned in Schedule A of this Act, and he or they, or any party having an interest therein, shall be subsequently desirous of affixing such stamp to said instrument, or, if said instrument be lost, to a copy thereof, he or they shall appear before the collector of internal revenue of the proper district, who shall, upon the payment of the price of the proper stamp required by law, and of a penalty of ten dollars, and, where the whole amount of the tax denoted by the stamp required shall exceed the sum of fifty dollars, on payment also of interest, at the rate of six per centum, on said tax from the day on which such stamp ought to have been affixed, affix the proper stamp to such bond, debenture, certificate of stock or of indebtedness or copy, or instrument, document or paper of any kind or description whatsoever mentioned in Schedule A of this Act, and note upon the margin thereof the date of his so doing and the fact that such penalty has been paid; and the same shall thereupon be deemed and held to be as valid to all intents and purposes as if stamped when made or issued: *And provided further*, That where it shall appear to said collector, upon oath or otherwise, to his satisfaction, that any such instrument has not been duly stamped, at the time of making or issuing the same, by reason of accident, mistake, inadvertence, or urgent necessity, and without any willful design to defraud the United States of the stamp, or to evade or delay the payment thereof, then and in such case, if such instrument, or, if the original be lost, a copy thereof, duly certified by the officer having charge of any records in which such original is required to be recorded, or otherwise duly proven to the satisfaction of the collector, shall, within twelve calendar months after the making or issuing thereof, be brought to the said collector of internal revenue to be stamped, and the stamp tax chargeable thereon shall be paid, it shall be lawful for the said collector to remit the penalty aforesaid and to cause such instrument to be duly stamped. And when the original instrument, or a certified or duly proven copy thereof, as aforesaid, duly stamped so as to entitle the same to be recorded, shall be presented to the clerk, register, recorder, or other officer having charge of the original record, it shall be lawful for such officer, upon

Issue, sale, etc., of unstamped bonds, etc., with intent to evade tax.
Vol. 30, p. 454.

Provisos.
—subsequent validation of.

—unstamped by reason of accident.

—record of correction.

Unstamped instrument issued where no collection district established.

the payment of the fee legally chargeable for the recording thereof, to make a new record thereof, or to note upon the original record the fact that the error or omission in the stamping of said original instrument has been corrected pursuant to law; and the original instrument or such certified copy, or the record thereof, may be used in all courts and places in the same manner and with like effect as if the instrument had been originally stamped: *And provided further*, That in all cases where the party has not affixed the stamp required by law upon any such instrument issued, registered, sold, or transferred at a time when and at a place where no collection district was established, it shall be lawful for him or them, or any party having an interest therein, to affix the proper stamp thereto, or, if the original be lost, to a copy thereof. But no right acquired in good faith before the stamping of such instrument, or copy thereof, as herein provided, if such record be required by law, shall in any manner be affected by such stamping as aforesaid."

SEC. 8. That Schedule A of said Act is hereby amended so as to read as follows:

"SCHEDULE A.

"STAMP TAXES.

Bonds, debentures, or certificates of indebtedness, etc.
Vol. 30, p. 458.

"One. Bonds, debentures, or certificates of indebtedness issued after the first day of July, anno Domini eighteen hundred and ninety-eight, by any association, company, or corporation, on each hundred dollars of face value or fraction thereof, five cents, and on each original issue, whether on organization or reorganization, of certificates of stock by any such association, company, or corporation, on each hundred dollars of face value or fraction thereof, five cents, and on all sales, or agreements to sell, or memoranda of sales or deliveries or transfers of shares or certificates of stock in any association, company, or corporation, whether made upon or shown by the books of the association, company, or corporation, or by any assignment in blank, or by any delivery, or by any paper or agreement or memorandum or other evidence of transfer or sale whether entitling the holder in any manner to the benefit of such stock, or to secure the future payment of money or for the future transfer of any stock, on each hundred dollars of face value or fraction thereof, two cents: *Provided*, That in case of sale where the evidence of transfer is shown only by the books of the company the stamp shall be placed upon such books; and where the change of ownership is by transfer certificate the stamp shall be placed upon the certificate; and in cases of an agreement to sell or where the transfer is by delivery of the certificate assigned in blank there shall be made and delivered by the seller to the buyer a bill or memorandum of such sale, to which the stamp shall be affixed; and every bill or memorandum of sale or agreement to sell before mentioned shall show the date thereof, the name of the seller, the amount of the sale, and the matter or thing to which it refers. And any person or persons liable to pay the tax as herein provided, or anyone who acts in the matter as agent or broker for such person or persons, who shall make any such sale, or who shall in pursuance of any such sale deliver any such stock, or evidence of the sale of any such stock or bill or memorandum thereof, as herein required, without having the proper stamps affixed thereto, with intent to evade the foregoing provisions, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than five hundred nor more than one thousand dollars, or be imprisoned not more than six months, or both, at the discretion of the court.

Proviso.
Books may be stamped where only evidence of ownership.

—penalty.

"Two. Upon each sale, agreement of sale, or agreement to sell any products or merchandise at any exchange, or board of trade, or other similar place, either for present or future delivery, for each one hundred dollars in value of said sale or agreement of sale or agreement to sell, one cent, and for each additional one hundred dollars or fractional part thereof in excess of one hundred dollars, one cent: *Provided*, That on every sale or agreement of sale or agreement to sell as aforesaid there shall be made and delivered by the seller to the buyer a bill, memorandum, agreement, or other evidence of such sale, agreement of sale, or agreement to sell, to which there shall be affixed a lawful stamp or stamps in value equal to the amount of the tax on such sale. And every such bill, memorandum, or other evidence of sale or agreement to sell shall show the date thereof, the name of the seller, the amount of the sale, and the matter or thing to which it refers; and any person or persons liable to pay the tax as herein provided, or anyone who acts in the matter as agent or broker for such person or persons, who shall make any such sale or agreement of sale, or agreement to sell, or who shall, in pursuance of any such sale, agreement of sale, or agreement to sell, deliver any such products or merchandise without a bill, memorandum, or other evidence thereof as herein required, or who shall deliver such bill, memorandum, or other evidence of sale, or agreement to sell, without having the proper stamps affixed thereto, with intent to evade the foregoing provisions, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than five hundred nor more than one thousand dollars, or be imprisoned not more than six months, or both, at the discretion of the court: *Provided*, That no bill, memorandum, agreement, or other evidence of such sale, or agreement of sale, or agreement to sell, in case of products or merchandise actually delivered to, and while in vessel, boat, or car, and actually in course of transportation, shall be subject to this tax, provided such bill, memorandum, agreement, or other evidence of such sale, or agreement of sale, or agreement to sell shall be accompanied by bills of lading or vouchers showing that the said products are actually in course of transportation as aforesaid.

Sales or agreements to sell products at exchanges or boards of trade for future delivery, etc.

Providos.

—memorandum of sale.

—form of.

—penalty, etc.

When bill, etc., exempted from tax.

"Three. From and after the first day of April, nineteen hundred and one, every person, association, copartnership, or corporation who or which shall in his, its, or their own behalf, or as agent, engage in the business of making or offering to make contracts, agreements, trades, or transactions respecting the purchase or sale, or purchase and sale, of any grain, provisions, raw or unmanufactured cotton, stock, bonds, or other securities wherein both parties thereto, or such person, association, copartnership, or corporation above named, contemplate or intend that such contracts, agreements, trades, or transactions shall be or may be closed, adjusted, or settled according or with reference to the public market quotations of prices made on any board of trade or exchange upon which the commodities or securities referred to in said contracts, agreements, trades, or transactions are dealt in, and without a bona fide transaction on such board of trade or exchange, or wherein both parties, or such person, association, copartnership, or corporation above named, shall contemplate or intend that such contracts, agreements, trades, or transactions shall be or may be deemed closed or terminated when the public market quotations of prices made on such board of trade or exchange for the articles or securities named in such contracts, agreements, trades, or transactions shall reach a certain figure, and every person, association, copartnership, and corporation who or which shall in his or its own behalf or as agent conduct what is commonly known as a "bucket shop" shall pay a stamp tax of two cents on each one hundred dollars in value or fraction

Sales without actual purchase, etc.

—bucket shops.

thereof, of the merchandise covered or pretended to be covered, and also a tax of two cents on each one hundred dollars on the face value or fraction thereof, of all stocks, bonds, or other securities covered or pretended to be covered by each and all of such contracts, agreements, trades, or transactions: *Provided however*, That the payment of any tax imposed by this paragraph shall not be held or construed to exempt any such person, association, copartnership, or corporation from any penalty or punishment provided by the laws of any State for carrying on such business, or the making of such contracts, agreements, trades, or transactions within such State, or in any manner to authorize the commencement or continuance of such business or the making of any such contracts, agreements, trades, or transactions contrary to the laws of such State, or in any place prohibited by municipal law; and on or before the first day of April, nineteen hundred and one, every such person, association, copartnership, or corporation, as aforesaid, shall, for each office or place of business and for each branch office or place of business, wherever established, pay a special tax of twelve dollars and fifty cents, and on or before the first day of July, nineteen hundred and one, and annually thereafter, for every such office or branch office, a special tax of fifty dollars, and such taxes shall be in addition to all other special taxes imposed by this Act. Every person, association, copartnership, or corporation proposing to engage in or continue the business aforesaid shall, before commencing such business, file with the collector or proper deputy collector of the district in which it is proposed to carry on such business a notice in writing under oath, and in such form as the Commissioner of Internal Revenue may prescribe, stating the name of the person, association, copartnership, or corporation intending to engage in such business, the names of the members of any such association or copartnership, and the names of the officers of any such corporation, together with the residences of all the individuals whose names are thus required, and the place (including street number) where such business is to be carried on, and it shall be the duty of the collector of internal revenue to keep in his office a book in which shall be recorded a complete copy of all such notices, and such book shall be open to public inspection. Every person, association, copartnership, or corporation conducting or transacting the business aforesaid shall keep or cause to be kept just and true books of account, wherein shall be plainly and legibly recorded on the day of the making of every such contract, agreement, trade, or transaction a complete and exact specification thereof, including the date thereof, the other party thereto, and the quantity, price, and the gross amount in value of each article or commodity covered or pretended to be covered by each such contract, agreement, trade, or transaction, and such books shall at all reasonable times and hours be subject to the inspection of the collector, deputy collector, and the inspector of internal revenue or any duly authorized agent of the Internal Revenue Department, and every such person, association, copartnership, or corporation shall deliver to the other party to each such contract, agreement, trade, or transaction, at the time of making the same, a written memorandum also containing the complete and exact specification thereof, above referred to, to which the proper stamp shall be, before delivery, affixed. Every person, association, copartnership, or corporation who shall, in his or their own behalf, or as agent, engage in or continue in the business hereinbefore defined without having filed the notice herein required, or who shall fail or refuse to keep any such book or make any return, report, or affidavit required as aforesaid, or shall make a false, fraudulent, or partial return, report, or affidavit, or shall fail or refuse to deliver a written memorandum, as hereinbefore required, or shall in any other respect violate any of the provisions of this para-

Proviso.
Payment of tax not
to exempt from State
penalties.

Record of notice re-
quired from such
brokers.

—books of account.

—inspection of.

—penalty.

graph, shall, besides being liable for the amount of the tax or taxes herein prescribed, be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every such offense, pay a fine of not less than five hundred nor more than five thousand dollars, or be imprisoned not less than three months nor more than two years, or both, in the discretion of the court. All provisions of law now in force relating to the collection, recovery, and enforcement of taxes, fines, and penalties imposed under the law concerning internal revenue and not inconsistent with the provisions of this paragraph shall extend and apply to the recovery and enforcement of the taxes, fines, and penalties imposed by this paragraph.

"Four. Bill of exchange (inland), draft, or order for the payment of any sum of money, otherwise than at sight or on demand, and for each renewal of the same, for a sum not exceeding one hundred dollars, two cents; and for each additional one hundred dollars or fractional part thereof in excess of one hundred dollars, two cents. Bills of exchange (inland).

"Five. Bill of exchange (foreign) or letter of credit (including orders by telegraph or otherwise for the payment of money issued by express or other companies or any person or persons), drawn in but payable out of the United States, if drawn singly or otherwise than in a set of three or more, according to the custom of merchants and bankers, shall pay for a sum not exceeding one hundred dollars, two cents, and for each one hundred dollars or fractional part thereof in excess of one hundred dollars, two cents. If drawn in sets of two or more: For every bill of each set, where the sum made payable shall not exceed one hundred dollars, or the equivalent thereof, in any foreign currency in which such bill may be expressed, according to the standard of value fixed by the United States, one cent; and for each one hundred dollars or fractional part thereof in excess of one hundred dollars, one cent. Excepting that bills of exchange drawn against the value of products or merchandise actually exported to foreign countries shall not be subject to this tax, provided that such bills of exchange shall be accompanied by proper invoices, and receipts, bills of lading, or vouchers, showing that goods of a value at least equal to the amount for which said bill of exchange may be drawn shall have been exported. Bills of exchange (foreign).

"Six. FREIGHT: It shall be the duty of every railroad or steamboat company, carrier, or corporation, or person whose occupation is to act as such, except persons, companies, or corporations engaged in carrying on a local or other express business, to issue to the shipper or consignor, or his agent, or person from whom any goods are accepted for transportation, a bill of lading, manifest, or other evidence of receipt and forwarding for each shipment received for carriage and transportation, whether in bulk or in boxes, bales, packages, bundles, or not so inclosed or included; and there shall be duly attached and canceled, as is in this Act provided, to each of said bills of lading, manifests, or other memorandum, and to each duplicate thereof, a stamp of the value of one cent: *Provided*, That but one bill of lading shall be required on bundles or packages of newspapers when inclosed in one general bundle at the time of shipment. Any failure to issue such bill of lading, manifest, or other memorandum, as herein provided, shall subject such railroad or steamboat company, carrier, or corporation, or person to a penalty of fifty dollars for each offense, and no such bill of lading, manifest, or other memorandum shall be used in evidence unless it shall be duly stamped as aforesaid. Freight.

"Seven. BOND: For indemnifying any person or persons, firm, or corporation who shall have become bound or engaged as surety for the payment of any sum of money, or for the due execution or performance of the duties of any office or position, and to account for money received by virtue thereof, fifty cents. Stamp tax on bill of lading.

Provido.
Bundles of newspapers.
Penalty.

Bonds.

Certificate of profits,
etc.

"Eight. Certificate of profits, or any certificate or memorandum showing an interest in the property or accumulations of any association, company, or corporation, and on all transfers thereof, on each one hundred dollars of face value or fraction thereof, two cents.

Contract.

"Nine. Contract: Broker's note, or memorandum of sale of any goods or merchandise, stocks, bonds, exchange, notes of hand, real estate, or property of any kind or description issued by brokers, or persons acting as such, for each note or memorandum of sale, not otherwise provided for in this Act, ten cents.

Conveyance.

"Ten. Conveyance: Deed, instrument, or writing, whereby any lands, tenements, or other realty shall be sold, granted, assigned, transferred, or otherwise conveyed to or vested in the purchaser or purchasers, or any other person or persons, by his, her, or their direction, when the consideration or value exceeds twenty-five hundred dollars and does not exceed three thousand dollars, twenty-five cents, and for each additional five hundred dollars or fractional part thereof in excess of three thousand dollars, twenty-five cents.

Entry of goods in
custom-house.

"Eleven. Entry of any goods, wares, or merchandise at any custom-house, either for consumption or warehousing, not exceeding one hundred dollars in value, twenty-five cents. Exceeding one hundred dollars and not exceeding five hundred dollars in value, fifty cents. Exceeding five hundred dollars in value, one dollar.

Withdrawal

"Twelve. Entry for the withdrawal of any goods or merchandise from customs bonded warehouse, fifty cents.

Passage tickets.

"Thirteen. Passage tickets: Ticket, order, contract, or certificate for passage by any vessel from any port in the United States to a foreign port, costing fifty dollars, fifty cents; and for each fifty dollars or any part thereof in addition thereto, fifty cents."

Wines.
Vol. 30, p. 462.

SEC. 9. That Schedule B of said Act is hereby amended so as to read as follows:

"SCHEDULE B.

"Sparkling or other wines, when bottled for sale, upon each bottle containing one pint or less, one cent. Upon each bottle containing more than one pint, two cents."

Legacies and dis-
tributive shares of
personal property.
Vol. 30, p. 464.

SEC. 10. That section twenty-nine of said Act is hereby amended by adding at the end of said section the following: "*Provided*, That nothing in this section shall be construed to apply to bequests or legacies for uses of a religious, literary, charitable, or educational character, or for the encouragement of art, or to legacies or bequests to societies for the prevention of cruelty to children, including all bequests or legacies of such character on which the tax imposed had not been paid or collected on the first day of March, nineteen hundred and one: *And provided further*, That the provisions of this Act and of the Act hereby amended shall not be held to apply to any estate where the testator or intestate died before June thirteenth, eighteen hundred and ninety-eight," so that said section as amended shall read as follows:

"LEGACIES AND DISTRIBUTIVE SHARES OF PERSONAL PROPERTY.

Personal estate in
exceeding \$25,000.

"SEC. 29. That any person or persons having in charge or trust, as administrators, executors, or trustees, any legacies or distributive shares arising from personal property, where the whole amount of such personal property as aforesaid shall exceed the sum of ten thousand dollars in actual value, passing, after the passage of this Act, from any person possessed of such property, either by will or by the intestate laws of any State or Territory, or any personal property or interest therein, transferred by deed, grant, bargain, sale, or gift, made or intended to take effect in possession or enjoyment after the death of the

grantor or bargainer, to any person or persons, or to any body or bodies, politic or corporate, in trust or otherwise, shall be, and hereby are, made subject to a duty or tax, to be paid to the United States, as follows—that is to say: Where the whole amount of said personal property shall exceed in value ten thousand and shall not exceed in value the sum of twenty-five thousand dollars the tax shall be:

“First. Where the person or persons entitled to any beneficial interest in such property shall be the lineal issue or lineal ancestor, brother, or sister to the person who died possessed of such property, as aforesaid, at the rate of seventy-five cents for each and every hundred dollars of the clear value of such interest in such property. Tax on lineal issue, brother, etc.

“Second. Where the person or persons entitled to any beneficial interest in such property shall be the descendant of a brother or sister of the person who died possessed, as aforesaid, at the rate of one dollar and fifty cents for each and every hundred dollars of the clear value of such interest. —descendant of brother, etc.

“Third. Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister of the father or mother, or a descendant of a brother or sister of the father or mother, of the person who died possessed, as aforesaid, at the rate of three dollars for each and every hundred dollars of the clear value of such interest. —uncle.

“Fourth. Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister of the grandfather or grandmother, or a descendant of the brother or sister of the grandfather or grandmother, of the person who died possessed, as aforesaid, at the rate of four dollars for each and every hundred dollars of the clear value of such interest. —brother or sister of grandfather.

“Fifth. Where the person or persons entitled to any beneficial interest in such property shall be in any other degree of collateral consanguinity than is hereinbefore stated, or shall be a stranger in blood to the person who died possessed, as aforesaid, or shall be a body politic or corporate, at the rate of five dollars for each and every hundred dollars of the clear value of such interest: *Provided*, That all legacies or property passing by will, or by the laws of any State or Territory, to husband or wife of the person died possessed, as aforesaid, shall be exempt from tax or duty. Other degrees of relationship.
 Proviso. —exemption.

“Where the amount or value of said property shall exceed the sum of twenty-five thousand dollars, but shall not exceed the sum or value of one hundred thousand dollars, the rates of duty or tax above set forth shall be multiplied by one and one-half; and where the amount or value of said property shall exceed the sum of one hundred thousand dollars, but shall not exceed the sum of five hundred thousand dollars, such rates of duty shall be multiplied by two; and where the amount or value of said property shall exceed the sum of five hundred thousand dollars, but shall not exceed the sum of one million dollars, such rates of duty shall be multiplied by two and one-half; and where the amount or value of said property shall exceed the sum of one million dollars, such rates of duty shall be multiplied by three: *Provided*, That nothing in this section shall be construed to apply to bequests or legacies for uses of a religious, literary, charitable, or educational character, or for the encouragement of art, or to legacies or bequests to societies for the prevention of cruelty to children, including all bequests or legacies of such character on which the tax imposed had not been paid or collected on the first day of March, nineteen hundred and one. *And provided further*, That the provisions of this Act and of the Act hereby amended shall not be held to apply to any estate where the testator or intestate died before June thirteenth, eighteen hundred and ninety-eight.” Personal estate not exceeding \$100,000, etc.
 Proviso. —exemptions.
 Where testator died before June 13, 1898.

SEC. 11. That section thirty of said Act is hereby amended so as to read as follows:

Tax a lien; when payable.
Vol. 30, p. 465.

"SEC. 30. That the tax or duty aforesaid shall be due and payable in one year after the death of the testator and shall be a lien and charge upon the property of every person who may die as aforesaid for twenty years, or until the same shall, within that period, be fully paid to and discharged by the United States; and every executor, administrator, or trustee having in charge or trust any legacy or distributive share, as aforesaid, shall give notice thereof, in writing, to the collector or deputy collector of the district where the deceased grantor or bargainer last resided within thirty days after he shall have taken charge of such trust, and every executor, administrator, or trustee, before payment and distribution to the legatees, or any parties entitled to beneficial interest therein, shall pay to the collector or deputy collector of the district of which the deceased person was a resident, or in which the property was located in case of nonresidents, the amount of the duty or tax assessed upon such legacy or distributive share, and shall also make and render to the said collector or deputy collector a schedule, list, or statement, in duplicate, of the amount of such legacy or distributive share, together with the amount of duty which has accrued, or shall accrue, thereon, verified by his oath or affirmation, to be administered and certified thereon by some magistrate or officer having lawful power to administer such oaths, in such form and manner as may be prescribed by the Commissioner of Internal Revenue, which schedule, list, or statement shall contain the names of each and every person entitled to any beneficial interest therein, together with the clear value of such interest, the duplicate of which schedule, list, or statement shall be by him immediately delivered, and the tax thereon paid to such collector; and upon such payment and delivery of such schedule, list, or statement said collector or deputy collector shall grant to such person paying such duty or tax a receipt or receipts for the same in duplicate, which shall be prepared as hereinafter provided. Such receipt or receipts, duly signed and delivered by such collector or deputy collector, shall be sufficient evidence to entitle such executor, administrator, or trustee to be credited and allowed such payment by every tribunal which, by the laws of any State or Territory, is, or may be, empowered to decide upon and settle the accounts of executors and administrators. And in case such executor, administrator, or trustee shall refuse or neglect to pay the aforesaid duty or tax to the collector or deputy collector, as aforesaid, within the time hereinbefore provided, or shall neglect or refuse to deliver to said collector or deputy collector the duplicate of the schedule, list, or statement of such legacies, property, or personal estate, under oath, as aforesaid, or shall neglect or refuse to deliver the schedule, list, or statement of such legacies, property, or personal estate, under oath, as aforesaid, or shall deliver to said collector or deputy collector a false schedule or statement of such legacies, property, or personal estate, or give the names and relationship of the persons entitled to beneficial interests therein untruly, or shall not truly and correctly set forth and state therein the clear value of such beneficial interest, or where no administration upon such property or personal estate shall have been granted or allowed under existing laws, the collector or deputy collector shall make out such lists and valuation as in other cases of neglect or refusal, and shall assess the duty thereon; and the collector shall commence appropriate proceedings before any court of the United States, in the name of the United States, against such person or persons as may have the actual or constructive custody or possession of such property or personal estate, or any part thereof, and shall subject such property or personal estate,

Schedule, etc.

Receipt.

Nonpayment of tax.

—legal proceedings to recover.

or any portion of the same, to be sold upon the judgment or decree of such court, and from the proceeds of such sale the amount of such tax or duty, together with all costs and expenses of every description to be allowed by such court, shall be first paid, and the balance, if any, deposited according to the order of such court, to be paid under its direction to such person or persons as shall establish title to the same. The deed or deeds, or any proper conveyance of such property or personal estate, or any portion thereof, so sold under such judgment or decree, executed by the officer lawfully charged with carrying the same into effect, shall vest in the purchaser thereof all the title of the delinquent to the property or personal estate sold under and by virtue of such judgment or decree, and shall release every other portion of such property or personal estate from the lien or charge thereon created by this Act. And every person or persons who shall have in his possession, charge, or custody any record, file, or paper containing, or supposed to contain, any information concerning such property or personal estate, as aforesaid, passing from any person who may die, as aforesaid, shall exhibit the same at the request of the collector or deputy collector of the district, and to any law officer of the United States, in the performance of his duty under this Act, his deputy or agent, who may desire to examine the same. And if any such person, having in his possession, charge, or custody any such records, files, or papers, shall refuse or neglect to exhibit the same on request, as aforesaid, he shall forfeit and pay the sum of five hundred dollars: *Provided*, That in all legal controversies where such deed or title shall be the subject of judicial investigation, the recital in said deed shall be prima facie evidence of its truth, and that the requirements of the law had been complied with by the officers of the Government: *And provided further*, That in case of willful neglect, refusal, or false statement by such executor, administrator, or trustee, as aforesaid, he shall be liable to a penalty of not exceeding one thousand dollars, to be recovered with costs of suit. Any tax paid under the provisions of sections twenty-nine and thirty shall be deducted from the particular legacy or distributive share on account of which the same is charged."

—force of judgment deeds.

Penalty for refusal to exhibit papers, etc.

Provisos.
—recital in deed; force of.

—willful refusal; penalty.

—deduction.

SEC. 12. That from and after the passage of this Act the Secretary of the Treasury, upon the recommendation of the Commissioner of Internal Revenue, is authorized to appoint a competent person, at an annual salary of three thousand dollars, whose special duty it shall be to conduct such investigations as may be necessary to secure the efficient enforcement of the tax imposed upon legacies and distributive shares of personal property by this Act, and the Commissioner of Internal Revenue may also from time to time assign one or more special agents to aid in such investigations.

Agent to enforce tax, etc., authorized.

Special agents.

SEC. 13. That section thirty-five of said Act is hereby amended so as to read as follows:

"SEC. 35. That for the purposes of this Act, the words 'mixed flour' shall be taken and construed to mean the food product resulting from the grinding or mixing together of wheat, or wheat flour, as the principal constituent in quantity, with any other grain, or the product of any other grain, or other material, except such material, not exceeding five per centum in quantity, and not the product of any grain, as is commonly used for baking purposes: *Provided*, That when the product resulting from the grinding or mixing together of wheat or wheat flour with any other grain, or the product of any other grain, of which wheat or wheat flour is not the principal constituent as specified in the foregoing definition, is intended for sale, or is sold, or offered for sale as wheat flour, such product shall be held to be mixed flour within the meaning of this Act."

Mixed flour,
Vol. 30, p. 467.
—definition.

Proviso.
Mixed flour when wheat flour not the principal constituent.

Stamps on telegraph
messages. Repeal.
Vol. 30, p. 456.
Effect.

SEC. 14. That section eighteen of said Act is hereby repealed.

SEC. 15. That the provisions of this Act shall take effect on and after the first day of July, nineteen hundred and one, except where otherwise expressly provided.

Approved, March 2, 1901.

March 2, 1901.

CHAP. 807.—An Act For the relief of settlers under the public-land laws to lands within the indemnity limits of the grant to the Northern Pacific Railroad Company.

Northern Pacific
land grant.
Plan for adjustment
of claims within the
indemnity limits of
the grant extended.
Vol. 30, p. 620, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the Act of July first, eighteen hundred and ninety-eight, appearing in thirtieth Statutes at Large, at pages six hundred and twenty, six hundred and twenty-one, and six hundred and twenty-two, providing a plan for the adjustment by the Land Department of conflicting claims to lands within the limits of the grant to the Northern Pacific Railroad Company, are hereby extended and made applicable to all instances where lands in odd-numbered sections within the indemnity limits of the grant to said company were patented to settlers under the public-land laws in pursuance of applications presented to or proceedings initiated in, the local land office at a time when the land was embraced in a pending indemnity selection made by said company in conformity with the regulations of the Land Department, which indemnity selection has not since been waived or abandoned.

Approved, March 2, 1901.

March 2, 1901.

CHAP. 808.—An Act Authorizing the Attorney-General, upon the request of the Secretary of the Interior, to appear in suits brought by States relative to school lands.

Public lands.
Secretary of the In-
terior may be substi-
tuted as party for In-
dian tribes in suits
brought by States in
the Supreme Court for
school lands on In-
dian reservations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in any suit heretofore or hereafter instituted in the Supreme Court of the United States to determine the right of a State to what are commonly known as school lands within any Indian reservation or any Indian cession where an Indian tribe claims any right to or interest in the lands in controversy, or in the disposition thereof by the United States, the right of such State may be fully tested and determined without making the Indian tribe, or any portion thereof, a party to the suit if the Secretary of the Interior is made a party thereto; and the duty of representing and defending the right or interest of the Indian tribe, or any portion thereof, in the matter shall devolve upon the Attorney-General upon the request of such Secretary.

Approved, March 2, 1901.

March 2, 1901.

CHAP. 809.—An Act To prevent the failure of military justice, and for other purposes.

Army.
Refusal to qualify
as witness before
courts martial.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every person not belonging to the Army of the United States who, being duly subpoenaed to appear as a witness before a general court-martial of the Army, willfully neglects or refuses to appear, or refuses to qualify as a witness or to testify or produce documentary evidence which such person may have been legally subpoenaed to produce, shall be deemed guilty of a

misdeemeanor, for which such person shall be punished on information in the district court of the United States; and it shall be the duty of the United States district attorney, on the certification of the facts to him by the general court-martial, to file an information against and prosecute the person so offending, and the punishment of such person, on conviction, shall be a fine of not more than five hundred dollars or imprisonment not to exceed six months, or both, at the discretion of the court: *Provided*, That this shall not apply to persons residing beyond the State, Territory, or District in which such general court-martial is held, and that the fees of such witness, and his mileage at the rates provided for witnesses in the United States district court for said State, Territory or District shall be duly paid or tendered said witness, such amounts to be paid by the Pay Department of the Army out of the appropriation for compensation of witnesses: *Provided*, That no witness shall be compelled to incriminate himself or to answer any questions which may tend to incriminate or degrade him.

—proceedings against.

Proviso,
—exceptions.

—witness fees to be
tendered.

Proviso.
Self-incrimination
not compelled.

Hours of sitting.
R. S., sec. 1342, p. 239,
repealed.

SEC. 2. That article ninety-four, section thirteen hundred and forty-two, of the Revised Statutes of the United States be, and the same is hereby, repealed.

Army officers may
administer oaths.
R. S., sec. 183, p. 29,
amended.

SEC. 3. That section one hundred and eighty-three of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

“SEC. 183. Any officer or clerk of any of the departments lawfully detailed to investigate frauds on, or attempts to defraud, the Government, or any irregularity or misconduct of any officer or agent of the United States, and any officer of the Army detailed to conduct an investigation, and the recorder, and, if there be none, the presiding officer of any military board appointed for such purpose, shall have authority to administer an oath to any witness attending to testify or depose in the course of such investigation.”

SEC. 4. That article eighty-three, section thirteen hundred and forty-two, of the Revised Statutes of the United States be, and the same is hereby, amended to read as follows:

“ARTICLE 83. Regimental and garrison courts-martial and summary courts detailed under existing laws to try enlisted men shall not have power to try capital cases or commissioned officers, but shall have power to award punishment not to exceed confinement at hard labor for three months or forfeiture of three months' pay, or both, and in addition thereto, in the case of noncommissioned officers reduction to the ranks and in the case of first-class privates reduction to second-class privates: *Provided*, That a summary court shall not adjudge confinement and forfeiture in excess of a period of one month, unless the accused shall before trial consent in writing to trial by said court, but in any case of refusal to so consent, the trial may be had either by general, regimental, or garrison court-martial, or by said summary court, but in case of trial by said summary court without consent as aforesaid, the court shall not adjudge confinement or forfeiture of pay for more than one month.”

Jurisdiction of
courts-martial.
R. S., sec. 1342, p. 238,
amended.

Proviso.
Trial by summary
court with consent,
etc.

SEC. 5. That article sixty, section thirteen hundred and forty-two, of the Revised Statutes of the United States be, and the same is hereby, amended by inserting after the words “shall, on conviction thereof, be punished by fine or imprisonment, or by such other punishment as a court-martial may adjudge,” the words “or by any or all of said penalties.”

Penalty for certain
frauds against the
United States.
R. S., sec. 1342, p. 236.

Approved, March 2, 1901.

March 2, 1901.

CHAP. 810.—An Act To restore to the public domain a small tract of the White Mountain Apache Indian Reservation, in the Territory of Arizona.

White Mountain
Apache Indian Reser-
vation, Ariz.

Boundaries of tract
restored to the public
domains.

Proviso.
Lands to be sold
under mining laws.

—disposition of pro-
ceeds.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a small tract of the White Mountain Apache Indian Reservation, in the Territory of Arizona, established by Executive orders, dated November ninth, eighteen hundred and seventy-one; December fourteenth, eighteen hundred and seventy-two; August fifth, eighteen hundred and seventy-three; July twenty-first, eighteen hundred and seventy-four; April twenty-seventh, eighteen hundred and seventy-six; January twenty-sixth, eighteen hundred and seventy-seven; and March thirty-first, eighteen hundred and seventy-seven, as modified by an Act entitled "An Act to restore to the public domain a portion of the White Mountain Apache Indian Reservation, in the Territory of Arizona, and for other purposes," approved February twentieth, eighteen hundred and ninety-three; lying within the following boundary lines, namely: Beginning at station numbered "naught," which is a mound of stone marked "Mo. No. 0" from which corner nineteenth milepost on the south boundary of the White Mountain Indian Reservation bears north seventy-seven degrees forty-eight minutes west five hundred and ninety feet; thence north forty-six degrees no minutes west one thousand five hundred and five feet to station numbered one, which is a mound of stone; thence north forty-four degrees no minutes east two thousand four hundred feet to station numbered two, which is a mound of stone; thence south forty-six degrees no minutes east five thousand four hundred feet to station numbered three, which is a mound of stone set on the reservation line; thence north seventy-seven degrees forty-eight minutes west along the reservation line two thousand five hundred and forty (more or less) feet to the one-half mile corner between the eighteenth and nineteenth mile on the reservation line; thence continuing two thousand and ninety (more or less) feet to the station numbered naught, the place of beginning; or, from station numbered three, four thousand six hundred and thirty (more or less) feet to station numbered naught, the place of beginning; containing about two hundred and thirty-one acres, be, and the same is hereby, restored to the public domain and declared to be open and subject to entry, location, and occupation under the mining laws of the United States: *Provided,* That said lands shall be sold under the provisions of the mining laws of the United States, and that all moneys accruing from the sale of the lands hereby restored, except the fees allowed by law to the register and receiver, shall be paid into the Treasury of the United States and applied solely as follows:

First. To reimburse the United States for all expenses actually and necessarily incurred in surveying said lands.

Second. The remainder to be held in trust for the sole use and benefit of the tribes of Indians now located upon said reservation and to be expended by the Commissioner of Indian Affairs, under the direction and control of the Secretary of the Interior, in such manner and for such purposes as may to him seem to be for the best interests of said Indian tribes.

Approved, March 2, 1901.

March 2, 1901.

CHAP. 811.—An Act To refund excessive postage paid on certain newspapers.

Refund of excessive
postage authorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of

any moneys in the Treasury not otherwise appropriated, to the following persons the following amounts, being the sums, respectively, found by the Court of Claims as the difference between the postage at third-class rates, which they were required to pay and did pay on newspapers published by them, respectively, during the years eighteen hundred and ninety-three and eighteen hundred and ninety-four, and the postage at second-class rates with which such papers were legally chargeable, as follows: To the Modern Woodmen of America, publisher of the Modern Woodman, of Springfield, Illinois, five thousand four hundred and twenty-three dollars and sixty-two cents; to David I. Lillard, publisher of The Anchor and Shield, of Paris, Illinois, one thousand nine hundred and eighty dollars and nine cents; to Frank G. Simmons, publisher of the Nebraska Workman, of Seward, Nebraska, one thousand and ninety dollars and ninety-one cents, all as found and set forth by the Court of Claims in its findings of fact in House Documents Numbered Five hundred and ninety, Two hundred and ninety-four, and Five hundred and ninety-two, Fifty-sixth Congress, first session.

Approved, March 2, 1901.

CHAP. 812.—An Act To amend an Act entitled "An Act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April twelfth, nineteen hundred, and to increase the salary of the commissioner of education provided for by said Act.

March 2, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the salary of the commissioner of education for Porto Rico shall, from and after the first day of April, nineteen hundred and one, be four thousand dollars per annum, and in addition to the duties provided by section thirty-six of the Act of April twelfth, nineteen hundred, the executive council shall, from time to time, determine the salaries of all officials and assistants, appointed by the United States district court, including the clerk and the interpreter, which shall be paid out of the revenues of Porto Rico as other salaries and expenses of like character are paid under the provisions of said Act.

Porto Rico.
Salary of commissioner of education.

—employees district court.
Auth., p. 85.

SEC. 2. That such fees and expenses as are payable by the United States, if earned or incurred in connection with a circuit or district court of the United States, shall be paid from the revenues of Porto Rico, if earned or incurred in connection with the district court of the United States for Porto Rico. That all such fees, fines, costs, and forfeitures as would be deposited to the credit of the United States, if collected and paid into a circuit or district court of the United States, shall become revenues of Porto Rico, if collected and paid into the district court of the United States for Porto Rico. The commissioners appointed, as provided in section thirty-four of said Act approved April twelfth, nineteen hundred, shall be entitled to the fees provided for United States commissioners: *Provided*, That payments of fees and expenses, heretofore made in good faith by the United States district marshal, either from funds advanced to him by the United States or by Porto Rico, may be allowed by the accounting officers of the United States or the accounting officers of Porto Rico, as the case may be, in the settlement of his accounts.

District court expenses payable from Porto Rican revenues, etc.

—disposition of fees earned.

Fees United States commissioners.

Proviso.
Expenditures of United States district marshal allowed.

SEC. 3. That the jurisdiction of the district court of the United States for Porto Rico in civil cases shall, in addition to that conferred by the Act of April twelfth, nineteen hundred, extend to and embrace controversies where the parties, or either of them, are citizens of the United States, or citizens or subjects of a foreign State or States, wherein the matter in dispute exceeds, exclusive of interest or costs, the sum or value of one thousand dollars.

Jurisdiction of district court extended.

Jurors' and witnesses' mileage.

Proviso.
No double mileage fees.

SEC. 4. That jurors and witnesses in the United States district court of Porto Rico shall be entitled to and receive fifteen cents for each mile necessarily traveled over any stage line or by private conveyance and ten cents for each mile over any railway in going to and returning from said courts: *Provided*, That no constructive or double mileage fees shall be allowed by reason of any person being summoned both as witness and juror, or as witness in two or more cases pending in the same court and triable at the same term thereof.

Approved, March 2, 1901.

March 2, 1901.

CHAP. 813.—An Act Authorizing the Citizens' Bridge Company to construct a bridge across the Mississippi River.

Citizens' Bridge Company may bridge Mississippi River at Burlington, Iowa.

Tracks.

Unobstructed navigation.

Transit of wagons, etc.

Proviso.
—qualification.

Draw.

Provisos.
Spans, etc.

Pivot drawbridge.

Aids to navigation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Citizens' Bridge Company, a corporation of that name organized under the laws of the State of Iowa, and having its principal place of business at Burlington, Iowa, its successors and assigns be, and they are hereby, authorized to construct and maintain a railroad, wagon, and foot-passenger bridge across the Mississippi River at a place suitable to the interests of navigation at a point at or near the city of Burlington, Iowa, and to lay on or over said bridge a track or tracks for the more perfect connection of any railroad or railroads that are or shall be constructed to the said river, on either or both sides thereof, at or opposite said point, under the limitations and conditions hereinafter provided. The said bridge shall not unreasonably interfere with the free navigation of said river and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river, the cause may be tried before the circuit court of the United States in and for any district in whose jurisdiction any portion of said bridge or obstruction may be. Said bridge shall be constructed to provide for the passage of railroad trains, and for the safe and convenient passage of wagons and vehicles of all kinds, animals, and foot passengers, for such reasonable rates of toll as may be fixed from time to time by the Secretary of War: *Provided*, That the proviso regarding wagons, animals, foot passengers, and so forth, shall not affect the location of said bridge in its relation to the interests of navigation.

SEC. 2. That any bridge built under the provisions of this Act may, at the option of the company building the same, be built as a drawbridge or with unbroken and continuous spans: *Provided*, That if the said bridge shall be made with unbroken and continuous spans, it shall have one or more channel spans, each having not less than three hundred and fifty feet clear channel way and not less than fifty-five feet clear headroom above high-water mark, and the clear head room under other than channel spans may be less than fifty-five feet: *Provided*, That no part of the superstructure of such spans shall give a less headroom than ten feet above high-water mark: *And provided further*, That the interests of navigation be not injured by such reduction in height: *And provided further*, That if any bridge built under the provisions of this Act shall be constructed as a drawbridge, the same shall be constructed as a pivot drawbridge, which shall have two or more draw openings, each having not less than two hundred feet clear channel way, and in addition to said draw openings shall have one or more fixed channel spans, each having not less than three hundred and fifty feet clear channel way; and every part of the superstructure of said low bridge shall give a clear headroom of not less than ten feet above high-water mark: *Provided*, That all spans of both high and low bridges shall be so located as to afford the greatest possible accommodations to

the river traffic, and a draw opening of the low bridge shall, if practicable, be located next or near the shore: *Provided, also*, That in case of a low bridge, if the physical characteristics of the locality so require and the interests of navigation be not injured thereby, the lengths of the fixed spans or the number of the draw openings may be reduced: *Provided, also*, That for any two adjacent draw openings of two hundred feet one draw opening of three hundred feet may be substituted, if the interests of navigation be not injured thereby; and the piers of said bridge shall be parallel with the current of the river where said bridge shall be erected, and the bridge itself at right angles thereto: *Provided, also*, That said bridge shall be opened promptly, upon reasonable signal, for the passage of boats, except when trains are passing over the draw; but in no case shall unnecessary delay occur in opening the said draw during or after the passage of trains.

Reducing draw openings, etc.

Piers, etc.

Opening draw.

SEC. 3. That any bridge constructed under this Act and according to its limitations shall be a lawful structure and shall be known as a post route, and the same is hereby declared to be a post route, upon which also no higher charge shall be made for transmission over the same of the mails, the troops, and the munitions of war of the United States, and for passengers and freight passing over said bridge, than the rate per mile paid for their transportation over the railroads and public highways leading to the bridge; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies; and the United States shall have the right of way for postal-telegraph purposes across said bridge.

Lawful structure and post route.

Telegraph, etc., companies.

SEC. 4. That all railroad companies desiring to use said bridge shall have and be entitled to equal rights and privileges in the passage of the same, and in the use of the machinery and fixtures thereof, and of all the approaches thereto, under and upon such terms and conditions as shall be prescribed by the Secretary of War, upon hearing the allegations and proofs of the parties, in case they shall not agree.

Rights of railroads to use.

SEC. 5. That the structure herein authorized shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe; and to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawing of the bridge and a map of the location, giving, for the space of one mile above and one mile below the proposed location, the topography of the banks of the river, the shore line at high and low water, the direction and strength of the current at all stages, and the soundings, accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as shall be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are decided by the Secretary of War to be such as will not materially affect the interest of navigation, the bridge shall not be commenced or built; and should any change be made in plan of said bridge during the progress of construction, or after completion, such change shall be subject to the approval of the Secretary of War; and said bridge shall be constructed with such aids to the passage of said bridge, in the form of booms, dikes, piers, or other suitable and proper structures for confining the flow of water to a permanent and easily navigated channel, for a distance of not less than one mile above the bridge location, and for the guiding of rafts, steamboats, and other water craft safely through the draw and raft spans, as the Secretary of War shall prescribe and order to be constructed and maintained at the expense of the company owning said bridge; and the said bridge shall be at all times so kept and managed as to offer reasonable and proper means for the passage of vessels through or under said structure; and for the safety of vessels passing at night there shall be displayed on said bridge, from the

Secretary of War to approve plans.

Lights.

Alterations.

hours of sunset to sunrise, such lights as may be prescribed by the Light-House Board; and the said structure shall be changed at the cost and expense of the owners thereof, from time to time, as the Secretary of War may direct, so as to preserve the free and convenient navigation of said river; and the authority to erect and continue said bridge shall be subject to revocation and modification when the public good, in the judgment of the Secretary of War, so requires, without any expense or charge to the United States.

Commencement and completion.

SEC. 6. That if actual construction of the bridge herein authorized shall not be commenced within one year from the passage of this Act and be completed in three years from the same date, the rights and privileges hereby granted shall cease and be determined.

Amendment.

SEC. 7. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, March 2, 1901.

March 2, 1901.

CHAP. 814.—An Act To amend section nineteen of chapter two hundred and fifty-two, Twenty-ninth Statutes at Large, approved May twenty-eighth, eighteen hundred and ninety-six.

United States courts.
Appointment of district court commissioners,
Vol. 29, p. 184.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proviso of section nineteen of chapter two hundred and fifty-two of the Act approved May twenty-eighth, eighteen hundred and ninety-six, entitled "An Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-seven, and for other purposes," is hereby amended so as to read as follows: "*Provided*, That all Acts and parts of Acts applicable to commissioners of the circuit courts, except as to appointment and fees, shall be applicable to United States commissioners appointed under this Act. Warrants of arrest for violations of internal-revenue laws may be issued by United States commissioners upon the sworn complaint of a United States district attorney, assistant United States district attorney, collector or deputy collector of internal revenue, or revenue agent, or private citizen; but no such warrant of arrest shall be issued upon the sworn complaint of a private citizen unless first approved in writing by a United States district attorney. That United States commissioners and all clerks and all deputy clerks of United States courts are hereby authorized to administer oaths."

To supersede circuit court commissioners.

Internal revenue arrests.

Deputy clerks, etc., may administer oaths.

Approved, March 2, 1901.

March 2, 1901.

CHAP. 815.—An Act Relative to the suit instituted for the protection of the interests of the United States in the Potomac River Flats.

District of Columbia.
Potomac River Flats.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the case of the United States against M. F. Morris and others, instituted under the Act of Congress entitled "An Act to provide for protecting the interests of the United States in the Potomac River Flats," approved August fifth, eighteen hundred and eighty-six, Twenty-fourth Statutes, three hundred and thirty-five, and recently remanded by the Supreme Court of the United States to the supreme court of the District of Columbia, the latter court, in order to carry out the mandate of the Supreme Court and also to carry into full effect the provisions of an Act of Congress approved March third, eighteen hundred and ninety-nine, Thirtieth Statutes, thirteen hundred and seventy-seven, entitled "An

Supreme court District of Columbia to ascertain value of certain wharf properties.

Act relative to wharf property and certain public spaces in the District of Columbia," is hereby authorized and directed, in ascertaining the values of the wharf structures and other improvements made by or belonging to the defendants in the above cause, or to others, which are in or over waters of the Potomac River south of Water street, in the city of Washington, in which the said defendants claim riparian rights, to also, in like manner, ascertain and determine the values of the portions of such wharf structures and other improvements which are upon the adjoining land of the United States, but not in or over the said waters of the Potomac River, and shall also ascertain, declare, adjudge, and award to whom the values so determined are justly payable. The said supreme court of the District of Columbia is hereby invested with all needful power, authority, and jurisdiction to carry into effect in all respects the said mandate of the Supreme Court of the United States according to its true intent and meaning, and to determine every question of right, title, interest, and claim arising in the premises; and such court may exercise such power, authority, and jurisdiction as fully and completely, for all purposes, as if the same had been conferred upon it by the said Act approved August fifth, eighteen hundred and eighty-six; and its findings shall be reported to Congress agreeably to the fourth section of said Act.

Approved, March 2, 1901.

—to determine values of wharf structures upon adjoining land of the United States, but not over the Potomac, etc.

CHAP. 816.—An Act To revive and amend an Act entitled "An Act to authorize the Georgia Pine Railway of Georgia to construct a bridge across the Flint River, a navigable stream, in Decatur County, Georgia."

March 2, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an Act to authorize the Georgia Pine Railway of Georgia to construct a bridge across the Flint River, a navigable stream, in Decatur County, Georgia, approved March first, eighteen hundred and ninety-nine, be, and the same is hereby, revived, reenacted, and declared to be in full force and effect.

Time extended to Georgia Pine Railway to bridge Flint River, Georgia.
Vol. 30, p. 966.

SEC. 2. That section six of said Act is hereby amended to read as follows:

"SEC. 6. That this Act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from March first, nineteen hundred and one."

Approved, March 2, 1901.

CHAP. 817.—An Act Authorizing the construction of a bridge across the Cumberland River at or near Carthage, Tennessee.

March 2, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the town of Carthage, a municipal corporation in the State of Tennessee, organized under the laws of said State, either singly or in conjunction with the county of Smith, in the said State, upon such terms as may be agreed upon, be, and is hereby, authorized and empowered to construct, maintain, and operate a bridge across the Cumberland River at or near the town of Carthage at such point as, in the judgment of the Secretary of War, may be suitable to the interests of navigation.

Carthage, Tenn., may bridge Cumberland River at Carthage.

SEC. 2. That the bridge built under this Act and subject to its limitations may be a drawbridge or of fixed span or spans, but in any event shall be a lawful structure, and shall be known and recognized

Lawful structure and post route.

Telegraph, etc.,
companies.

Secretary of War to
approve plans.

Proviso.
Draw.

Lights.

Transit.
Tolls.

Proviso.
Railroad rights to
use.

Amendment.

Commencement and
completion.

as a post route, upon which also no higher charge shall be made for the transportation over the same of the mails, the troops, and munitions of war of the United States than the rate per mile paid for transportation of said mails, troops, and munitions over the railroads and public highways leading to said bridge; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies, and the United States shall have the right of way over said bridge and its approaches for postal telegraph and telephone purposes. That the bridge authorized to be constructed under this Act shall be built and located subject to such regulations for the security of navigation of said river and the passage of vessels and other floating craft under said bridge as the Secretary of War shall prescribe; and to secure that object the said town of Carthage shall submit to the Secretary of War, for his examination and approval, a design and drawing of said bridge, with a map of the location thereof, and shall furnish such other information as may be required for the full and satisfactory understanding of the subject, and said bridge shall not be built until the plans and location thereof shall be approved by the Secretary of War; and should any change be made in the plans of said bridge during the progress of its construction, or after its completion, such change shall be subject to the approval of the Secretary of War: *Provided*, That if said bridge is constructed as a drawbridge the draw thereof shall be opened promptly upon reasonable signal for the passage of boats, and the said municipality shall maintain thereon, at its own expense, between sunset and sunrise, such lights and other signals as the Light-House Board may prescribe.

SEC. 3. That said bridge shall be constructed to provide for the passage of wagons, horsemen, and vehicles, for the transit of animals, and for foot passengers for such reasonable tolls as may be approved from time to time by the Secretary of War: *Provided also*, That at the option of said town of Carthage said bridge may be so constructed as to permit railroad, street car, or dummy lines to pass over said bridge upon such terms as may be or might be agreed upon between the said town of Carthage and any company or corporation operating any such line or lines, all such companies or corporations desiring to use said bridge to have equal rights and privileges relative thereto.

SEC. 4. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

SEC. 5. That this Act shall be null and void if said bridge is not commenced within one year and completed within three years from the date of approval of this Act.

Approved, March 2, 1901.

March 2, 1901.

CHAP. 818.—An Act To authorize the construction of a bridge across Pearl River at Monticello, Mississippi.

Lawrence County,
Miss., may bridge
Pearl River at Monti-
cello.

Toll, etc.

Lawful structure
and post route.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the board of supervisors of Lawrence County, in the State of Mississippi, be, and is hereby, authorized to construct and maintain a bridge, and approaches thereto, across the Pearl River at or near the town of Monticello, in said county and State. Said bridge shall be constructed to provide for the passage of wagons and vehicles of all kinds, animals, foot passengers, and for all road travel, charging and receiving therefor, at the option of said board of supervisors, such reasonable rates of toll and under such reasonable rules and regulations as may be prescribed by said board of supervisors and approved from time to time by the Secretary of War.

SEC. 2. That said bridge, built under this Act and subject to its limitations, shall be a lawful structure, and shall be recognized and known

as a post route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and munitions of war of the United States than the rate paid for the transmission over the public highways leading to the said bridge, and shall enjoy the rights and privileges of other post roads in the United States, and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies; and the United States shall have the right of way across said bridge and its approaches for postal-telegraph purposes. Said bridge shall contain a draw span giving a clear opening of a width to be determined by the Secretary of War, which draw span shall be maintained over the main channel of the river at an accessible and navigable point, and that said draw shall be opened promptly, upon reasonable signal, for the passage of boats and rafts; and said board of supervisors shall maintain at its own expense, from sunset to sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe.

Telegraph, etc., companies.

Draw.

Lights.

SEC. 3. That no bridge shall be erected or maintained under the authority of this Act which shall at any time unreasonably obstruct the free navigation of said river; and if any bridge erected under such authority shall, in the opinion of the Secretary of War, unreasonably obstruct navigation he is hereby authorized to cause the entire removal thereof, or such changes or alterations of said bridge to be made as will obviate such obstruction; and all such alterations shall be made and all such obstructions shall be removed at the expense of the owner or owners of said bridge; and in case of any litigation arising from any obstructions or alleged obstructions to the free navigation of said river, caused or alleged to be caused by said bridge, the case may be brought in the district court of the United States of the State of Mississippi in whose jurisdiction any portion of said obstruction or bridge may be located: *Provided*, That nothing in this Act shall be so construed as to repeal or modify any of the provisions of the law now existing in reference to the protection of the navigation of rivers or to exempt this bridge from the operation of same.

Unobstructed navigation.

—litigation.

Proviso.
Existing law unaffected.

SEC. 4. That any bridge authorized to be constructed under this Act shall be built and located under and subject to such regulations for the security of navigation of the said river as the Secretary of War shall prescribe; and to secure that object the said board of supervisors shall submit to the Secretary of War, for his examination and approval, a design and drawing of the bridge, and a map of the location, giving, for the space of one-half mile above and one-half mile below the proposed location, the high and low water lines upon the banks of the river, the direction and strength of the currents at low and at high water, with the soundings accurately showing the bed of the stream, and the location of any other bridge or bridges, such map to be sufficiently in detail to enable the Secretary of War to judge of the proper location of said bridge, and shall furnish such other information as shall be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be commenced or built; and should any change be made in the plans of said bridge during the progress of its construction, or after completion, such changes shall be subject to the approval of the Secretary of War.

Secretary of War to approve plans.

SEC. 5. That this Act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date of the approval hereof.

Commencement and completion.

SEC. 6. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

Approved, March 2, 1901.

March 2, 1901.

CHAP. 819.—An Act For the relief of Nathan S. Jarvis.

Nathan S. Jarvis.
May be placed on
retired list of Army.

—examination, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he hereby is, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Nathan S. Jarvis, late captain and assistant surgeon, United States Army, a captain and assistant surgeon, and to place him on the retired list of the Army with that rank and pay, the retired list being thereby increased in number to that extent: *Provided,* That before his appointment he be examined by a Board of officers appointed by the Secretary of War, before whom he shall appear for examination, the result of which shall show that he would be eligible to retirement were he in active service as Assistant Surgeon; and all laws and parts of laws in conflict herewith are suspended for this purpose only.

Approved, March 2, 1901.

March 3, 1901.

CHAP. 830.—An Act Making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and two, and for other purposes.

Legislative, execu-
tive, and judicial ex-
penses, appropri-
ations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, in full compensation for the service of the fiscal year ending June thirtieth, nineteen hundred and two, for the objects hereinafter expressed, namely:

Legislative.

LEGISLATIVE.

Senate.

SENATE.

Pay of Senators.

For compensation of Senators, four hundred and fifty thousand dollars.

Mileage.

For mileage of Senators, forty-five thousand dollars.

Compensation of
officers, clerks, etc.

For compensation of the officers, clerks, messengers, and others in the service of the Senate, namely:

Vice-President's of-
fice.

OFFICE OF THE VICE-PRESIDENT: For Secretary to the Vice-President, two thousand two hundred and twenty dollars; for messenger, one thousand four hundred and forty dollars; telegraph operator, one thousand four hundred dollars; telegraph page, six hundred dollars; in all, five thousand six hundred and sixty dollars.

Chaplain.

CHAPLAIN: For Chaplain of the Senate, nine hundred dollars.

Secretary of the
Senate.

OFFICE OF SECRETARY: For Secretary of the Senate, including compensation as disbursing officer of the contingent fund of the Senate, five thousand dollars, and for compensation as disbursing officer of salaries of Senators, three hundred and ninety-six dollars; hire of horse and wagon for the Secretary's office, seven hundred dollars; chief clerk and financial clerk, at three thousand dollars each, and five hundred dollars additional for the financial clerk while the office is held by the present incumbent; principal clerk, minute and journal clerk, and enrolling clerk, at two thousand five hundred and ninety-two dollars each; assistant financial clerk, and reading clerk, at two thousand four hundred dollars each; librarian, two thousand two hundred and twenty dollars, and two hundred and eighty dollars additional while the office is held by the present incumbent; assistant librarian, one thousand eight hundred dollars; messenger, acting as assistant librarian, one thousand six hundred dollars; six clerks, at two thousand two hundred and twenty dollars each; five clerks, at two thousand one hundred dol-

Clerks, etc.

lars each; keeper of stationery, two thousand one hundred and two dollars and forty cents; assistant keeper of stationery, one thousand eight hundred dollars; assistant in stationery room, one thousand dollars, and two hundred dollars additional while the office is held by the present incumbent; two messengers, at one thousand four hundred and forty dollars each; assistant messenger, one thousand two hundred dollars; five laborers, at seven hundred and twenty dollars each; in all, sixty-seven thousand six hundred and seventy-four dollars and forty cents.

CLERKS AND MESSENGERS TO COMMITTEES: For clerk of printing records, two thousand two hundred and twenty dollars; clerk to the Committee on Appropriations, three thousand dollars; assistant clerk, two thousand two hundred and twenty dollars; messenger, to be appointed by the committee, one thousand four hundred and forty dollars; clerk and stenographer to the Committee on Finance, two thousand five hundred dollars; messenger, one thousand four hundred and forty dollars; clerk to the Committee on Claims, two thousand two hundred and twenty dollars; assistant clerk, one thousand four hundred and forty dollars; messenger, one thousand four hundred and forty dollars; clerk to the Committee on Commerce, two thousand two hundred and twenty dollars; assistant clerk, one thousand four hundred and forty dollars; clerk to the Committee on Pensions, two thousand two hundred and twenty dollars; two assistant clerks, at one thousand four hundred and forty dollars each; messenger, one thousand four hundred and forty dollars; clerk to the Committee on the Judiciary, two thousand two hundred and twenty dollars; messenger, one thousand four hundred and forty dollars; clerk to the Committee on Military Affairs, two thousand two hundred and twenty dollars; assistant clerk, one thousand four hundred and forty dollars; messenger, one thousand four hundred and forty dollars; clerk to the Committee on Post-Offices and Post-Roads, two thousand two hundred and twenty dollars; messenger, one thousand four hundred and forty dollars; clerk to the Committee on the District of Columbia, two thousand two hundred and twenty dollars; messenger, one thousand four hundred and forty dollars; clerk to the Committee on Foreign Relations, two thousand two hundred and twenty dollars; messenger, one thousand four hundred and forty dollars; clerk to the Committee on Engrossed Bills, two thousand two hundred and twenty dollars; messenger, one thousand four hundred and forty dollars; clerk to the Joint Committee on the Library, two thousand two hundred and twenty dollars; clerks to the committees on Naval Affairs, Census, Public Lands, Indian Affairs, to Audit and Control the Contingent Expenses of the Senate, Public Buildings and Grounds, Agriculture and Forestry, Education and Labor, Territories, Interstate Commerce, Public Health and National Quarantine, Private Land Claims, Patents, Coast Defenses, Privileges and Elections, Additional Accommodations for the Library of Congress, Rules, Civil Service and Retrenchment, Enrolled Bills, Geological Survey, Railroads, Pacific Railroads, Pacific Islands and Porto Rico, Philippines, Relations with Cuba, Inter-oceanic Canals, Transportation and Sale of Meat Products, Five Civilized Tribes of Indians, and clerk to conference minority of the Senate, at two thousand two hundred and twenty dollars each; clerks to committees on Woman Suffrage, and Mines and Mining, at two thousand one hundred dollars each; in all, one hundred and twenty-two thousand three hundred and twenty dollars.

For additional amount for the clerk to the Committee on Rules for revising and preparing for publication biennially, under the direction of the committee, the Senate Manual, one thousand dollars.

For twenty-one clerks to committees, at one thousand eight hundred dollars each, thirty-seven thousand eight hundred dollars.

Sergeant-at-Arms
and Doorkeeper and
assistants.

Messengers.

Laborers.

Pages.

Postmaster, etc.

Document room,
superintendent, etc.

Folding room, su-
perintendent, etc.

Chief engineer, etc.

Clerks to Senators.

OFFICE OF SERGEANT-AT-ARMS AND DOORKEEPER: For Sergeant-at-Arms and Doorkeeper, four thousand five hundred dollars; horse and wagon for his use, four hundred and twenty dollars, or so much thereof as may be necessary; for clerk to Sergeant-at-Arms, two thousand dollars; assistant doorkeeper, two thousand five hundred and ninety-two dollars; acting assistant doorkeeper, two thousand five hundred and ninety-two dollars; three messengers, acting as assistant doorkeepers, at one thousand eight hundred dollars each; forty-seven messengers, at one thousand four hundred and forty dollars each; assistant messenger on the floor of the Senate, one thousand four hundred and forty dollars; messenger to official reporters' room, to be selected by the Official Reporters, in lieu of the messenger provided for by Senate resolution of December seventh, nineteen hundred, one thousand four hundred and forty dollars; messenger in charge of storeroom, one thousand four hundred and forty dollars; upholsterer and locksmith, one thousand four hundred and forty dollars; three carpenters to assist him, at nine hundred and sixty dollars each; skilled laborer, one thousand dollars; two janitors, at nine hundred dollars each; laborer in charge of private passage, eight hundred and forty dollars; two female attendants in charge of ladies' retiring room, at seven hundred and twenty dollars each; two telephone operators, at seven hundred and twenty dollars each; telephone page, six hundred dollars; press gallery page, six hundred dollars; four laborers, at eight hundred and forty dollars each; fifty-three laborers, at seven hundred and twenty dollars each; sixteen pages for the Senate Chamber, at the rate of two dollars and fifty cents per day each during the session, eight thousand four hundred and forty dollars; in all, one hundred and fifty-one thousand five hundred and four dollars.

POST-OFFICE: For Postmaster, two thousand two hundred and fifty dollars; assistant postmaster and mail carrier, two thousand and eighty-eight dollars; seven mail carriers and one wagon master, at one thousand two hundred dollars each; four riding pages, at nine hundred and twelve dollars and fifty cents each; in all, seventeen thousand five hundred and eighty-eight dollars.

DOCUMENT ROOM: For superintendent of the document room (Amzi Smith), three thousand dollars; first assistant in document room, one thousand eight hundred dollars; two assistants in document room, at one thousand four hundred and forty dollars each; clerk to superintendent of document room, one thousand four hundred and forty dollars; skilled laborer, one thousand dollars; in all, ten thousand one hundred and twenty dollars; and the said document room is hereby transferred to and placed under the jurisdiction of the Secretary of the Senate.

FOLDING ROOM: For superintendent of folding room, two thousand one hundred and sixty dollars; assistant in folding room, one thousand two hundred dollars; clerk in folding room, one thousand two hundred dollars; foreman in folding room, one thousand two hundred dollars; nine folders, at one thousand dollars each; thirteen folders, at eight hundred and forty dollars each; and page, six hundred dollars; in all, twenty-six thousand two hundred and eighty dollars.

UNDER ARCHITECT OF THE CAPITOL: For chief engineer, two thousand one hundred and sixty dollars; four assistant engineers, at one thousand four hundred and forty dollars each; seven conductors of elevators, at one thousand two hundred dollars each; machinist and assistant conductor of elevators, one thousand dollars; machinist and electrician, one thousand dollars; three firemen, at one thousand and ninety-five dollars each; six laborers, at seven hundred and twenty dollars each; in all, twenty-five thousand nine hundred and twenty-five dollars.

For thirty annual clerks to Senators who are not chairmen of com-

mittees, at one thousand five hundred dollars each, forty-five thousand dollars.

FOR CONTINGENT EXPENSES, NAMELY: For stationery and newspapers for Senators and the President of the Senate, including four thousand dollars for stationery for committees and officers of the Senate, fifteen thousand three hundred and seventy-five dollars. Contingent expenses.

For postage stamps for the office of the Secretary of the Senate, one hundred dollars; for the office of the Sergeant-at-Arms, seventy-five dollars; in all, one hundred and seventy-five dollars.

For expenses of maintaining and equipping horses and mail wagons for carrying the mails, five thousand dollars, or so much thereof as may be necessary.

For materials for folding, two thousand dollars.

For folding speeches and pamphlets, at a rate not exceeding one dollar per thousand, two thousand dollars.

For fuel, oil, and cotton waste, and advertising, for the heating apparatus, exclusive of labor, fifteen thousand dollars.

For purchase of furniture, six thousand dollars.

For materials for furniture and repairs of same, exclusive of labor, two thousand dollars.

For services in cleaning, repairing, and varnishing furniture, two thousand dollars.

For packing boxes, nine hundred and seventy dollars.

For miscellaneous items, exclusive of labor, fifty thousand dollars.

For miscellaneous items on account of the Maltby Building, sixteen thousand eight hundred and forty dollars.

For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers to committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding one dollar and twenty-five cents per printed page, twenty thousand dollars.

For reporting the debates and proceedings of the Senate, twenty-five thousand dollars, payable in equal monthly installments.

For repairs of Maltby Building, two thousand dollars.

For rent of warehouse for storage of public documents for the Senate, one thousand eight hundred dollars.

CAPITOL POLICE.

Capitol police.

For captain, one thousand six hundred dollars, and three lieutenants, at one thousand two hundred dollars each, hereafter to be selected jointly by the Sergeant-at-Arms of the Senate and the Sergeant-at-Arms of the House of Representatives; thirty privates, at one thousand one hundred dollars each; thirty privates, at nine hundred and sixty dollars each; and eight watchmen, at nine hundred dollars each, one-half of said privates and watchmen to be selected by the Sergeant-at-Arms of the Senate and one-half by the Sergeant-at-Arms of the House of Representatives; in all, seventy-four thousand two hundred dollars, one-half to be disbursed by the Secretary of the Senate and the other half to be disbursed by the Clerk of the House of Representatives. And hereafter the officers, privates, and watchmen of the Capitol police shall, when on duty, wear the regulation uniform.

Pay.

For contingent expenses, three hundred dollars, one-half to be disbursed by the Secretary of the Senate and the other half to be disbursed by the Clerk of the House of Representatives. Contingent expenses.

CONGRESSIONAL DIRECTORY.

For expenses of compiling, preparing, and indexing the Congressional Directory, to be expended under the direction of the Joint Committee on Printing, one thousand two hundred dollars. Congressional directory.

House of Representatives.

HOUSE OF REPRESENTATIVES.

Pay of members, etc.

For compensation of Members of the House of Representatives and Delegates from Territories, one million eight hundred and three thousand dollars.

Mileage.

For mileage, one hundred and thirty thousand dollars.

Officers and clerks.

For compensation of the officers, clerks, messengers, and others in the service of the House of Representatives, namely:

Speaker's office.

OFFICE OF THE SPEAKER: For private secretary to the Speaker, two thousand three hundred and fifty dollars; clerk to the Speaker's table, two thousand two hundred and fifty dollars, and for preparing Digest of the Rules, one thousand dollars per annum; clerk to the Speaker, one thousand six hundred dollars; messenger to the Speaker, one thousand two hundred dollars; in all, eight thousand four hundred dollars.

Chaplain.

CHAPLAIN: For Chaplain of the House, nine hundred dollars.

Clerk of the House, etc.

OFFICE OF THE CLERK: For Clerk of the House of Representatives, including compensation as disbursing officer of the contingent fund, five thousand dollars; hire of horses and wagons and cartage for use of the Clerk's office, seven hundred and eighty dollars, or so much thereof as may be necessary; chief clerk, journal clerk, and two reading clerks, at three thousand six hundred dollars each; tally clerk, three thousand dollars; printing and bill clerk, and disbursing clerk, at two thousand five hundred dollars each; file clerk, two thousand seven hundred and fifty dollars; enrolling clerk, two thousand two hundred and fifty dollars; assistant disbursing clerk, assistant enrolling clerk, resolution and petition clerk, newspaper clerk, index clerk, assistant journal clerk, and assistant to chief clerk, at two thousand dollars each; librarian, distributing clerk, and stationery clerk, at one thousand eight hundred dollars each; one bookkeeper, two assistant librarians, and seven clerks, at one thousand six hundred dollars each; document and bill clerk, one thousand six hundred dollars; document clerk, one thousand four hundred and forty dollars; locksmith, who shall be skilled in his trade, one thousand two hundred dollars; cabinetmaker, who shall be skilled in his trade, one thousand two hundred dollars; two assistant cabinetmakers, who shall be skilled in their trade, at nine hundred dollars each; one assistant in Clerk's office, and one assistant in disbursing office, at one thousand four hundred dollars each; telegraph operator, assistant file clerk, and stenographer to the Clerk, at one thousand two hundred dollars each; one assistant in library, one assistant in document room, and one assistant in stationery room, at nine hundred dollars each; one page, seven hundred and twenty dollars; two laborers in the bathroom (Robert Richardson and William Richardson), at seven hundred and twenty dollars each; two laborers, at seven hundred and twenty dollars each; assistant index clerk, one thousand five hundred dollars; page in enrolling room, and messenger in chief clerk's office, at seven hundred and twenty dollars each; in all, ninety-one thousand four hundred and sixty dollars.

Library placed under Librarian of Congress.

Appointments and removals.

The library of the House of Representatives shall hereafter be under the control and direction of the Librarian of Congress, who shall provide all needful books of reference therefor. The librarian, two assistant librarians, and assistant in the library, above provided for, shall be appointed by the Clerk of the House, with the approval of the Speaker of the House of Representatives of the Fifty-sixth Congress, and thereafter no removals shall be made from the said positions except for cause reported to and approved by the Committee on Rules.

Chief engineer, etc.

UNDER ARCHITECT OF THE CAPITOL: For chief engineer, one thousand seven hundred dollars; three assistant engineers, at one thousand two hundred dollars each; four conductors of elevators, at one thou-

sand one hundred dollars each, who shall be under the supervision and direction of the Architect of the Capitol; laborer, eight hundred and twenty dollars; six firemen, at nine hundred dollars each; electrician, one thousand two hundred dollars; laborer, one thousand dollars; two laborers, at seven hundred and twenty dollars each; laborer to clean Statuary Hall and watch statuary therein, six hundred and sixty dollars; in all, twenty thousand two hundred and twenty dollars.

CLERKS AND MESSENGERS TO COMMITTEES: For clerk to the Committee on Ways and Means, three thousand dollars; assistant clerk, one thousand six hundred dollars; messenger, one thousand two hundred dollars; janitor, seven hundred and twenty dollars; clerk to the Committee on Appropriations, three thousand dollars; assistant clerk and stenographer, two thousand dollars; messenger and assistant clerk, one thousand two hundred dollars; clerks to Committees on Accounts, Agriculture, Banking and Currency, Claims, District of Columbia, Elections, Foreign Affairs, Interstate and Foreign Commerce, Indian Affairs, Insular Affairs, Invalid Pensions, Judiciary, Merchant Marine and Fisheries, Military Affairs, Naval Affairs, Pensions, Post-Office and Post-Roads, Public Buildings and Grounds, Public Lands, Rivers and Harbors, War Claims, and clerk to continue Digest of Claims under resolution of March seventh, eighteen hundred and eighty-eight, at two thousand dollars each; janitor for Committee on Post-Office and Post-Roads, seven hundred and twenty dollars; and for assistant clerk to the Committee on War Claims, one thousand two hundred dollars; in all, fifty-eight thousand six hundred and forty dollars.

Clerks and messengers to committees.

For janitors for rooms of the Committees on Accounts, Agriculture, Banking and Currency, Claims, District of Columbia, Elections, Foreign Affairs, Interstate and Foreign Commerce, Indian Affairs, Insular Affairs, Invalid Pensions, Judiciary, Merchant Marine and Fisheries, Military Affairs, Naval Affairs, Pensions, Public Buildings and Grounds, Public Lands, Rivers and Harbors, and War Claims, at the rate of seven hundred and twenty dollars per annum each, from December first, nineteen hundred and one, to June thirtieth, nineteen hundred and two, inclusive, and said janitors shall be appointed by the chairmen respectively of said committees and shall perform all of the duties heretofore required of messengers detailed to said committees by the Doorkeeper; in all, eight thousand four hundred and twelve dollars.

Janitors.
—appointments, etc.

For seventeen clerks to committees, at six dollars each per day during the session, twenty-one thousand five hundred and twenty-two dollars.

Clerks to committees, session.

OFFICE OF SERGEANT-AT-ARMS: For Sergeant-at-Arms of the House of Representatives, four thousand five hundred dollars; deputy to the Sergeant-at-Arms, two thousand dollars; cashier, three thousand dollars; paying teller, two thousand one hundred and fifty dollars; bookkeeper, one thousand eight hundred dollars; assistant bookkeeper, nine hundred dollars; messenger, one thousand two hundred dollars; clerk in charge of pairs, one thousand four hundred dollars; page, seven hundred and twenty dollars; and skilled laborer, eight hundred and forty dollars; in all, eighteen thousand five hundred and ten dollars.

Sergeant-at-Arms, etc.

OFFICE OF DOORKEEPER: For Doorkeeper, three thousand five hundred dollars; hire of horses, feed, repair of wagon and harness, six hundred dollars, or so much thereof as may be necessary; assistant doorkeeper, and Department messenger, at two thousand dollars each; one special employee (John T. Chancey), one thousand five hundred dollars; one special employee, one thousand five hundred dollars; clerk to Doorkeeper, and janitor, at one thousand two hundred dollars each; ten messengers, including the messenger to the reporters' gallery, at one thousand two hundred dollars each; thirteen messengers, at one thousand dollars each; messenger to the Speaker's

Doorkeeper, assistant, etc.

table, one thousand dollars; fourteen messengers on the soldiers' roll, at one thousand two hundred dollars each; twelve laborers, at seven hundred and twenty dollars each; two laborers in the water-closet, at seven hundred and twenty dollars each; one laborer, six hundred dollars; eight laborers, known as cloakroom men, at fifty dollars per month each; ten laborers, during the session, at sixty dollars per month each, four thousand one hundred and eighty dollars and sixty cents; female attendant in ladies' retiring room, seven hundred and twenty dollars; superintendent of folding room, two thousand dollars; four clerks in folding room, one at one thousand eight hundred dollars, and three at one thousand two hundred dollars each; foreman, one thousand five hundred dollars; messenger, one thousand two hundred dollars; page, five hundred dollars; laborer, seven hundred and twenty dollars; nine folders, at nine hundred dollars each; five folders, at eight hundred and forty dollars each; eighteen folders, at seven hundred and twenty dollars each; night watchman, nine hundred dollars; driver, six hundred dollars; two chief pages, at nine hundred dollars each; thirty-three pages, during the session, including two riding pages and two telephone pages, at two dollars and fifty cents per day each, seventeen thousand four hundred and seven dollars and fifty cents; ten pages for duty at the entrances to the Hall of the House, during the session, at two dollars and fifty cents per day each, five thousand two hundred and seventy-five dollars; horse and buggy for Department messenger, two hundred and fifty dollars; superintendent of document room, two thousand dollars; assistant superintendent of document room, one thousand eight hundred dollars; six assistants in document room, one at one thousand six hundred dollars, two at one thousand four hundred dollars each, one at one thousand two hundred dollars, and two at one thousand dollars each; in all, one hundred and fifty thousand eight hundred and ninety-three dollars and ten cents.

Superintendent of folding room, etc.

Superintendent document room, etc.

Joel Grayson.

For employment of Joel Grayson in document room, one thousand eight hundred dollars.

Minority employees.

For the following minority employees authorized and named in the resolution adopted by the House of Representatives December seventh, eighteen hundred and ninety-nine, namely: One special employee, one thousand five hundred dollars; two special messengers, at one thousand two hundred dollars each; and one special chief page, nine hundred dollars, and five hundred dollars additional for services as pair clerk; in all, five thousand three hundred dollars.

Assistant Department messenger.

For the assistant Department messenger authorized and named in the resolution adopted by the House of Representatives December seventh, eighteen hundred and ninety-seven, one thousand eight hundred dollars.

Special messenger.

For the special messenger authorized and named in the resolution adopted by the House of Representatives January fifteenth, nineteen hundred, one thousand two hundred dollars.

To continue the employment of the special messenger, authorized in the resolution adopted by the House of Representatives December eighteenth, nineteen hundred, to serve in the room assigned the minority side of the House, at the rate of twelve hundred dollars per annum, from March fourth, nineteen hundred and one, to June thirtieth, nineteen hundred and two, inclusive, one thousand five hundred and ninety-three dollars and thirty-three cents.

Assistant foreman of folding room.

To continue employment and for compensation of the assistant foreman of the folding room, authorized and named in the resolution adopted by the House of Representatives February sixth, nineteen hundred, from March fourth, nineteen hundred and one, to June thirtieth, nineteen hundred and two, inclusive, at three dollars and eighty-five cents per day, one thousand eight hundred and sixty-three dollars and forty cents.

To continue the employment of the person named in the resolution of the House adopted June fifth, nineteen hundred, as a laborer, at fifty dollars per month, from March fourth, nineteen hundred and one, until June thirtieth, nineteen hundred and two, inclusive, seven hundred and ninety-six dollars and sixty-seven cents.

Laborer.

Successors to any of the employees provided for in the six preceding paragraphs may be named by the House of Representatives at any time prior to July first, nineteen hundred and two.

—naming of successors.

OFFICE OF POSTMASTER: For Postmaster, two thousand five hundred dollars; assistant postmaster, two thousand dollars; twelve messengers, including messenger to superintend transportation of mails, at one thousand two hundred dollars each; eight messengers, at one hundred dollars per month each, during the session, five thousand five hundred and seventy-four dollars and sixteen cents; and one laborer, seven hundred and twenty dollars; in all, twenty-five thousand one hundred and ninety-four dollars and sixteen cents.

Postmaster, etc.

For hire of horses and mail wagons for carrying the mails, two thousand five hundred dollars, or so much thereof as may be necessary.

Horses and wagons.

OFFICIAL REPORTERS: For five official reporters of the proceedings and debates of the House, at five thousand dollars each; assistant official reporter, one thousand two hundred dollars; in all, twenty-six thousand two hundred dollars.

Reporting debates.

STENOGRAPHERS TO COMMITTEES: For three stenographers to committees, at five thousand dollars each; assistant stenographer to committees, one thousand six hundred dollars; in all, sixteen thousand six hundred dollars.

Stenographers to committees.

That wherever the words "during the session" occur in the foregoing paragraphs they shall be construed to mean the two hundred and eleven days from December second, nineteen hundred and one, to June thirtieth, nineteen hundred and two, inclusive.

"During the session" defined.

FOR CLERK HIRE, MEMBERS AND DELEGATES: To pay Members and Delegates the amounts which they certify they have paid or agreed to pay for clerk hire necessarily employed by them in the discharge of their official and representative duties, as provided in the Joint Resolution approved March third, eighteen hundred and ninety-three, during the session of Congress; and when Congress is not in session as provided in House Resolution passed May eighth, eighteen hundred and ninety-six, and the deficiency appropriation Act approved July seventh, eighteen hundred and ninety-eight, four hundred and seventeen thousand dollars, or so much thereof as may be necessary; and Representatives and Delegates elect to Congress whose credentials in due form of law have been duly filed with the Clerk of the House of Representatives, in accordance with the provisions of section thirty-one of the Revised Statutes of the United States, shall be entitled to payment under this appropriation.

Clerk hire, members, etc.

Vol. 27, p. 757.

Vol. 30, p. 687.

Clerks for members-elect.

R. S., sec. 31, p. 6.

FOR CONTINGENT EXPENSES, NAMELY: For wrapping paper, pasteboard, paste, twine, newspaper wrappers, and other necessary materials for folding, for the use of members of the House, and for use in the Clerk's office and the House folding room (not including envelopes, writing paper, and other paper and materials to be printed and furnished by the Public Printer, upon requisitions from the Clerk of the House, under the provisions of the Act approved January twelfth, eighteen hundred and ninety-five, for the public printing and binding), seven thousand dollars.

Contingent expenses.

Vol. 28, p. 624.

For fuel and oil for the heating apparatus, thirteen thousand dollars.

For furniture and repairs of the same, nine thousand dollars.

For packing boxes, three thousand two hundred and eighteen dollars and forty cents. And hereafter packing boxes for the use of the House of Representatives shall be procured after advertisement for proposals therefor, under specifications to be prepared by the Clerk of the House, and from the lowest and best bidder to furnish the same.

For miscellaneous items and expenses of special and select committees, twenty thousand dollars.

For stationery for members of the House of Representatives, including five thousand dollars for stationery for the use of the committees and officers of the House, fifty thousand dollars.

For postage stamps for the Postmaster, one hundred dollars; for the Clerk, three hundred dollars; for the Sergeant-at-Arms, two hundred dollars; and for the Doorkeeper, fifty dollars; in all, six hundred and fifty dollars.

Employees to perform only duties of the position to which appointed.

— exception.

Limit, folders assigned to clerical work.

— condition.

Division of salary, etc., forbidden.

Subletting duties forbidden.

Age limit, pages.

Officers' certificate to pay rolls.

Penalties.

Inquiry, etc., by Committee on Accounts authorized.

Public Printer.

Salaries.

Contingent expenses.

Hereafter employees of the House of Representatives under the Clerk, Sergeant-at-Arms, Doorkeeper, and Postmaster shall only be assigned to and engaged upon the duties of the positions to which they are appointed and for which compensation is provided, except that in cases of emergency or congestion of public business incident to the close of a session of Congress or other like cause an employee or employees may be assigned or required to aid in the discharge of the duties of any other employee or employees, and in the discretion of the Doorkeeper not more than one folder may, if necessary, be assigned to do clerical work under the direction of the foreman of the folding room, but all assignments made hereunder shall be without additional compensation and shall not constitute the basis of a claim therefor.

It shall not be lawful to appoint or employ in any position under the House of Representatives more than one person at any one time, or to require or permit any such person to divide with another any portion of his salary or compensation while so employed.

It shall not be lawful to require or permit any person in the employ of the House of Representatives to sublet to another the discharge of any portion of the duties of the position to which he is appointed.

No person shall be appointed or employed as a page in the service of the House of Representatives who is under twelve years or more than eighteen years of age; but this provision shall not apply to chief pages, riding pages, and telephone pages.

The Clerk, Sergeant-at-Arms, Doorkeeper, and Postmaster shall make certificate each month to their respective pay rolls, stating whether the persons named in such pay rolls and employed in their respective departments have been actually present at their respective places of duty and have actually performed the services for which compensation is provided in said pay rolls, and in each case where a person carried on such pay roll has been absent and has not performed the services in whole or in part for which payment is proposed, the reason for such absence and for such nonperformance of services shall be stated.

The violation of any of the foregoing provisions of law shall, upon ascertainment thereof, be deemed to be cause for removal from office.

It shall be the duty of the Committee on Accounts of the House of Representatives from time to time to inquire into the enforcement or violation of any of the foregoing provisions of law; and for this purpose they are hereby authorized to send for persons and papers, and to administer oaths; and they shall report to the House at least once every session their compliance with the duty herein imposed.

OFFICE OF THE PUBLIC PRINTER.

For Public Printer, four thousand five hundred dollars; chief clerk, two thousand seven hundred and fifty dollars; two clerks of class four; two clerks of class three; one clerk of class two; in all, fifteen thousand four hundred and fifty dollars.

For contingent expenses, namely: For stationery, postage, advertising, traveling expenses, horses and wagons, and miscellaneous items, three thousand dollars.

LIBRARY OF CONGRESS.

Library of Congress.

General administration: For Librarian of Congress, six thousand dollars; chief assistant librarian, four thousand dollars; chief clerk, two thousand five hundred dollars; Librarian's secretary, one thousand eight hundred dollars; one clerk, nine hundred dollars; one assistant messenger, seven hundred and twenty dollars; in all, fifteen thousand nine hundred and twenty dollars.

Salaries, librarian, etc.

Mail and supply: For assistant in charge, one thousand two hundred dollars; one assistant, nine hundred dollars; one messenger boy, three hundred and sixty dollars; in all, two thousand four hundred and sixty dollars.

Mail and supply.

Packing and stamping: For two attendants, at seven hundred and twenty dollars each, one thousand four hundred and forty dollars.

Packing and stamping.

Order (purchasing): For chief of division, two thousand dollars; one assistant, one thousand five hundred dollars; one assistant, one thousand two hundred dollars; three assistants, at nine hundred dollars each; two assistants, at seven hundred and twenty dollars each; two assistants, at six hundred dollars each; one assistant, five hundred and twenty dollars; and two messenger boys, at three hundred and sixty dollars each; in all, eleven thousand two hundred and eighty dollars.

Order.

Catalogue and shelf: For chief of division, three thousand dollars; three assistants, at one thousand eight hundred dollars each; six assistants, at one thousand five hundred dollars each; one assistant, one thousand four hundred dollars; seven assistants, at one thousand two hundred dollars each; three assistants, at one thousand dollars each; eleven assistants, at nine hundred dollars each; two assistants, at eight hundred dollars each; ten assistants, at seven hundred and twenty dollars each; three assistants, at six hundred dollars each; ten assistants, at five hundred and forty dollars each; four assistants, at four hundred and eighty dollars each; six messengers, at three hundred and sixty dollars each; in all, sixty thousand one hundred and eighty dollars.

Catalogue and shelf.

Binding: For one assistant in charge, one thousand two hundred dollars; one assistant, nine hundred dollars; one messenger boy, three hundred and sixty dollars; in all, two thousand four hundred and sixty dollars.

Binding.

Bibliography: For chief of division, two thousand dollars; one assistant, one thousand two hundred dollars; two assistants, at nine hundred dollars each; one assistant, seven hundred and twenty dollars; and one messenger boy, three hundred and sixty dollars; in all, six thousand and eighty dollars.

Bibliography.

Reading rooms (including evening service) and special collections: For superintendent of reading room, three thousand dollars; two assistants, at one thousand five hundred dollars each; four assistants, at one thousand two hundred dollars each; one assistant (reading room for the blind), one thousand dollars; five assistants, at nine hundred dollars each; ten assistants, at seven hundred and twenty dollars each; evening service: five assistants, at nine hundred dollars each; fifteen assistants, at seven hundred and twenty dollars each; one attendant, Senate reading room, nine hundred dollars; one attendant, Representatives' reading room, nine hundred dollars; one attendant, Representatives' reading room, seven hundred and twenty dollars; two attendants, cloakrooms, at seven hundred and twenty dollars each; one attendant, Toner Library, nine hundred dollars; one attendant, Washingtonian Library, nine hundred dollars; four messenger boys, at three hundred and sixty dollars each; two watchmen, at seven hundred and twenty dollars each; in all, forty-seven thousand four hundred and forty dollars.

Reading rooms.

Periodical (including evening service): For chief of division, two

Periodical.

thousand dollars; chief assistant, one thousand five hundred dollars; two assistants, at nine hundred dollars each; three assistants, at seven hundred and twenty dollars each; two messenger boys, at three hundred and sixty dollars each; for arrears of sorting and collating and to enable periodical reading room to be open in the evening, two assistants, at seven hundred and twenty dollars each; in all, nine thousand six hundred and twenty dollars.

Documents.

Documents: For chief of division, three thousand dollars; one assistant, one thousand two hundred dollars; one assistant, seven hundred and twenty dollars; one messenger, three hundred and sixty dollars; in all, five thousand two hundred and eighty dollars.

Manuscript.

Manuscript: For chief of division, one thousand five hundred dollars; two assistants, at seven hundred and twenty dollars each; one messenger boy, three hundred and sixty dollars; in all, three thousand three hundred dollars.

Maps and charts.

Maps and charts: For chief of division, two thousand dollars; one assistant, one thousand two hundred dollars; two assistants, at nine hundred dollars each; one assistant, seven hundred and twenty dollars; one messenger boy, three hundred and sixty dollars; in all, six thousand and eighty dollars.

Music.

Music: For chief of division, one thousand five hundred dollars; one assistant, one thousand two hundred dollars; one assistant, one thousand dollars; two assistants, at seven hundred and twenty dollars each; one messenger boy, three hundred and sixty dollars; in all, five thousand five hundred dollars.

Prints.

Prints: For chief of division, two thousand dollars; three assistants, at nine hundred dollars each; one messenger, three hundred and sixty dollars; in all, five thousand and sixty dollars.

Smithsonian deposit.

Smithsonian deposit: For custodian, one thousand five hundred dollars; one assistant, one thousand two hundred dollars; one messenger, seven hundred and twenty dollars; one messenger boy, three hundred and sixty dollars; in all, three thousand seven hundred and eighty dollars.

Congressional reference library.

Congressional reference library: For custodian, one thousand five hundred dollars; one assistant, one thousand two hundred dollars; one assistant, nine hundred dollars; one assistant, seven hundred and twenty dollars; two messenger boys, at three hundred and sixty dollars each; in all, five thousand and forty dollars.

Law library.

Law library: For custodian, two thousand five hundred dollars; two assistants, at one thousand four hundred dollars each; one messenger, nine hundred dollars; one assistant for evening service, one thousand two hundred dollars; in all, seven thousand four hundred dollars.

Copyright office.

COPYRIGHT OFFICE, under the direction of the Librarian of Congress: Register of copyrights, three thousand dollars; four clerks, at one thousand eight hundred dollars each; four clerks, at one thousand six hundred dollars each; four clerks, at one thousand four hundred dollars each; nine clerks, at one thousand two hundred dollars each; three clerks, at one thousand dollars each; eight clerks, at nine hundred dollars each; two clerks, at eight hundred dollars each; seven clerks, at seven hundred and twenty dollars each; one clerk, six hundred dollars; one messenger boy, three hundred and sixty dollars. Arrears, special service: Three clerks, at one thousand two hundred dollars each; one porter, seven hundred and twenty dollars; one messenger boy, three hundred and sixty dollars; in all, fifty-five thousand four hundred and eighty dollars.

Special service.

For special, temporary, and miscellaneous service, at the discretion of the Librarian, to continue available until expended, two thousand dollars.

Purchase, etc., of books.

INCREASE OF LIBRARY OF CONGRESS: For purchase of books for the Library, and for freight, commissions, and traveling expenses inci-

dental to the acquisition of books by purchase, gift, or exchange, sixty thousand dollars;

For purchase of books and subscription to periodicals for the law library, under the direction of the Chief Justice, three thousand dollars;

For purchase of new books of reference for the Supreme Court, to be a part of the Library of Congress and purchased by the marshal of the Supreme Court, under the direction of the Chief Justice, one thousand five hundred dollars;

For expenses of exchanging public documents for the publications of foreign governments, one thousand eight hundred dollars;

For subscription to miscellaneous current periodicals and newspapers, five thousand dollars;

In all, seventy-one thousand three hundred dollars.

For miscellaneous and contingent expenses of the Library, stationery, supplies, and all stock and materials directly purchased, miscellaneous traveling expenses, postage, transportation, and all incidental expenses connected with the administration of the Library and the copyright office, seven thousand three hundred dollars.

Contingent expenses.

CUSTODY, CARE, AND MAINTENANCE OF LIBRARY BUILDING AND GROUNDS: For superintendent of the Library building and grounds, five thousand dollars; for clerks, messengers, watchmen, engineers, firemen, electricians, elevator conductors, mechanics, laborers, charwomen, and others, as follows: Chief clerk, two thousand dollars; clerk, one thousand four hundred dollars; clerk, one thousand dollars; messenger, eight hundred and forty dollars; assistant messenger, seven hundred and twenty dollars; telephone operator, six hundred dollars; captain of watch, one thousand four hundred dollars; lieutenant of watch, one thousand dollars; eighteen watchmen; carpenter, nine hundred dollars; painter, nine hundred dollars; foremen of laborers, nine hundred dollars; thirteen laborers, at four hundred and eighty dollars each; two attendants in ladies' room, at four hundred and eighty dollars each; two check boys, at three hundred and sixty dollars each; mistress of charwomen, four hundred and twenty-five dollars; charwoman, two hundred and forty dollars; forty charwomen, at two hundred and forty dollars each; chief engineer, one thousand five hundred dollars; one assistant engineer, one thousand two hundred dollars; three assistant engineers, at one thousand dollars each; electrician, one thousand five hundred dollars; assistant electrician, one thousand dollars; two machinists, at nine hundred dollars each; plumber, nine hundred dollars; two elevator conductors, at seven hundred and twenty dollars each; nine firemen; six skilled laborers, at seven hundred and twenty dollars each; in all, seventy thousand nine hundred and forty-five dollars.

Custody of building and grounds. Superintendent, clerks, etc.

For fuel, lights, repairs, and miscellaneous supplies, electric and steam apparatus, reference books, stationery, and all incidental expenses in connection with the custody, care, and maintenance of said building and grounds, twenty-five thousand dollars.

Fuel, lights, etc.

For furniture, including partitions, screens, shelving, and two covered ways across courts, sixty thousand dollars.

Furniture.

BOTANIC GARDEN.

Botanic garden.

For superintendent, one thousand eight hundred dollars.

Superintendent, etc.

For assistants and laborers, under the direction of the Joint Library Committee of Congress, twelve thousand and ninety-three dollars and seventy-five cents.

For procuring manure, tools, fuel, purchasing trees, shrubs, plants, seeds, and for services, materials, miscellaneous supplies, and contingent expenses in connection with repairs and improvements to Botanic Garden, under direction of the Joint Library Committee of Congress, five thousand dollars.

Repairs, etc.

Executive.

EXECUTIVE.

Compensation of the President.

For compensation of the President of the United States, fifty thousand dollars.

Vice-President.

For compensation of the Vice-President of the United States, eight thousand dollars.

Executive office.

Secretary, assistants, etc.

For compensation to the following, in the office of the President of the United States: Secretary, five thousand dollars; two assistant secretaries, at two thousand eight hundred dollars each; executive clerk, two thousand two hundred dollars; executive clerk and disbursing officer, two thousand dollars; two clerks, at two thousand dollars each; four clerks of class four; one clerk of class four, who shall be a telegrapher; one clerk of class three, who shall be a telegrapher; steward, one thousand eight hundred dollars; usher to the President, one thousand eight hundred dollars; chief doorkeeper, one thousand eight hundred dollars; four doorkeepers, at one thousand two hundred dollars each; four messengers, at one thousand two hundred dollars each; two messengers, at nine hundred dollars each; watchman, nine hundred dollars; fireman, seven hundred and twenty dollars; laborer, seven hundred and twenty dollars; in all, forty-eight thousand five hundred and forty dollars.

Contingent expenses.

For contingent expenses of the Executive Office, including stationery therefor, as well as record books, telegrams, telephones, books for library, miscellaneous items, and furniture and carpets for offices, care of office carriage, horses, and harness, twelve thousand dollars.

Civil Service Commission.

CIVIL SERVICE COMMISSION.

Commissioners, examiner, etc.

For three Commissioners, at three thousand five hundred dollars each; chief examiner, three thousand dollars; secretary, two thousand dollars; eight clerks of class four; ten clerks of class three; thirteen clerks of class two; fifteen clerks of class one; three clerks, at one thousand dollars each; two clerks, at nine hundred dollars each; one messenger; two laborers; engineer, eight hundred and forty dollars; two watchmen; two firemen, at seven hundred and twenty dollars each; one elevator conductor, seven hundred and twenty dollars; two messenger boys, at three hundred and sixty dollars each; in all, ninety-four thousand two hundred and twenty dollars.

Expenses.

For necessary traveling expenses, including those of examiners acting under the direction of the Commission, and for expenses of examinations and investigations held elsewhere than at Washington, seven thousand dollars.

Department of State.

DEPARTMENT OF STATE.

Pay of Secretary, Assistants, clerks, etc.

For compensation of the Secretary of State, eight thousand dollars; Assistant Secretary, four thousand five hundred dollars; Second and Third Assistant Secretaries, at four thousand five hundred dollars each; chief clerk, three thousand dollars; assistant solicitor of the Department of State, to be appointed by the Secretary of State, two thousand five hundred dollars; for a law clerk, to be selected and appointed by the Secretary of State, to edit the laws of Congress and perform such other duties as he may require of him, at two thousand five hundred dollars per annum, to be available from March fourth, nineteen hundred and one, three thousand three hundred and nineteen dollars and forty-four cents; seven chiefs of bureaus and two translators, at two thousand one hundred dollars each; additional to chief of Bureau of Accounts as disbursing clerk, two hundred dollars; private secretary to the Secretary, two thousand two hundred and fifty dollars; ten

clerks of class four; four clerks of class three; ten clerks of class two; twenty-five clerks of class one, one of whom is to be a telegraph operator; five clerks, at one thousand dollars each; ten clerks, at nine hundred dollars each; chief messenger, one thousand dollars; one messenger; two assistant messengers; packer, seven hundred and twenty dollars; and thirteen laborers; for temporary typewriters and stenographers, to be selected by the Secretary, two thousand dollars; in all, one hundred and forty-eight thousand three hundred and twenty-nine dollars and forty-four cents.

For stationery, furniture, fixtures, and repairs, and for the purchase of passport paper, six thousand dollars.

For books and maps, and books for the library, two thousand dollars.

For services of lithographer and necessary materials for the lithographic press, one thousand two hundred dollars.

For contingent expenses, namely: For care and subsistence of horses, to be used only for official purposes, and repairs of wagons, carriage, and harness, rent of stable, telegraphic and electric apparatus and repairs to the same, and miscellaneous items not included in the foregoing; in all, three thousand five hundred dollars.

To pay the expenses of printing, in compliance with the requirements of the Act of February third, eighteen hundred and eighty-seven, the certified copies of the final ascertainment of the electors for President and Vice-President of the United States, as transmitted by the executive of each State to the Secretary of State, one thousand five hundred dollars, or so much thereof as may be necessary, to be immediately available.

Stationery.

Library books.

Lithographer, etc.

Contingent expenses.

Printing ascertainment of electors for President, etc., Vol. 24, p. 373.

TREASURY DEPARTMENT.

Treasury Department.

OFFICE OF THE SECRETARY: For compensation of the Secretary of the Treasury, eight thousand dollars; three Assistant Secretaries of the Treasury, at four thousand five hundred dollars each; clerk to the Secretary, two thousand two hundred and fifty dollars; stenographer, one thousand eight hundred dollars; three private secretaries, one to each Assistant Secretary, at one thousand eight hundred dollars each; Government actuary, under control of the Treasury, one thousand eight hundred dollars; one clerk of class three; one clerk of class two; two clerks of class one; one clerk, one thousand dollars; four messengers; three assistant messengers, and one laborer; in all, forty-five thousand three hundred and thirty dollars.

Secretary, Assistants, clerks, etc.

Office of chief clerk and superintendent: For chief clerk, including three hundred dollars as superintendent of Treasury building, three thousand dollars; assistant superintendent of Treasury building, two thousand five hundred dollars; inspector of electric-light plants, gas, and fixtures for all public buildings under control of the Treasury Department, two thousand dollars; one assistant inspector of electric-light plants and draftsman, one thousand six hundred dollars; four clerks of class four; additional to one clerk of class four, as book-keeper, one hundred dollars; two clerks of class three; three clerks of class two; four clerks of class one (one as librarian); one clerk, one thousand dollars; one messenger; two assistant messengers; store-keeper, one thousand two hundred dollars; telegraph operator, one thousand two hundred dollars; chief engineer, one thousand four hundred dollars; three assistant engineers, at one thousand dollars each; six elevator conductors, at seven hundred and twenty dollars each; three firemen; five firemen, at six hundred and sixty dollars each; coal passer, five hundred dollars; locksmith and electrician, one thousand two hundred dollars; captain of the watch, one thousand four hundred dollars; two lieutenants of the watch, at nine hundred dollars

Chief clerk, clerks, etc.

	each; fifty-eight watchmen; six special watchmen, at seven hundred and twenty dollars each; foreman of laborers, one thousand dollars; skilled laborer, male, eight hundred and forty dollars; three skilled laborers, male, at seven hundred and twenty dollars each; twenty-six laborers; ten laborers, at five hundred dollars each; laborer, four hundred and eighty dollars; two laborers, at three hundred and sixty dollars each; ninety charwomen; foreman of cabinet shop, one thousand five hundred dollars; draftsman, one thousand two hundred dollars; eleven cabinetmakers, at one thousand dollars each; cabinetmaker, seven hundred and twenty dollars; carpenter, one thousand dollars; carpenter's helper, six hundred and sixty dollars. For the Winder Building: Engineer, one thousand dollars; three firemen; conductor of elevator, seven hundred and twenty dollars; four watchmen; three laborers, one of whom, when necessary, shall assist and relieve the conductor of the elevator; laborer, four hundred and eighty dollars; and six charwomen. For the Cox Building, seventeen hundred and nine New York avenue: Three watchmen-firemen; at seven hundred and twenty dollars each; and one laborer; in all, one hundred and seventy-seven thousand nine hundred and sixty dollars.
Engineer, etc.	
Watchmen, etc.	
Bookkeeping and warrants division.	Division of bookkeeping and warrants: For chief of division, three thousand five hundred dollars; assistant chief of division, two thousand seven hundred dollars; estimate and digest clerk, two thousand five hundred dollars; two principal bookkeepers, at two thousand one hundred dollars each; ten bookkeepers, at two thousand dollars each; eleven clerks of class four; four clerks of class three; two clerks of class two; three clerks of class one; one messenger; one assistant messenger; and one laborer; in all, sixty-seven thousand seven hundred and twenty dollars.
Customs division.	Division of customs: For chief of division, two thousand seven hundred and fifty dollars; assistant chief of division, two thousand dollars; two law clerks, at two thousand dollars each; three clerks of class four; additional to one clerk of class four acting as drawback clerk, two hundred dollars; two clerks of class three; two clerks of class two; two clerks of class one; three clerks, at one thousand dollars each; three clerks, at nine hundred dollars each; and two assistant messengers; in all, twenty-nine thousand eight hundred and ninety dollars.
Appointments division.	Division of appointments: For chief of division, two thousand seven hundred and fifty dollars; assistant chief of division, two thousand dollars; four clerks of class four; three clerks of class three; three clerks of class two; five clerks of class one; four clerks, at one thousand dollars each; five clerks, at nine hundred dollars each; one messenger; three assistant messengers; and one laborer; in all, thirty-nine thousand one hundred and ten dollars.
Public moneys division.	Division of public moneys: For chief of division, two thousand five hundred dollars; assistant chief of division, two thousand dollars; four clerks of class four; three clerks of class three; two clerks of class two; one clerk of class one; one clerk, one thousand dollars; one clerk, nine hundred dollars; one messenger; and one assistant messenger; in all, twenty-three thousand nine hundred and sixty dollars.
Loans and currency division.	Division of loans and currency: For chief of division, two thousand five hundred dollars; assistant chief of division, two thousand one hundred dollars; five clerks of class four; additional to two clerks of class four as receiving clerk of bonds, and bookkeeper, one hundred dollars each; one clerk of class three; two clerks of class two; three clerks of class one; two clerks, at one thousand dollars each; thirteen clerks, at nine hundred dollars each; six expert counters, at seven hundred and twenty dollars each; one messenger; two assistant messengers; superintendent of paper room, one thousand two hundred dollars; paper cutter, at three dollars per day; paper counter, seven hundred and

twenty dollars; six laborers; twenty-four paper counters and laborers, at six hundred and twenty dollars each; and one laborer, five hundred and fifty dollars; and for continuing two additional clerks, at nine hundred dollars each, and six additional paper counters and laborers, at six hundred and twenty dollars each, rendered necessary because of increase of work incident to the war with Spain; in all, sixty-nine thousand eight hundred and sixty-nine dollars.

Division of Revenue-Cutter Service: For assistant chief of division, Revenue-Cutter Service division. two thousand dollars; one clerk of class four; four clerks of class three; two clerks of class two; three clerks of class one; two clerks, at one thousand dollars each; two clerks, at nine hundred dollars each; and one laborer; in all, twenty-one thousand and sixty dollars.

Miscellaneous division: For chief of division, two thousand five hundred dollars; assistant chief of division, two thousand dollars; one clerk of class four; one clerk of class three; two clerks of class one; clerk, one thousand dollars; clerk, nine hundred dollars; and one assistant messenger; in all, twelve thousand nine hundred and twenty dollars. Miscellaneous division.

Division of stationery, printing, and blanks: For chief of division, Stationery division. two thousand five hundred dollars; assistant chief of division, two thousand dollars; three clerks of class four; three clerks of class three; three clerks of class two; one clerk of class one; two clerks, at nine hundred dollars each; two messengers; two assistant messengers; foreman of bindery, at five dollars per day; four binders, at four dollars per day each; and two sewers and folders, at two dollars and fifty cents per day each; in all, thirty-three thousand one hundred and fifty-eight dollars.

Division of mail and files: For chief of division, two thousand five hundred dollars; one clerk of class three; additional to clerk of class three, as registered mail and bond clerk, two hundred dollars; five clerks of class two; additional to one clerk of class two, in charge of documents, two hundred dollars; two clerks of class one; six clerks, at one thousand dollars each; four clerks, at nine hundred dollars each; one mail messenger, one thousand two hundred dollars; two assistant messengers; and two laborers, at six hundred dollars each; in all, twenty-seven thousand three hundred and forty dollars. Mail and files division.

Division of special agents: For assistant chief of division, two thousand four hundred dollars; one clerk of class three; one clerk of class two; three clerks of class one; one clerk, one thousand dollars; three clerks, at nine hundred dollars each; and one messenger; in all, thirteen thousand five hundred and forty dollars. Special agents division.

Offices of disbursing clerks: For two disbursing clerks, at two thousand five hundred dollars each; one clerk of class four; one clerk of class three; one clerk of class two; two clerks of class one; one clerk, one thousand dollars; in all, thirteen thousand two hundred dollars. Disbursing clerks.

OFFICE OF THE SUPERVISING ARCHITECT: In the construction branch of the Treasury: For Supervising Architect, four thousand five hundred dollars; and one assistant messenger; in all, five thousand two hundred and twenty dollars. Supervising Architect's office.

And the services of skilled draftsmen, civil engineers, computers, accountants, assistants to the photographer, copyists, and such other services as the Secretary of the Treasury may deem necessary and specially order, may be employed in the office of the Supervising Architect exclusively to carry into effect the various appropriations for public buildings, to be paid for from and equitably charged against such appropriations: *Provided*, That the expenditures on this account for the fiscal year ending June thirtieth, nineteen hundred and two, shall not exceed two hundred and fifty thousand dollars; and that the Draftsmen, etc.
Proviso.—limit, etc.

Secretary of the Treasury shall each year in the annual estimates report to Congress the number of persons so employed and the amount paid to each.

Comptroller's office.

OFFICE OF COMPTROLLER OF THE TREASURY: For Comptroller of the Treasury, five thousand five hundred dollars; Assistant Comptroller of the Treasury, four thousand five hundred dollars; chief clerk, two thousand five hundred dollars; chief law clerk, two thousand five hundred dollars; five law clerks revising accounts and briefing opinions, one at two thousand one hundred dollars and four at two thousand dollars each; private secretary, one thousand eight hundred dollars; four expert accountants, at two thousand dollars each; seven clerks of class four; one clerk of class three; two clerks of class two; typewriter-copyist, one thousand dollars; two messengers; one assistant messenger; and one laborer; in all, fifty-five thousand nine hundred and sixty dollars.

For five temporary clerks, at the rate of one thousand six hundred dollars per annum each, during the remainder of the fiscal year nineteen hundred and one, to dispose of accumulated appeals from the Auditor for the War Department, two thousand six hundred and twenty-two dollars and twenty cents, or so much thereof as may be necessary.

Auditor for Treasury Department.

OFFICE OF AUDITOR FOR TREASURY DEPARTMENT: For Auditor, four thousand dollars; Deputy Auditor, two thousand five hundred dollars; law clerk, two thousand dollars; four chiefs of division, at two thousand dollars each; seventeen clerks of class four; thirteen clerks of class three; ten clerks of class two; twenty clerks of class one; three clerks, at one thousand dollars each; three clerks, at nine hundred dollars each; three assistant messengers; four laborers; and for continuing three clerks of class one and for four additional clerks of class one, rendered necessary by increased work incident to the war with Spain; in all, one hundred and twenty-four thousand eight hundred dollars.

Clerks on manifests.

For clerical force for the liquidation of manifests of vessels and cars arriving in the United States from foreign countries with merchandise intended for consumption, namely: For one clerk of class four; two clerks of class three; three clerks of class two; three clerks of class one; ten clerks, at one thousand dollars each; and three clerks, at nine hundred dollars each; in all, twenty-five thousand five hundred dollars.

Auditor for War Department.

OFFICE OF AUDITOR FOR WAR DEPARTMENT: For Auditor, four thousand dollars; Deputy Auditor, two thousand five hundred dollars; law clerk, two thousand dollars; six chiefs of division, at two thousand dollars each; sixteen clerks of class four; additional to one clerk as disbursing clerk, two hundred dollars; forty-two clerks of class three; sixty-four clerks of class two; fifty-four clerks of class one; ten clerks, at one thousand dollars each; five clerks, at nine hundred dollars each; skilled laborer, nine hundred dollars; three clerks, at eight hundred and forty dollars each; one messenger; three assistant messengers; and eight laborers; in all, two hundred and ninety-seven thousand three hundred dollars.

Additional force.

For continuing the following additional force rendered necessary because of increased work incident to the war with Spain: Eight clerks of class four; seventeen clerks of class three; ten clerks of class two; thirty clerks of class one; ten clerks, at one thousand dollars each; ten clerks, at nine hundred dollars each; and three laborers; in all, one hundred and twelve thousand five hundred and eighty dollars.

Restoring rolls.

For the purpose of restoring and repairing the worn-out and defaced rolls and vouchers in the Office of the Auditor for the War Department, twenty-one thousand dollars.

Auditor for Navy Department.

OFFICE OF AUDITOR FOR NAVY DEPARTMENT: For Auditor, four thousand dollars; Deputy Auditor, two thousand five hundred dollars;

law clerk, two thousand dollars; three chiefs of division, at two thousand dollars each; two clerks of class four; ten clerks of class three; six clerks of class two; eleven clerks of class one; six clerks, at one thousand dollars each; four clerks, at nine hundred dollars each; one clerk, eight hundred dollars; one messenger; one assistant messenger; and two laborers; in all, seventy thousand three hundred and eighty dollars.

For continuing the following additional force rendered necessary because of increased work incident to the war with Spain: Two clerks of class three; three clerks of class two; four clerks of class one; six clerks, at one thousand dollars each; and four clerks, at nine hundred dollars each; in all, twenty-one thousand eight hundred dollars.

Additional.

OFFICE OF AUDITOR FOR INTERIOR DEPARTMENT: For Auditor, four thousand dollars; Deputy Auditor, two thousand five hundred dollars; law clerk, two thousand dollars; three chiefs of division, at two thousand dollars each; eight clerks of class four; nineteen clerks of class three; thirty-five clerks of class two; twenty-five clerks of class one; eleven clerks, at one thousand dollars each; seven clerks, at nine hundred dollars each; one clerk, eight hundred and forty dollars; one assistant messenger; ten laborers; and one female laborer, four hundred and eighty dollars; in all, one hundred and sixty-four thousand two hundred and forty dollars.

Auditor for Interior Department.

OFFICE OF AUDITOR FOR STATE AND OTHER DEPARTMENTS: For Auditor, four thousand dollars; Deputy Auditor, two thousand five hundred dollars; law clerk, two thousand dollars; three chiefs of division, at two thousand dollars each; twelve clerks of class four; thirteen clerks of class three; eleven clerks of class two; seven clerks of class one; five clerks, at one thousand dollars each; four clerks, at nine hundred dollars each; two copyists; one messenger; and three laborers; in all, ninety-three thousand nine hundred and twenty dollars.

Auditor for State etc., Departments.

OFFICE OF AUDITOR FOR POST-OFFICE DEPARTMENT: For Auditor, four thousand dollars; two Deputy Auditors, at two thousand five hundred dollars each; chief clerk, two thousand dollars; law clerk, two thousand dollars; seven chiefs of division, at two thousand dollars each; eighteen clerks of class four; additional to one clerk as disbursing clerk, two hundred dollars; sixty-one clerks of class three; seventy-six clerks of class two; ninety-five clerks of class one; seventy-five clerks, at one thousand dollars each; twenty-six clerks, at nine hundred dollars each; skilled laborer, one thousand dollars; twenty-five money-order sorters, at nine hundred dollars each; thirty-one money-order sorters, at eight hundred and forty dollars each; twenty-three money-order sorters, at seven hundred and twenty dollars each; six messengers; twelve assistant messengers; twenty-five male laborers, at six hundred and sixty dollars each; three female laborers, at six hundred and sixty dollars each; and fifteen charwomen; in all, five hundred and seventy-seven thousand eight hundred and sixty dollars.

Auditor for Post-Office Department.

For additional force for bringing up work of assorting and checking money orders one year or more in arrears, and for increased business, namely: For five clerks of class four; four clerks of class three; five clerks of class two; eight clerks of class one; twelve clerks, at one thousand dollars each; and five clerks, at nine hundred dollars each; in all, forty-eight thousand five hundred dollars.

Additional force.

OFFICE OF THE TREASURER: For Treasurer of the United States, six thousand dollars; Assistant Treasurer, three thousand six hundred dollars; Deputy Assistant Treasurer, three thousand two hundred dollars; cashier, three thousand six hundred dollars; assistant cashier, three thousand dollars; chief clerk, two thousand five hundred dollars; six chiefs of division, at two thousand five hundred dollars each; vault clerk, two thousand five hundred dollars; principal bookkeeper, two thousand five hundred dollars; assistant bookkeeper, two thousand

Treasurer's office.

one hundred dollars; two tellers, at two thousand five hundred dollars each; two assistant tellers, at two thousand two hundred and fifty dollars each; clerk for the Treasurer, one thousand eight hundred dollars; twenty-five clerks of class four; seventeen clerks of class three; fourteen clerks of class two; coin clerk, one thousand four hundred dollars; twenty-three clerks of class one; eleven clerks, at one thousand dollars each; fifty-two clerks, at nine hundred dollars each; thirty expert counters, at seven hundred and twenty dollars each; nine clerks, at seven hundred dollars each; mail messenger, eight hundred and forty dollars; six messengers; six assistant messengers; twenty-three laborers; seven charwomen; six pressmen, at one thousand four hundred dollars each; fourteen separators, at six hundred and sixty dollars each; seven feeders, at six hundred and sixty dollars each; one compositor and pressman, at one thousand four hundred dollars; in all, three hundred and twelve thousand five hundred and twenty dollars.

Redemption of currency.

For the force employed in redeeming the national currency (to be reimbursed by the national banks), namely: For superintendent, three thousand five hundred dollars; teller, two thousand five hundred dollars; bookkeeper, two thousand four hundred dollars; assistant teller, two thousand dollars; two clerks of class four; three clerks of class three; four clerks of class two; twenty clerks of class one; ten clerks, at one thousand dollars each; one skilled laborer, one thousand dollars; ten clerks, at nine hundred dollars each; three assistant messengers; and two charwomen; in all, seventy-one thousand and forty dollars.

Register's Office.

OFFICE OF THE REGISTER OF THE TREASURY: For Register, four thousand dollars; Assistant Register, two thousand two hundred and fifty dollars; two chiefs of division, at two thousand dollars each; four clerks of class four; six clerks of class three; five clerks of class two; five clerks of class one; one clerk, one thousand dollars; twenty-two clerks, at nine hundred dollars each; one messenger; two assistant messengers; and four laborers; in all, sixty-five thousand seven hundred and seventy dollars.

For continuing the following additional force rendered necessary because of increased work incident to the war with Spain: Three clerks of class one; and three clerks, at one thousand dollars each; in all, six thousand six hundred dollars.

Comptroller of the Currency.

OFFICE OF THE COMPTROLLER OF THE CURRENCY: For Comptroller of the Currency, five thousand dollars; Deputy Comptroller, two thousand eight hundred dollars; chief clerk, two thousand five hundred dollars; three chiefs of division, at two thousand two hundred dollars each; stenographer, one thousand six hundred dollars; eight clerks of class four; additional to bond clerk, two hundred dollars; twelve clerks of class three; thirteen clerks of class two; nine clerks of class one; twelve clerks, at one thousand dollars each; thirteen clerks, at nine hundred dollars each; one messenger; two assistant messengers; engineer, one thousand dollars; one fireman; three laborers; and two night watchmen; in all, one hundred and twelve thousand four hundred and twenty dollars.

Special examinations, etc.

For expenses of special examinations of national banks and bank plates, of keeping macerator in Treasury building in repair, and for other incidental expenses attending the working of the macerator, five thousand dollars.

National-currency expenses.

For expenses of the national currency (to be reimbursed by the national banks), namely: For superintendent, two thousand two hundred dollars; teller, bookkeeper, and assistant bookkeeper, at two thousand dollars each; two clerks, of class one; one clerk, one thousand dollars; five clerks, at nine hundred dollars each; and one assistant messenger; in all, sixteen thousand eight hundred and twenty dollars.

Commissioner of Internal Revenue.

OFFICE OF THE COMMISSIONER OF INTERNAL REVENUE: For Commissioner of Internal Revenue, six thousand dollars; deputy commis-

sioner, four thousand dollars; additional deputy commissioner during the fiscal year nineteen hundred and two, three thousand six hundred dollars; chemist, two thousand five hundred dollars; two heads of divisions, at two thousand five hundred dollars each; four heads of divisions, at two thousand two hundred and fifty dollars each; two additional heads of divisions during the fiscal year nineteen hundred and two, at two thousand two hundred and fifty dollars each; superintendent of stamp vault, two thousand dollars; stenographer, one thousand eight hundred dollars; twenty-four clerks of class four; twenty-four clerks of class three; thirty-four clerks of class two; twenty-four clerks of class one; twenty-two clerks, at one thousand dollars each; thirty clerks, at nine hundred dollars each; two messengers; fourteen assistant messengers; and thirteen laborers; in all, two hundred and sixty-five thousand seven hundred and forty dollars.

For one stamp agent, one thousand six hundred dollars; and one counter, nine hundred dollars; in all, two thousand five hundred dollars, the same to be reimbursed by the stamp manufacturers.

LIGHT-HOUSE BOARD: For chief clerk, two thousand four hundred dollars; two clerks of class four; two clerks of class three; two clerks of class two; four clerks of class one; two clerks, at one thousand dollars each; ten clerks, at nine hundred dollars each; one clerk, eight hundred and forty dollars; one clerk, seven hundred and twenty dollars; two assistant messengers; laborer, six hundred dollars; assistant civil engineer, two thousand four hundred dollars; draftsman, one thousand eight hundred dollars; draftsman, one thousand five hundred and sixty dollars; draftsman, one thousand four hundred and forty dollars; draftsman, one thousand two hundred dollars; in all, thirty-nine thousand eight hundred dollars.

OFFICE OF LIFE-SAVING SERVICE: For General Superintendent of the Life-Saving Service, four thousand dollars; assistant general superintendent, two thousand five hundred dollars; principal clerk, two thousand dollars; topographer and hydrographer, one thousand eight hundred dollars; civil engineer, one thousand eight hundred dollars; draftsman, one thousand five hundred dollars; four clerks of class four; three clerks of class three; three clerks of class two; five clerks of class one; two clerks, at one thousand dollars each; four clerks, at nine hundred dollars each; one assistant messenger; and one laborer; in all, forty-two thousand seven hundred and eighty dollars.

BUREAU OF NAVIGATION: For Commissioner of Navigation, three thousand six hundred dollars; two clerks of class four; additional to one clerk designated as deputy commissioner, four hundred dollars; one clerk of class three; two clerks of class two; four clerks of class one; nine clerks, at nine hundred dollars each; one assistant messenger; and one laborer; in all, twenty-six thousand two hundred and eighty dollars.

BUREAU OF ENGRAVING AND PRINTING: For Director of Bureau, four thousand five hundred dollars; assistant director, two thousand seven hundred and fifty dollars; accountant, two thousand dollars; stenographer, one thousand six hundred dollars; one clerk of class three; two clerks of class one; one clerk, one thousand dollars; two assistant messengers; and one laborer; in all, seventeen thousand nine hundred and fifty dollars.

BUREAU OF STATISTICS: For officer in charge of the Bureau of Statistics, three thousand five hundred dollars; chief clerk, two thousand two hundred and fifty dollars; statistical clerk, two thousand dollars; four clerks of class four; three clerks of class three; stenographer and typewriter, one thousand five hundred dollars; seven clerks of class two; ten clerks of class one; translator, one thousand two hundred dollars; eight clerks, at one thousand dollars each; two copyists; one messenger; one assistant messenger; one laborer; and one female

Stamp agent.

Light-House Board.

Life-Saving Service.

Bureau of Navigation.

Bureau of Engraving and Printing.

Bureau of Statistics.

laborer, four hundred and eighty dollars; in all, fifty-six thousand seven hundred and fifty dollars.

For payment of the services of experts, and for other necessary expenditures connected with the collection of facts relative to the internal and foreign commerce of the United States, four thousand dollars.

Secret Service division.

SECRET SERVICE DIVISION: For one chief, four thousand dollars; chief clerk, two thousand five hundred dollars; one clerk of class four; two clerks of class two; one clerk of class one; one clerk, one thousand dollars; and one attendant, seven hundred and twenty dollars; in all, fourteen thousand and twenty dollars.

Standard Weights and Measures.

OFFICE OF CONSTRUCTION OF STANDARD WEIGHTS AND MEASURES: For construction and verification of standard weights and measures, including metric standards, for the custom-houses, other offices of the United States, and for the several States, and for countries under the jurisdiction of the United States, and for mural standards of length in Washington, District of Columbia: For inspector of standards, three thousand dollars; adjuster, one thousand eight hundred dollars; one verifier, one thousand eight hundred dollars; mechanic, one thousand two hundred and fifty dollars; one assistant messenger; one adjuster's helper, seven hundred and twenty dollars; and one watchman; in all, ten thousand and ten dollars.

Expenses.

For purchase of materials and apparatus, and incidental expenses, one thousand dollars.

American delegate to International Bureau of Weights and Measures.

For expenses of the attendance of the American delegate at the meeting of the International Bureau of Weights and Measures, as provided for in the convention signed May twentieth, eighteen hundred and seventy-five, four hundred and seventy-five dollars, or so much thereof as may be necessary.

Office Director of the Mint.

OFFICE OF THE DIRECTOR OF THE MINT: For Director, four thousand five hundred dollars; examiner, and computer, at two thousand five hundred dollars each; assayer, two thousand two hundred dollars; adjuster of accounts, two thousand dollars; two clerks of class four; two clerks of class two; three clerks of class one; translator, one thousand four hundred dollars; one clerk, one thousand dollars; one copyist; one messenger; one assistant in laboratory, one thousand two hundred dollars; and one assistant messenger; in all, twenty-nine thousand seven hundred and sixty dollars.

Freight.

For freight on bullion and coin, by registered mail or otherwise, between mints and assay offices, one hundred thousand dollars.

Contingent expenses.

For contingent expenses of the Bureau of the Mint, to be expended under the direction of the Director, namely: For assay laboratory, chemicals, fuel, materials, and other necessities, one thousand dollars.

For examination of mints, expense in visiting mints and assay offices for the purpose of superintending the annual settlements, and for special examinations, two thousand five hundred dollars.

For books, pamphlets, periodicals, specimens of coins and ores, balances, weights, and incidentals, four hundred dollars.

Statistics.

For the collection of statistics relative to the annual production and consumption of the precious metals in the United States, three thousand five hundred dollars.

Marine-Hospital Service.

OFFICE OF SUPERVISING SURGEON-GENERAL MARINE-HOSPITAL SERVICE: For Supervising Surgeon-General, four thousand dollars; chief clerk, two thousand dollars; two clerks of class four; four clerks of class three; three clerks of class two; four clerks of class one; clerk and translator, one thousand two hundred dollars; hospital steward employed as chemist, one thousand two hundred dollars; six clerks, at nine hundred dollars each; one messenger, six hundred dollars; five laborers, at five hundred and forty dollars each; in all, thirty-six thousand one hundred dollars, the same to be paid from the permanent appropriations for the Marine-Hospital Service.

OFFICE SUPERVISING INSPECTOR-GENERAL STEAMBOAT-INSPECTION SERVICE: For Supervising Inspector-General, three thousand five hundred dollars; chief clerk, one thousand eight hundred dollars; two clerks of class three; one clerk of class one; one clerk of class one (stenographer and typewriter); one messenger; in all, eleven thousand seven hundred and forty dollars, the same to be paid from the permanent appropriations for the Steamboat-Inspection Service.

Steamboat - Inspection Service.

BUREAU OF IMMIGRATION: For Commissioner-General of Immigration, four thousand dollars; chief clerk, two thousand two hundred and fifty dollars; confidential clerk, one thousand two hundred dollars; statistician and stenographer, with power to act as immigrant inspector, one thousand eight hundred dollars; one supervising immigrant inspector, to be attached to this Bureau in Washington for special work outside, one thousand six hundred dollars; one messenger; and one assistant messenger; one clerk of class two, to be available from March fourth, nineteen hundred and one, one thousand eight hundred and fifty-eight dollars and eighty-nine cents; in all, fourteen thousand two hundred and sixty-eight dollars and eighty-nine cents, which, together with other expenses of regulating immigration, shall be paid from the permanent appropriation for expenses regulating immigration.

Immigration Bureau.

FOR CONTINGENT EXPENSES OF THE TREASURY DEPARTMENT, INCLUDING ALL BUILDINGS UNDER CONTROL OF THE TREASURY IN WASHINGTON, DISTRICT OF COLUMBIA, namely:

Contingent expenses.

For stationery for the Treasury Department and its several bureaus, thirty thousand dollars.

Stationery.

For postage required to prepay matter addressed to Postal Union countries, and for postage for the Treasury Department, one thousand five hundred dollars.

Postage.

For purchasing material for binding important records, four hundred dollars.

Binding materials.

For newspapers, law books, city directories, and other books of reference relating to the business of the Department, one thousand two hundred dollars.

Newspapers, etc.

For investigation of accounts and records, including the necessary traveling expenses, and for other traveling expenses, when ordered by the Secretary of the Treasury, in connection with special work, including the temporary employment of stenographers, typewriters, accountants, or other expert services outside the District of Columbia when not properly chargeable to any other appropriation under the control of the Treasury Department, five hundred dollars.

Investigating accounts, etc.

For freight, expressage, telegraph and telephone service, six thousand dollars.

Freight, etc.

For rent of buildings, nine thousand three hundred and ninety-four dollars.

Rent.

For purchase of horses and wagons, for office and mail service, to be used only for official purposes, care and subsistence of horses, including shoeing, and of wagons, harness, and repairs of the same, three thousand five hundred dollars.

Horses and wagons.

For purchase of ice, including ice for the office of the Auditor for the Post-Office Department, two thousand five hundred dollars.

For purchase of file holders and file cases, three thousand dollars.

File holders and cases.
Fuel.

For purchase of coal, wood, engine oils and grease, grates, grate baskets and fixtures, blowers, coal hods, coal shovels, pokers, and tongs, nine thousand five hundred dollars.

For purchase of gas, electric current for lighting and power purposes, gas and electric light fixtures, electric-light wiring and material, candles, candlesticks, droplights and tubing, gas burners, gas torches, globes, lanterns, and wicks, fourteen thousand dollars.

Light.

For washing and hemming towels, for the purchase of awnings and fixtures, window shades and fixtures, alcohol, benzine, turpentine, varnish, baskets, belting, bellows, bowls, brooms, buckets, brushes,

Miscellaneous.

canvas, crash, cloth, chamois skins, cotton waste, door and window fasteners, dusters, flower garden, street and engine hose, lace leather, lye, nails, oils, plants, picks, pitchers, powders, stencil plates, hand stamps, and repairs of same, stamp ink, spittoons, soap, matches, match safes, sponges, tacks, traps, thermometers, tools, towels, towel racks, tumblers, wire, zinc, and for blacksmithing, repairs of machinery, removal of rubbish, sharpening tools, advertising for proposals, and for sales at public auction in Washington, District of Columbia, of condemned property belonging to the Treasury Department, payment of auctioneer fees, and purchase of other absolutely necessary articles, eight thousand dollars.

Numbering machines.

For purchase of registering accountants, numbering machines, and other machines of a similar character, and repairs thereto, two thousand dollars.

Carpets.

For purchase of carpets, carpet border and lining, linoleum, mats, rugs, matting, and repairs, and for cleaning, cutting, making, laying, and relaying of the same, by contract, four thousand dollars.

Furniture.

For purchase of boxes, book rests, chairs, chair caning, chair covers, desks, bookcases, clocks, cloth for covering desks, cushions, leather for covering chairs and sofas, locks, lumber, screens, tables, typewriters, ventilators, wardrobe cabinets, washstands, water coolers and stands, eight thousand five hundred dollars.

Collecting internal revenue.

COLLECTING INTERNAL REVENUE.

Collectors, etc.

For salaries and expenses of collectors and deputy collectors and surveyors, and clerks, including transportation of public funds, and also including expenses of enforcing the Act of August second, eighteen hundred and eighty-six, taxing oleomargarine, and the Act of August fourth, eighteen hundred and eighty-six, imposing upon the Government the expense of the inspection of tobacco exported; also the Act of June sixth, eighteen hundred and ninety-six, imposing a tax on filled cheese, one million seven hundred and ten thousand dollars.

Additional clerks, etc.

For continuing the additional clerks and other employees in the Office of the Commissioner of Internal Revenue and for salaries and expenses of increased force of deputy collectors rendered necessary by the Act of June thirteenth, eighteen hundred and ninety-eight, providing for war expenditures, and for other purposes, and for salaries and expenses of twenty-one additional agents, to be appointed under the provisions of section three of said Act, in lieu of the ten additional agents provided for in section three, and the twenty additional clerks and agents provided for in section forty-seven of said Act of June thirteenth, eighteen hundred and ninety-eight, five hundred and fifty thousand dollars.

Agents, gaugers, etc.

For compensation of the official authorized in section twelve of the Act entitled "An Act to amend an Act entitled 'An Act to provide ways and means to meet war expenditures, and for other purposes,' approved June thirtieth, eighteen hundred and ninety-eight, and to reduce taxation thereunder" at the rate of three thousand dollars per annum, until the close of the fiscal year one thousand nine hundred and two, four thousand dollars, or so much thereof as may be necessary.

Agents, gaugers, etc.

For salaries and expenses of agents, fees and expenses of gaugers, salaries and expenses of storekeepers and storekeeper-gaugers, and miscellaneous expenses, one million nine hundred thousand dollars.

Independent Treasury.

INDEPENDENT TREASURY.

Office of assistant treasurers.
Baltimore.

OFFICE OF ASSISTANT TREASURER AT BALTIMORE: For assistant treasurer, four thousand five hundred dollars; cashier, two thousand five hundred dollars; three clerks, at one thousand eight hundred dollars

each; two clerks, at one thousand four hundred dollars each; three clerks, at one thousand two hundred dollars each; two clerks, at one thousand dollars each; messenger, eight hundred and forty dollars; three vault watchmen, at seven hundred and twenty dollars each; in all, twenty-three thousand eight hundred dollars.

OFFICE OF ASSISTANT TREASURER AT BOSTON: For assistant treasurer, five thousand dollars; chief clerk, and paying teller, at two thousand five hundred dollars each; assistant paying teller, two thousand two hundred dollars; vault clerk, and receiving teller, at two thousand dollars each; first bookkeeper, one thousand eight hundred dollars; second bookkeeper, one thousand four hundred dollars; specie clerk, one thousand eight hundred dollars; assistant specie clerk, and money clerk, at one thousand five hundred dollars each; redemption clerk, and one clerk, at one thousand four hundred dollars each; two clerks, at one thousand two hundred dollars each; clerk, one thousand one hundred dollars; three clerks, at one thousand dollars each; clerk, eight hundred dollars; messenger and chief watchman, one thousand and sixty dollars; stenographer and typewriter, one thousand dollars; three watchmen and janitors, at eight hundred and fifty dollars each; in all, thirty-eight thousand nine hundred and ten dollars.

Boston.

OFFICE OF ASSISTANT TREASURER AT CHICAGO: For assistant treasurer, five thousand dollars; cashier, two thousand five hundred dollars; vault clerk, one thousand eight hundred dollars; paying teller, one thousand eight hundred dollars; assistant paying teller, one thousand five hundred dollars; assorting teller, one thousand five hundred dollars; receiving teller, one thousand five hundred dollars; clerk, one thousand six hundred dollars; bookkeeper, one thousand five hundred dollars; three coin, coupon, and currency clerks, at one thousand five hundred dollars each; fifteen clerks, at one thousand two hundred dollars each; messenger, eight hundred and forty dollars; stenographer, seven hundred and twenty dollars; janitor, six hundred dollars; and three watchmen, at seven hundred and twenty dollars each; in all, forty-five thousand five hundred and twenty dollars.

Chicago.

OFFICE OF ASSISTANT TREASURER AT CINCINNATI: For assistant treasurer, four thousand five hundred dollars; cashier, two thousand dollars; bookkeeper, one thousand eight hundred dollars; receiving teller, one thousand five hundred dollars; two clerks, at one thousand two hundred dollars each; interest clerk, one thousand two hundred dollars; check clerk, one thousand two hundred dollars; two clerks, at one thousand dollars each; one clerk and stenographer, seven hundred and twenty dollars; clerk and watchman, eight hundred and forty dollars; night watchman, six hundred dollars; messenger, six hundred dollars; in all, nineteen thousand three hundred and sixty dollars.

Cincinnati.

OFFICE OF ASSISTANT TREASURER AT NEW ORLEANS: For assistant treasurer, four thousand dollars; chief clerk and cashier, two thousand two hundred and fifty dollars; receiving teller, and paying teller, at two thousand dollars each; bookkeeper, one thousand five hundred dollars; five clerks, at one thousand two hundred dollars each; coin and redemption clerk, one thousand two hundred dollars; two clerks, at one thousand dollars each; porter, five hundred dollars; day watchman, seven hundred and twenty dollars; night watchman, seven hundred and twenty dollars; in all, twenty-two thousand eight hundred and ninety dollars.

New Orleans.

OFFICE OF ASSISTANT TREASURER AT NEW YORK: For assistant treasurer, eight thousand dollars; deputy assistant treasurer and cashier, four thousand two hundred dollars; assistant cashier and chief clerk, three thousand six hundred dollars; assistant cashier and vault clerk, three thousand two hundred dollars; two chiefs of division, at three thousand one hundred dollars each; chief paying teller, three thousand dollars; two chiefs of division, at two thousand

New York.

seven hundred dollars each; chief of division, two thousand six hundred dollars; chief of division, and chief bookkeeper, at two thousand four hundred dollars each; chief of division, and assistant chief of division, at two thousand three hundred dollars each; two assistant chiefs of division, at two thousand two hundred and fifty dollars each; two assistant tellers, at two thousand two hundred dollars each; two assistant tellers and one bookkeeper, at two thousand one hundred dollars each; six assistant tellers, one assistant chief of division, and three bookkeepers, at two thousand dollars each; ten assistant tellers and two bookkeepers, at one thousand eight hundred dollars each; two assistant tellers, at one thousand seven hundred dollars each; four assistant tellers, one bookkeeper, and two clerks, at one thousand six hundred dollars each; six assistant tellers and two clerks, at one thousand five hundred dollars each; nine assistant tellers, one bookkeeper, and four clerks, at one thousand four hundred dollars each; one assistant teller and two clerks, at one thousand three hundred dollars each; nine assistant tellers and three clerks, at one thousand two hundred dollars each; six assistant tellers, at one thousand dollars each; six assistant tellers and one clerk, at nine hundred dollars each; five assistant tellers, at eight hundred dollars each; two messengers, at one thousand two hundred dollars each; three messengers, at nine hundred dollars each; two messengers, at eight hundred dollars each; two hall men, at one thousand dollars each; two porters, at nine hundred dollars each; superintendent of building, one thousand eight hundred dollars; chief detective, one thousand five hundred dollars; assistant detective, one thousand two hundred dollars; two engineers, at one thousand and fifty dollars each; assistant engineer, eight hundred and twenty dollars; eight watchmen, at seven hundred and twenty dollars each; in all, two hundred and six thousand eight hundred and eighty dollars.

Philadelphia.

OFFICE OF ASSISTANT TREASURER AT PHILADELPHIA: For assistant treasurer, four thousand five hundred dollars; cashier and chief clerk, two thousand five hundred dollars; bookkeeper, two thousand five hundred dollars; paying teller, two thousand two hundred dollars; bond and authorities clerk, and vault clerk, at one thousand nine hundred dollars each; assorting teller, one thousand eight hundred dollars; coin teller, one thousand seven hundred dollars; redemption teller, and receiving teller, at one thousand six hundred dollars each; clerk, one thousand five hundred dollars; two clerks, at one thousand four hundred dollars each; clerk, one thousand three hundred dollars; five clerks, at one thousand two hundred dollars each; superintendent messenger and chief watchman, one thousand one hundred dollars; five counters, at nine hundred dollars each; seven watchmen, at seven hundred and twenty dollars each; in all, forty-four thousand four hundred and forty dollars.

St. Louis.

OFFICE OF ASSISTANT TREASURER AT SAINT LOUIS: For assistant treasurer, four thousand five hundred dollars; cashier and chief clerk, two thousand five hundred dollars; first teller, two thousand dollars; second teller, one thousand eight hundred dollars; third teller, one thousand six hundred dollars; fourth teller, one thousand two hundred dollars; coin teller, one thousand two hundred dollars; bookkeeper, one thousand five hundred dollars; three assistant bookkeepers, and two clerks, at one thousand two hundred dollars each; assistant coin teller, stenographer and typewriter, and messenger, at one thousand dollars each; two day watchmen, and coin counters, at nine hundred dollars each; night watchman, seven hundred and twenty dollars; and janitor, six hundred dollars; in all, twenty-eight thousand four hundred and twenty dollars.

San Francisco.

OFFICE OF ASSISTANT TREASURER AT SAN FRANCISCO: For assistant treasurer, four thousand five hundred dollars; cashier, three thousand dollars; bookkeeper, two thousand five hundred dollars; chief clerk,

two thousand four hundred dollars; assistant cashier, receiving teller, and assistant bookkeeper, at two thousand dollars each; coin teller, and one clerk, at one thousand eight hundred dollars each; clerk, one thousand four hundred dollars; messenger, eight hundred and forty dollars; and four watchmen, at seven hundred and twenty dollars each; in all, twenty-seven thousand one hundred and twenty dollars.

For salaries of special agents, and for actual expenses of examiners detailed to examine the books, accounts, and money on hand at the several subtreasuries and depositories, including national banks acting as depositories under the requirements of section thirty-six hundred and forty-nine of the Revised Statutes of the United States, also including examinations of cash accounts at mints, three thousand dollars.

For paper for interest, transfer, redemption, pension, and other checks and drafts for the use of the Treasurer of the United States, assistant treasurers, pension agents, disbursing officers, and others, ten thousand dollars.

Special agents.

R. S., sec. 3649, p. 718.

Paper for checks.

MINTS AND ASSAY OFFICES.

Mints and assay
offices.

MINT AT CARSON, NEVADA: For assayer in charge, who shall also perform the duties of melter, two thousand dollars; assistant assayer, and one clerk, at one thousand five hundred dollars each; in all, five thousand dollars.

Carson, Nev.

For wages of workmen and watchmen, five thousand six hundred dollars.

For incidental and contingent expenses, two thousand five hundred dollars.

MINT AT DENVER, COLORADO: For assayer in charge, three thousand dollars; melter, two thousand two hundred and fifty dollars; chief clerk, one thousand eight hundred dollars; clerk, one thousand six hundred dollars; clerk, one thousand four hundred dollars; two calculating clerks, at one thousand four hundred dollars each; two clerks, at one thousand two hundred dollars each; in all, fifteen thousand two hundred and fifty dollars.

Denver, Colo.

For wages of workmen, twenty-two thousand dollars.

For incidental and contingent expenses, seven thousand dollars.

Until the mint and assay office at Denver shall become a coinage mint in accordance with law, the present mint shall be continued as an assay office, and the business now transacted at said mint shall be continued therein, and the appropriations heretofore and herein made shall be applicable to such mint.

MINT AT NEW ORLEANS, LOUISIANA: For superintendent, three thousand five hundred dollars; assayer, melter and refiner, and coiner, at two thousand five hundred dollars each; cashier, and chief clerk, at two thousand dollars each; assistant assayer, assistant melter and refiner, and assistant coiner, at one thousand nine hundred dollars each; abstract clerk, bookkeeper, weigh clerk, and assayer's computation clerk, at one thousand six hundred dollars each; register of deposits, warrant clerk, and assistant weigh clerk, at one thousand two hundred and fifty dollars each; cashier's clerk, one thousand one hundred dollars; in all, thirty-one thousand nine hundred and fifty dollars.

New Orleans, La.

For wages of workmen and adjusters, thirty thousand dollars.

For incidental and contingent expenses, including wastage of operative officers and loss of gold contained in sweeps sold, and for machinery and repairs, fifteen thousand dollars.

MINT AT PHILADELPHIA: For superintendent, four thousand five hundred dollars; assayer, melter and refiner, coiner, and engraver, at three thousand dollars each; assistant assayer, assistant melter and refiner, and assistant coiner, at two thousand dollars each; cashier, two

Philadelphia, Pa.

thousand five hundred dollars; chief clerk, two thousand two hundred and fifty dollars; bookkeeper, two thousand five hundred dollars; abstract clerk, and weigh clerk, at two thousand dollars each; cashier's clerk, warrant clerk, and register of deposits, at one thousand seven hundred dollars each; assistant weigh clerk, and assayer's computation clerk, at one thousand six hundred dollars each; in all, forty-two thousand and fifty dollars.

For wages of workmen and adjusters, four hundred and fifty thousand dollars.

For incidental and contingent expenses, including new machinery and repairs, expenses annual assay commission, melter and refiner's wastage, and loss on sale of sweeps arising from the manufacture of ingots for coinage and wastage and loss on sale of coiners' sweeps, and purchase not exceeding five hundred dollars in value of specimen coins and ores for the cabinet of the mint, one hundred thousand dollars.

San Francisco, Cal.

MINT AT SAN FRANCISCO, CALIFORNIA: For superintendent, four thousand five hundred dollars; assayer, melter and refiner, and coiner, at three thousand dollars each; chief clerk, and cashier, at two thousand five hundred dollars each; bookkeeper, abstract clerk, weigh clerk, warrant clerk, assistant assayer, assistant melter and refiner, assistant coiner, and register of deposits, at two thousand dollars each; cashier's clerk, one thousand eight hundred dollars; assayer's computation clerk, assistant weigh clerk, and superintendent's calculating clerk, at one thousand six hundred dollars each; in all, forty-one thousand one hundred dollars.

For wages of workmen and adjusters, one hundred and seventy-five thousand dollars.

For incidental and contingent expenses, including new machinery, melter and refiner's wastage, and loss on sale of sweeps, arising from the manufacture of ingots for coinage, and wastage of and loss on sale of coiners' sweeps, sixty thousand dollars.

Boise, Idaho.

ASSAY OFFICE AT BOISE, IDAHO: For assayer, who shall also perform the duties of melter, two thousand dollars; one chief clerk, one thousand four hundred dollars; in all, three thousand four hundred dollars.

For wages of workmen, eight thousand three hundred dollars.

For incidental and contingent expenses, three thousand seven hundred and fifty dollars.

Charlotte, N. C.

ASSAY OFFICE AT CHARLOTTE, NORTH CAROLINA: For assayer and melter, one thousand five hundred dollars; assistant assayer, one thousand two hundred and fifty dollars; in all, two thousand seven hundred and fifty dollars.

For wages of workmen, one thousand and eighty dollars.

For incidental and contingent expenses, nine hundred and twenty dollars.

Deadwood, S. Dak.

ASSAY OFFICE AT DEADWOOD, SOUTH DAKOTA: For assayer in charge, who shall also perform the duties of melter, two thousand dollars; one clerk, one thousand two hundred dollars; in all, three thousand two hundred dollars.

For wages of workmen, four thousand six hundred dollars.

For incidental and contingent expenses, including rent of building, two thousand two hundred and fifty dollars.

Helena, Mont.

ASSAY OFFICE AT HELENA, MONTANA: For assayer in charge, two thousand two hundred and fifty dollars; melter, one thousand eight hundred dollars; chief clerk, one thousand eight hundred dollars; clerk, one thousand four hundred dollars; in all, seven thousand two hundred and fifty dollars.

For wages of workmen, fourteen thousand dollars.

For incidental and contingent expenses, four thousand dollars.

New York, N. Y.

ASSAY OFFICE AT NEW YORK: For superintendent, four thousand five hundred dollars; assayer, and melter and refiner, at three thou-

sand dollars each; chief clerk, assistant melter and refiner, and weigh clerk, at two thousand five hundred dollars each; bookkeeper, two thousand three hundred and fifty dollars; cashier, two thousand two hundred and fifty dollars; warrant clerk, two thousand dollars; bar clerk, abstract clerk, and assayer's computing clerk, at one thousand eight hundred dollars each; assistant weigh clerk, one thousand six hundred dollars; register of deposits, one thousand two hundred and fifty dollars; assayer's first assistant, two thousand two hundred and fifty dollars; assayer's second assistant, two thousand one hundred and fifty dollars; assayer's third assistant, two thousand dollars; in all, thirty-nine thousand two hundred and fifty dollars.

For wages of workmen and messengers, twenty-seven thousand five hundred dollars.

For incidental and contingent expenses, ten thousand dollars.

ASSAY OFFICE AT SAINT LOUIS, MISSOURI: For assayer in charge, two thousand dollars; clerk, one thousand dollars; in all, three thousand dollars.

St. Louis, Mo.

For wages of workmen (including janitor), one thousand dollars.

For incidental and contingent expenses, seven hundred and fifty dollars.

ASSAY OFFICE AT SEATTLE, WASHINGTON: For assayer in charge, who shall also perform the duties of melter, two thousand five hundred dollars; chief clerk, one thousand eight hundred dollars; one clerk, one thousand six hundred dollars; one clerk, one thousand five hundred dollars; one clerk, one thousand four hundred dollars; one clerk, one thousand two hundred dollars; in all, ten thousand dollars.

Seattle, Wash.

For wages of workmen and assistants, twenty-seven thousand dollars.

For incidental and contingent expenses, seven thousand dollars.

GOVERNMENT IN THE TERRITORIES.

Territories.

TERRITORY OF ALASKA: For governor, five thousand dollars; three judges, at five thousand dollars each; three attorneys, at three thousand dollars each; three marshals, at four thousand dollars each; three clerks, at three thousand five hundred dollars each; salaries of commissioners, at the rate of one thousand dollars per annum, whose terms of office may extend into the fiscal year nineteen hundred and two, one hundred and twenty-five dollars; in all, fifty-one thousand six hundred and twenty-five dollars.

Alaska.

For incidental and contingent expenses of the Territory, clerk hire, stationery, lights, and fuel, to be expended under the direction of the governor, two thousand dollars.

TERRITORY OF ARIZONA: For governor, three thousand dollars; chief justice and three associate judges, at three thousand dollars each; secretary, one thousand eight hundred dollars; interpreter and translator in the executive office, five hundred dollars; in all, seventeen thousand three hundred dollars.

Arizona.

For contingent expenses of the Territory, to be expended by the governor, five hundred dollars.

For legislative expenses, namely: For rent, messenger, postage, stationery, fuel, lights, printing, and incidental expenses for secretary's office, two thousand dollars.

TERRITORY OF NEW MEXICO: For governor, three thousand dollars; chief justice and four associate judges, at three thousand dollars each; secretary, one thousand eight hundred dollars; and interpreter and translator in the executive office, five hundred dollars; in all, twenty thousand three hundred dollars.

New Mexico.

For contingent expenses of the Territory, to be expended by the governor, five hundred dollars.

For legislative expenses, namely: For rent, light, fuel, telephone, ice, water, stationery, record files, record casings, printing, postage, clerks, messenger and porter, and incidentals in secretary's office, two thousand dollars.

Oklahoma.

TERRITORY OF OKLAHOMA: For governor, three thousand dollars; chief justice and four associate judges, at three thousand dollars each; and secretary, one thousand eight hundred dollars; in all, nineteen thousand eight hundred dollars.

For contingent expenses of the Territory, to be expended by the governor for rents, private secretary, stenographer and typewriter, and typewriter supplies, janitor, messenger, fuel, lights, stationery and printing, postage, telegrams, furniture for office, express, and other incidentals, one thousand dollars.

For legislative expenses, namely: For rent of office, furniture, fuel, lights, stationery, clerk hire, printing, postage, ice, record files, record casings, messenger, porter, and other incidental expenses of the secretary's office, two thousand dollars.

Hawaii.

TERRITORY OF HAWAII: For governor, five thousand dollars; secretary, three thousand dollars; chief justice, five thousand five hundred dollars; and two associate justices, at five thousand dollars each; in all, twenty-three thousand five hundred dollars.

For judges of circuit courts, at three thousand dollars each, so much as may be necessary for the fiscal year ending June thirtieth, nineteen hundred and two.

For contingent expenses of the Territory of Hawaii, to be expended by the governor for stationery, postage, and incidentals, five hundred dollars, and for private secretary to the governor, two thousand dollars; for traveling expenses of the governor while absent from the capital on official business, five hundred dollars; in all, three thousand dollars.

Porto Rico.

TERRITORY OF PORTO RICO: For salary of the resident commissioner from Porto Rico to the United States, authorized by the Act temporarily to provide revenues and a civil government for Porto Rico, approved April twelfth, nineteen hundred, five thousand dollars.

War Department.

WAR DEPARTMENT.

Secretary, Assistant, clerks, etc.

OFFICE OF THE SECRETARY: For compensation of the Secretary of War, eight thousand dollars; Assistant Secretary, four thousand five hundred dollars; chief clerk, including five hundred dollars as assistant in military park and insular affairs, three thousand dollars; clerk to the Secretary, two thousand two hundred and fifty dollars; clerk to the chief clerk, two thousand one hundred dollars; clerk to the Assistant Secretary, two thousand one hundred dollars; stenographer, one thousand eight hundred dollars; disbursing clerk, two thousand dollars; appointment clerk, two thousand dollars; four chiefs of division, at two thousand dollars each; superintendent of buildings, outside of State, War, and Navy Department building, in addition to compensation as chief of division, five hundred dollars; librarian, one thousand eight hundred dollars; four clerks of class four; five clerks of class three; ten clerks of class two; eleven clerks of class one; four clerks, at one thousand dollars each; carpenter, one thousand dollars; foreman of laborers, one thousand dollars; two carpenters, at nine hundred dollars each; four messengers; seven assistant messengers; eight laborers; hostler, six hundred dollars; two hostlers, and one watchman, at five hundred and forty dollars each; in all, one hundred and four thousand one hundred and fifty dollars.

Additional temporary force.

For continuing the employment of such additional temporary force of clerks, messengers, laborers, and other assistants, rendered necessary because of increased work incident to the war with Spain, as in the

judgment of the Secretary of War may be proper and necessary to the prompt, efficient, and accurate dispatch of official business in the War Department and its bureaus, to be allotted by the Secretary of War to such bureaus and offices as the exigencies of the needs of the service may demand, six hundred thousand dollars. Persons in the classified service of the Government shall not be eligible to appointment under this appropriation, or other appropriations for additional employees because of increased work incident to the war with Spain, or to be transferred from any position in the classified service to positions paid under this or said other appropriations.

Persons in classified service not eligible, etc.

RECORD AND PENSION OFFICE: For three chiefs of division, at two thousand dollars each; one agent, two thousand dollars; twenty-four clerks of class four; forty-five clerks of class three; ninety-five clerks of class two; one hundred and eighty-seven clerks of class one; fifty-five clerks, at one thousand dollars each; engineer, one thousand four hundred dollars; assistant engineer, nine hundred dollars; two firemen; skilled mechanic, one thousand dollars; five messengers; thirty-five assistant messengers; messenger boy, three hundred and sixty dollars; five watchmen; superintendent of building, two hundred and fifty dollars; and seventeen laborers; in all, five hundred and eighty-five thousand one hundred and seventy dollars; and all employees provided for by this paragraph for the Record and Pension Office of the War Department shall be exclusively engaged on the work of this office for the fiscal year nineteen hundred and two.

Record and Pension Office.

OFFICE OF THE ADJUTANT-GENERAL: For chief clerk, two thousand dollars; clerk to the Adjutant-General, one thousand eight hundred dollars; two chiefs of division, at two thousand dollars each; twelve clerks of class four; fourteen clerks of class three; thirteen clerks of class two; fifty-eight clerks of class one; seven clerks, at one thousand dollars each; four messengers; eighteen assistant messengers; and three watchmen; in all, one hundred and sixty-five thousand and eighty dollars.

Adjutant-General's Office.

OFFICE OF THE INSPECTOR-GENERAL: For one clerk of class four; two clerks of class three; three clerks of class two; two clerks of class one; one messenger; and one assistant messenger; in all, thirteen thousand one hundred and sixty dollars.

Inspector-General's Office.

OFFICE OF THE JUDGE-ADVOCATE-GENERAL: For chief clerk, two thousand dollars; one clerk of class four; two clerks of class three; one clerk of class two; three clerks of class one; one clerk, one thousand dollars; one copyist; one messenger; and one assistant messenger; in all, fifteen thousand four hundred and sixty dollars.

Judge-Advocate-General's Office.

SIGNAL OFFICE: For chief clerk, two thousand dollars; one clerk of class four; one clerk of class one; one messenger, and one laborer; in all, six thousand five hundred dollars.

Signal Office.

OFFICE OF THE QUARTERMASTER-GENERAL: For chief clerk, two thousand dollars; eleven clerks of class four; nine clerks of class three; twenty-three clerks of class two; thirty-nine clerks of class one; eight clerks, at one thousand dollars each; six skilled typewriters, at one thousand dollars each; female messenger, four hundred and eighty dollars; four messengers; nine assistant messengers; two laborers; civil engineer, one thousand eight hundred dollars; assistant civil engineer, one thousand two hundred dollars; draftsman, one thousand eight hundred dollars; assistant draftsman, one thousand six hundred dollars; two assistant draftsmen, at one thousand four hundred dollars each; experienced builder and mechanic, two thousand five hundred dollars; in all, one hundred and fifty-two thousand five hundred and forty dollars.

Quartermaster-General's Office.

OFFICE OF THE COMMISSARY-GENERAL: For chief clerk, two thousand dollars; two clerks of class four; four clerks of class three; five clerks of class two; eleven clerks of class one; nine clerks, at one

Commissary-General's Office.

thousand dollars each; two assistant messengers; two laborers; in all, forty-three thousand nine hundred and sixty dollars.

Surgeon-General's
Office.

OFFICE OF THE SURGEON-GENERAL: For chief clerk, two thousand dollars; fourteen clerks of class four; eleven clerks of class three; twenty-six clerks of class two; twenty-nine clerks of class one; five clerks, at one thousand dollars each; anatomist, one thousand six hundred dollars; engineer, one thousand four hundred dollars; assistant engineer, for night duty, nine hundred dollars; two firemen; skilled mechanic, one thousand dollars; twelve assistant messengers; three watchmen; superintendent of building (Army Medical Museum and Library), two hundred and fifty dollars; five laborers; chemist, two thousand and eighty-eight dollars; principal assistant librarian, two thousand and eighty-eight dollars; pathologist, one thousand eight hundred dollars; microscopist, one thousand eight hundred dollars; assistant librarian, one thousand eight hundred dollars; in all, one hundred and fifty-one thousand two hundred and sixty-six dollars.

Paymaster - Gen-
eral's Office.

OFFICE OF THE PAYMASTER-GENERAL: For chief clerk, two thousand dollars; five clerks of class four; five clerks of class three; seven clerks of class two; two clerks of class one; one assistant messenger; four laborers; in all, thirty-four thousand five hundred and sixty dollars.

Office Chief of Ord-
nance.

OFFICE OF THE CHIEF OF ORDNANCE: For chief clerk, two thousand dollars; two clerks of class four; two clerks of class three; two clerks of class two; twenty clerks of class one; three clerks, at one thousand dollars each; two messengers; one assistant messenger; one laborer; in all, forty-one thousand six hundred and sixty dollars.

Office Chief of En-
gineers.

OFFICE OF THE CHIEF OF ENGINEERS: For chief clerk, two thousand dollars; five clerks of class four; four clerks of class three; four clerks of class two; four clerks of class one; one clerk, one thousand dollars; one assistant messenger, and two laborers; in all, thirty thousand eight hundred and forty dollars.

Skilled draftsmen.

And the services of skilled draftsmen, civil engineers, and such other services as the Secretary of War may deem necessary may be employed in the office of the Chief of Engineers to carry into effect the various appropriations for rivers and harbors, fortifications, and surveys to be paid from such appropriations: *Provided*, That the expenditures on this account for the fiscal year ending June thirtieth, nineteen hundred and two, shall not exceed seventy-two thousand dollars; and that the Secretary of War shall each year, in the annual estimates, report to Congress the number of persons so employed and the amount paid to each.

Proviso.
—limit expenditures.

Contingent expenses.

FOR CONTINGENT EXPENSES OF THE WAR DEPARTMENT AND ITS BUREAUS AND OFFICES, NAMELY: For purchase of professional and scientific books, law books, books of reference, periodicals, blank books, pamphlets, newspapers, maps; furniture and repairs to same; carpets, matting, oilcloth, file cases, towels, ice, brooms, soap, sponges, fuel, gas, and heating apparatus for and repairs to the buildings (outside of the State, War, and Navy Department building) occupied by the Adjutant-General's Office, the Surgeon-General's Office, Record and Pension Office, Paymaster-General's and Ordnance offices, Signal Office and building for signal stores and supplies, the depot quartermaster's office, and the other offices of the War Department and its bureaus located in the Lemon Building; expenses of horses and wagons to be used only for official purposes; freight and express charges, temporary labor not to exceed one thousand dollars, and other absolutely necessary expenses, thirty-eight thousand dollars.

For additional amount for the foregoing objects, twenty thousand dollars.

Stationery.

For stationery for the War Department and its bureaus and offices, twenty-two thousand five hundred dollars.

For additional amount for the foregoing object, ten thousand dollars. Rent.

For rent of buildings for use of the War Department as follows: For medical dispensary, Surgeon-General's Office, one thousand dollars; for Paymaster-General's and Ordnance offices, one thousand eight hundred dollars; for depot quartermaster's office, three thousand dollars; for War Department (Lemon Building), six thousand dollars; for Record and Pension Office, three thousand two hundred dollars; in all, fifteen thousand dollars.

For postage stamps for the War Department and its bureaus, as required under the Postal Union, to prepay postage on matters addressed to Postal Union countries, one thousand dollars. Postage.

PUBLIC BUILDINGS AND GROUNDS.

OFFICE OF PUBLIC BUILDINGS AND GROUNDS: For one assistant engineer, one thousand eight hundred dollars; one office clerk, one thousand eight hundred dollars; one clerk, one thousand six hundred dollars; one messenger; landscape gardener, two thousand dollars; one surveyor and draftsman, one thousand five hundred dollars; in all, nine thousand five hundred and forty dollars. Public buildings and grounds.
Clerks, etc.

For overseers, draftsmen, foremen, gardeners, mechanics, and laborers employed in the public grounds, thirty-five thousand dollars. Overseers and watchmen.

For one sergeant of park watchmen, nine hundred dollars.

For day watchmen as follows: One in Franklin Park; one in Lafayette Park; two in Smithsonian Grounds; one in Judiciary Park; one in Lincoln Park and adjacent reservations; one at Iowa Circle; one at Thomas Circle and neighboring reservations; one at Dupont Circle and neighboring reservations; one at McPherson and Farragut parks; one at Stanton Park and neighboring reservations; two at Henry and Seaton parks; one at Mount Vernon Park and adjacent reservations; one for the greenhouses and nursery; two at grounds south of Executive Mansion; one at Garfield Park; one at Monument Park; twenty in all, at seven hundred and twenty dollars each, fourteen thousand four hundred dollars.

For night watchmen as follows: Two in Smithsonian Grounds; one in Judiciary Park; two in Henry and Seaton parks; one in grounds south of Executive Mansion; one in Monument Park; and two in Garfield Park; nine in all, at seven hundred and twenty dollars each, six thousand four hundred and eighty dollars.

For watchman for the care of the monument and dock at Wakefield, Virginia, the birthplace of Washington, three hundred dollars. Wakefield, Va.

For contingent and incidental expenses, including purchase of professional and scientific books and periodicals, books of reference, blank books, photographs, and maps, six hundred dollars. Contingent expenses.

STATE, WAR, AND NAVY DEPARTMENT BUILDING.

Office of the superintendent: For one clerk of class one; stenographer and typewriter, nine hundred dollars; chief engineer, one thousand two hundred dollars; eight assistant engineers, at one thousand dollars each; captain of the watch, one thousand two hundred dollars; two lieutenants of the watch, at eight hundred and forty dollars each; fifty-eight watchmen; carpenter, one thousand dollars; plumber, machinist, and painter, at nine hundred dollars each; four skilled laborers, at seven hundred and twenty dollars each; twenty-nine firemen; ten conductors of elevators, at seven hundred and twenty dollars each; eighteen laborers; and eighty-one charwomen; one gardener, seven hundred and twenty dollars; in all, one hundred and twenty-two thousand six hundred and forty dollars. State, War, and Navy Department building.
Clerk, engineers, etc.

Fuel, etc.

For fuel, lights, repairs, and miscellaneous items and city directories, forty-two thousand three hundred and fifty dollars.

Navy Department.

NAVY DEPARTMENT.

Pay of Secretary,
Assistant, etc.

OFFICE OF THE SECRETARY: For compensation of the Secretary of the Navy, eight thousand dollars; Assistant Secretary of the Navy, four thousand five hundred dollars; chief clerk, three thousand dollars; clerk to Secretary, two thousand two hundred and fifty dollars; disbursing clerk, two thousand two hundred and fifty dollars; four clerks of class four; one clerk of class three; stenographer, one thousand eight hundred dollars; one clerk of class two; four clerks of class one; two clerks, at one thousand dollars each; telegraph operator, one thousand dollars; carpenter, nine hundred dollars; two messengers; four assistant messengers; four laborers; in all, forty-seven thousand nine hundred dollars.

Library.

LIBRARY OF THE NAVY DEPARTMENT: For one clerk of class two; one clerk of class one; one assistant messenger; one laborer; in all, three thousand nine hundred and eighty dollars.

Office of Naval Records of the Rebellion.

OFFICE OF NAVAL RECORDS OF THE REBELLION: For two clerks of class four; one agent, to be selected by the Secretary of the Navy from the officers of the late Confederate Navy, one thousand eight hundred dollars; two clerks of class two; two clerks of class one; two clerks, at one thousand dollars each; two copyists; two copyists, at seven hundred and twenty dollars each; necessary traveling expenses for collection of records, two hundred and fifty dollars; in all, sixteen thousand and ninety dollars.

Continuing publication.

For continuing the publication of an edition of eleven thousand copies of the Official Records of the Union and Confederate Navies in the War of the Rebellion, in accordance with the plan approved by the Secretary of the Navy under the Act of Congress approved July thirty-first, eighteen hundred and ninety-four, and for the purpose of making such maps and illustrations as relate to the work, twenty-one thousand dollars.

Vol. 28, p. 190.

Judge-Advocate-General's Office, Navy.

JUDGE-ADVOCATE-GENERAL, UNITED STATES NAVY: For a solicitor, to be an assistant to the Judge-Advocate of the Navy, and to perform the duties of that officer in case of his death, resignation, absence, or sickness, two thousand five hundred dollars; chief clerk, two thousand dollars; two clerks of class four; one clerk of class three; one clerk of class two; one clerk of class one; one clerk, one thousand dollars; one clerk, nine hundred dollars; and one laborer; in all, fourteen thousand eight hundred and sixty dollars.

Bureau of Navigation.

BUREAU OF NAVIGATION: For chief clerk, two thousand dollars; one clerk of class four; three clerks of class three; four clerks of class two; four clerks of class one; six clerks, at one thousand dollars each; two copyists; twenty copyists, at eight hundred and forty dollars each; three copyists, at seven hundred and twenty dollars each; three assistant messengers; and three laborers; in all, forty-nine thousand nine hundred dollars.

Office Naval Intelligence.

OFFICE OF NAVAL INTELLIGENCE: For one clerk of class three; one clerk of class two; one translator, one thousand four hundred dollars; one assistant draftsman, one thousand two hundred dollars; three clerks, at one thousand dollars each; and one laborer; in all, nine thousand two hundred and sixty dollars.

Bureau of Equipment.

BUREAU OF EQUIPMENT: For chief clerk, two thousand dollars; one draftsman who shall be an expert in marine construction, two thousand dollars; one clerk of class four; one electrical expert and draftsman, one thousand six hundred dollars; one clerk of class two; one clerk of class one; one copyist; one assistant messenger; one messenger boy, three hundred and sixty dollars; and one laborer; in all, twelve thousand six hundred and forty dollars.

HYDROGRAPHIC OFFICE: For two clerks of class two; one clerk of class one; one assistant messenger; one watchman; in all, five thousand four hundred and forty dollars. Hydrographic Office.

For hydrographic engineer, draftsmen, engravers, assistants, nautical experts, computers, lithographers, custodian of archives, compiler, copyists, copperplate printers, apprentices, helpers, chart mounter, feed pressman, and laborers in the Hydrographic Office, ninety-five thousand four hundred and eighteen dollars; and no other fund appropriated shall be used in payment for such or similar services in the Hydrographic Office, at Washington, District of Columbia. Services.

For purchase of copperplates, steel plates, chart paper, packing boxes, chart portfolios, electrotyping copperplates; cleaning copperplates; tools, instruments, power, and materials for drawing, engraving, and printing; materials for and mounting charts; reduction of charts by photography; photolithographing charts for immediate use; transfer of photolithographic and other charts to copper; care and repairs to printing presses, furniture, instruments, and tools; extra drawing and engraving; translating from foreign languages; telegrams on public business; the preparation of the Pilot Chart and supplements, and the printing and mailing of the same; and purchase of data for charts and sailing directions and other nautical publications; works and periodicals relating to hydrography, marine meteorology, navigation, surveying, oceanography, and terrestrial magnetism, seven thousand dollars. Materials.

For rent of building and rooms, repairs and heating of the same, and for gas, water, and telephone rates, two thousand one hundred dollars. Rent.

Contingent expenses of branch offices at Boston, New York, Philadelphia, Baltimore, Norfolk, Savannah, New Orleans, San Francisco, Portland (Oregon), Portland (Maine), Chicago, Cleveland, Port Townsend, Buffalo, Duluth, Sault Sainte Marie, and Galveston, including furniture, fuel, lights, rent and care of offices, car fare and ferriage in visiting merchant vessels, freight and express charges, telegrams, and other necessary expenses incurred in collecting the latest information for the Pilot Chart, and for other purposes for which the offices were established, and for the establishment of a branch office, thirty thousand dollars. Contingent expenses.

For a monthly Pilot Chart of the North Pacific Ocean, showing graphically the matters of value and interest to the maritime community of the Pacific coast, and particularly the directions and forces of the winds to be expected during the month succeeding the date of issue; the set and strength of the currents; the feeding grounds of whales and seals; the regions of storm, fog, and ice; the positions of derelicts and floating obstructions to navigation, and the best routes to be followed by steam and by sail, including the expenses of communicating and circulating information; lithographing and engraving; the purchase of materials for, and printing and mailing the chart, two thousand dollars. Monthly Pilot Chart, Pacific Ocean.

No expenditure shall be incurred or authorized for personal services or otherwise under the Hydrographic Office, at Washington, District of Columbia, during the fiscal year nineteen hundred and two except as herein authorized by appropriations under the Navy Department or under appropriations that may be made for printing and binding. Limit on expenditures.

NAVAL OBSERVATORY: For pay of three assistant astronomers, one at two thousand dollars, and two at one thousand eight hundred dollars each; one clerk of class four; one clerk of class one; instrument maker, one thousand five hundred dollars; electrician, one thousand five hundred dollars; photographer, one thousand two hundred dollars; five computers, at one thousand two hundred dollars each; librarian, one thousand two hundred dollars; foreman and captain of the watch, one thousand dollars; carpenter, and engineer, at one thousand dollars each; assistant on equatorial, one thousand dollars; assistant in spec- Naval Observatory.

troscopic work, one thousand dollars; three firemen; six watchmen; elevator conductor, seven hundred and twenty dollars; and nine laborers; in all, thirty-eight thousand one hundred and forty dollars.

For miscellaneous computations, four thousand dollars.

For professional and scientific books, periodicals, engravings, photographs, and fixtures for the library, seven hundred and fifty dollars.

For apparatus and instruments, and for repairs of the same, two thousand dollars.

For repairs to buildings, fixtures, and fences, furniture, gas, chemicals, and stationery, freight (including transmission of public documents through the Smithsonian exchange), foreign postage, and expressage, plants, fertilizers, and all contingent expenses, two thousand five hundred dollars.

For fuel, oil, grease, tools, pipe, wire, and other materials needed for the maintenance and repair of boilers, engines, heating apparatus, electric lighting and power plant, and water-supply system; purchase and maintenance of teams; material for boxing nautical instruments for transportation; paints, telegraph and telephone service, and incidental labor, seven thousand five hundred dollars.

Nautical Almanac Office.

NAUTICAL ALMANAC OFFICE: For the following assistants, in preparing for publication the American Ephemeris and Nautical Almanac, namely: Three, at one thousand six hundred dollars each; two, at one thousand four hundred dollars each; three, at one thousand two hundred dollars each; two, at one thousand dollars each; one copyist and typewriter, nine hundred dollars; one assistant messenger; one laborer; and one messenger boy, four hundred and twenty dollars; in all, fifteen thousand nine hundred dollars.

For pay of computers on piecework in preparing for publication the American Ephemeris and Nautical Almanac and improving the tables of the planets, moon, and stars, seven thousand dollars.

Bureau of Steam Engineering.

BUREAU OF STEAM ENGINEERING: For chief clerk, two thousand dollars; one clerk of class three; one clerk of class two; one clerk of class one; one assistant messenger; two laborers; draftsman, one thousand four hundred dollars; assistant draftsman, one thousand dollars; one stenographer and typewriter, one thousand dollars; one stenographer and typewriter, nine hundred dollars; in all, twelve thousand five hundred and forty dollars.

Bureau of Construction and Repair.

BUREAU OF CONSTRUCTION AND REPAIR: For chief clerk, two thousand dollars; assistant draftsman, one thousand four hundred dollars; two clerks of class three; two clerks of class one; one assistant messenger; and one laborer; in all, ten thousand three hundred and eighty dollars.

Bureau of Ordnance.

BUREAU OF ORDNANCE: For chief clerk, two thousand dollars; draftsman, one thousand eight hundred dollars; assistant draftsman, one thousand four hundred dollars; two clerks of class two; two clerks of class one; one assistant messenger; and one laborer; in all, eleven thousand seven hundred and eighty dollars.

Bureau of Supplies and Accounts.

BUREAU OF SUPPLIES AND ACCOUNTS: For chief clerk, two thousand dollars; three clerks of class four; six clerks of class three; two clerks of class two; two stenographers, at one thousand four hundred dollars each; eleven clerks of class one; five clerks, at one thousand dollars each; one assistant messenger; one messenger boy, four hundred and twenty dollars; and one laborer; in all, forty-two thousand six hundred dollars.

Bureau of Medicine and Surgery.

BUREAU OF MEDICINE AND SURGERY: For chief clerk, two thousand dollars; one clerk of class three; one clerk of class two; one clerk of class one; one clerk, one thousand dollars; two copyists, at eight hundred and forty dollars each; one laborer; janitor, six hundred dollars; and one laborer, four hundred and eighty dollars (for Naval Dispensary); in all, ten thousand six hundred and twenty dollars.

BUREAU OF YARDS AND DOCKS: For chief clerk, two thousand dollars; draftsman and clerk, one thousand eight hundred dollars; one clerk of class three; two clerks of class two; one clerk of class one; one assistant messenger; and one laborer; in all, ten thousand seven hundred and eighty dollars. Bureau of Yards and Docks.

FOR CONTINGENT EXPENSES OF THE NAVY DEPARTMENT, NAMELY: For professional books and periodicals for Department library, seven hundred and fifty dollars. Contingent expenses.

For stationery, furniture, newspapers, plans, drawings, drawing materials, horses and wagons, to be used only for official purposes, freight, expressage, postage, and other absolutely necessary expenses of the Navy Department and its various bureaus and offices, twelve thousand dollars.

DEPARTMENT OF THE INTERIOR.

OFFICE OF THE SECRETARY: For compensation of the Secretary of the Interior, eight thousand dollars; First Assistant Secretary, four thousand five hundred dollars; Assistant Secretary, four thousand dollars; chief clerk, two thousand five hundred dollars, and five hundred dollars additional as superintendent of the Patent Office building and other buildings of the Department of the Interior; nine members of a Board of Pension Appeals, to be appointed by the Secretary of the Interior, at two thousand dollars each; three additional members of said Board of Pension Appeals, to be appointed by the Secretary of the Interior and to be selected from the force of the Pension Office, at two thousand dollars each; special land inspector, connected with the administration of the public-land service, to be appointed by the Secretary of the Interior and to be subject to his direction, two thousand five hundred dollars; four special inspectors, Department of the Interior, to be appointed by the Secretary of the Interior, and to be subject to his direction, at two thousand five hundred dollars each; clerk in charge of documents, two thousand dollars; custodian, who shall give bond in such sum as the Secretary of the Interior may determine, two thousand dollars; seven clerks, chiefs of division, at two thousand dollars each, one of whom shall be disbursing clerk; four clerks, at two thousand dollars each; private secretary to the Secretary of the Interior, two thousand two hundred and fifty dollars; fourteen clerks of class four; fourteen clerks of class three; eighteen clerks of class two; twenty-eight clerks of class one, two of whom shall be stenographers or typewriters; returns office clerk, one thousand two hundred dollars; female clerk, to be designated by the President, to sign land patents, one thousand two hundred dollars; five clerks, at one thousand dollars each; one clerk, nine hundred dollars; eight copyists; two copyists or typewriters, at nine hundred dollars each; telephone operator, nine hundred dollars; three messengers; six assistant messengers; fifteen laborers; two skilled mechanics, one at nine hundred dollars and one at seven hundred and twenty dollars; two carpenters, at nine hundred dollars each; two skilled mechanics, plumber and electrician, at nine hundred dollars each; one laborer, six hundred dollars; six laborers, at four hundred and eighty dollars each; one packer, six hundred and sixty dollars; conductor of elevator, seven hundred and twenty dollars; four charwomen; captain of the watch, one thousand dollars; forty watchmen; additional to two watchmen acting as lieutenants of watchmen, at one hundred and twenty dollars each; engineer, one thousand two hundred dollars; assistant engineer, one thousand dollars; and seven firemen; in all, two hundred and seventy-three thousand nine hundred and ten dollars. Interior Department.

Pay of Secretary, Assistants, clerks, etc.

Board of Pension Appeals.

Land inspector.

Messengers.

Watchmen.

For additional employees, for the proper protection, heating, care, and preservation of the General Post-Office building, occupied by the Additional employees, General Post-Office building.

Department of the Interior, namely: One engineer, one thousand four hundred dollars; one assistant engineer, one thousand dollars; four firemen; three watchmen, acting as lieutenants, at eight hundred and forty dollars each; twenty watchmen; conductor of elevator, seven hundred and twenty dollars; fourteen laborers; ten laborers, at four hundred and eighty dollars each; three skilled mechanics, painter, carpenter, and plumber, at nine hundred dollars each; in all, thirty-nine thousand six hundred and sixty dollars.

Eleventh Census.
Clerk.

For a clerk of class four, to act as census clerk, and for rent, salaries, heat, and light incident to the proper care and preservation of the records of the Eleventh and previous censuses, six thousand eight hundred dollars.

Assistant Attorney-
General's Office.

OFFICE OF ASSISTANT ATTORNEY-GENERAL: For assistant attorney, three thousand dollars; assistant attorney, two thousand seven hundred and fifty dollars; three assistant attorneys, at two thousand five hundred dollars each; four assistant attorneys, at two thousand two hundred and fifty dollars each; ten assistant attorneys, at two thousand dollars each; four clerks of class three, one of whom shall act as stenographer and one of whom shall be a stenographer and typewriter; one clerk of class one; in all, forty-nine thousand eight hundred and fifty dollars.

Per diem inspectors.

For per diem in lieu of subsistence of one special land inspector connected with the administration of the public land service, while traveling on duty, at a rate to be fixed by the Secretary of the Interior, not exceeding three dollars per day, and for actual necessary expenses of transportation, two thousand dollars, to be expended under the direction of the Secretary of the Interior.

For per diem, in lieu of subsistence, of two special inspectors, Department of the Interior, while traveling on duty, at a rate to be fixed by the Secretary of the Interior, not exceeding three dollars per day, and for actual necessary expenses of transportation, to be expended under the direction of the Secretary of the Interior, four thousand dollars.

General Land Office.

GENERAL LAND OFFICE: For the Commissioner of the General Land Office, five thousand dollars; Assistant Commissioner to be appointed by the President, by and with the advice and consent of the Senate, who shall be authorized to sign such letters, papers, and documents and to perform such other duties as may be directed by the Commissioner, and shall act as Commissioner in the absence of that officer or in case of a vacancy in the office of Commissioner, three thousand five hundred dollars; chief clerk, two thousand two hundred and fifty dollars; two law clerks, at two thousand two hundred dollars each; three inspectors of surveyors-general and district land offices, at two thousand dollars each; recorder, two thousand dollars; eleven chiefs of division, at two thousand dollars each; two law examiners, at two thousand dollars each; ten principal examiners of land claims and contests, at two thousand dollars each; thirty clerks of class four; fifty-six clerks of class three; fifty-nine clerks of class two; sixty-one clerks of class one; fifty-three clerks, at one thousand dollars each; fifty-nine copyists; two messengers; ten assistant messengers; twenty-three laborers; one packer, seven hundred and twenty dollars; one depositary acting for the Commissioner as receiver of public moneys and also as confidential secretary, two thousand dollars; librarian for the law library of the General Land Office, to be selected by the Secretary of the Interior wholly with reference to his special fitness for such work, one thousand dollars; in all, five hundred and two thousand four hundred and thirty dollars.

Per diem, etc., in-
vestigations.

For per diem in lieu of subsistence of inspectors and of clerks detailed to investigate fraudulent land entries, trespasses on the public lands, and cases of official misconduct; also of clerks detailed to examine the books of and assist in opening new land offices, while traveling on

duty, at a rate to be fixed by the Secretary of the Interior, not exceeding three dollars per day, and for actual necessary expenses of transportation, including necessary sleeping-car fares, and for employment of stenographers and other assistants when necessary to the efficient conduct of examinations, and when authorized by the Commissioner of the General Land Office, seven thousand dollars.

For law books for the law library of the General Land Office, two hundred dollars.

Law books.

For connected and separate United States and other maps prepared in the General Land Office, fourteen thousand eight hundred and forty dollars: *Provided*, That of the United States maps procured hereunder seven thousand two hundred copies shall be delivered to the Senate and fourteen thousand four hundred copies shall be delivered to the House of Representatives, and the residue shall be delivered to the Secretary of the Interior for distribution.

Maps.

Provision
distribution.

MINE INSPECTORS: For salaries of two mine inspectors, authorized by the Act approved March third, eighteen hundred and ninety-one, for the protection of the lives of miners in the Territories, at two thousand dollars per annum each, four thousand dollars.

Mine inspectors.
Vol. 26, p. 1104.

For per diem, subject to such rules and regulations as the Secretary of the Interior may prescribe, in lieu of subsistence at a rate not exceeding three dollars per day each, while absent from their homes on duty, and for actual necessary traveling expenses of said inspectors, including necessary sleeping-car fares, three thousand three hundred and fifty dollars.

INDIAN OFFICE: For the Commissioner of Indian Affairs, four thousand dollars; Assistant Commissioner, who shall also perform the duties of chief clerk, three thousand dollars; financial clerk, two thousand dollars; chief of division, two thousand dollars; principal bookkeeper, one thousand eight hundred dollars; five clerks of class four; fifteen clerks of class three; draftsman, one thousand six hundred dollars; draftsman, one thousand five hundred dollars; architect, one thousand five hundred dollars; stenographer, one thousand six hundred dollars; stenographer, one thousand four hundred dollars; eleven clerks of class two; twenty-six clerks of class one; fourteen clerks, at one thousand dollars each; one stenographer, and one clerk to superintendent of Indian schools, at one thousand dollars each; seventeen copyists; one messenger; four assistant messengers; three laborers; messenger boy, three hundred and sixty dollars; four charwomen; in all, one hundred and thirty-eight thousand three hundred and twenty dollars.

Indian Office.

PENSION OFFICE: For the Commissioner of Pensions, five thousand dollars; First Deputy Commissioner, three thousand six hundred dollars; Second Deputy Commissioner, three thousand six hundred dollars; chief clerk, two thousand two hundred and fifty dollars; assistant chief clerk, two thousand dollars; medical referee, three thousand dollars; assistant medical referee, two thousand two hundred and fifty dollars; two qualified surgeons, who shall be experts in their profession, at two thousand dollars each; thirty-eight medical examiners, who shall be surgeons of education, skill, and experience in their profession, at one thousand eight hundred dollars each; ten chiefs of division, at two thousand dollars each; law clerk, two thousand dollars; fifty-eight principal examiners, at two thousand dollars each; twenty assistant chiefs of division, at one thousand eight hundred dollars each; three stenographers, at one thousand six hundred dollars each; seventy clerks of class four; eighty-five clerks of class three; three hundred and thirty clerks of class two; four hundred clerks of class one; two hundred and fifty clerks, at one thousand dollars each; one hundred and sixty copyists; superintendent of building, one thousand four hundred dollars; two engineers, at one thousand two hundred dollars each; three firemen; thirty-three messengers; twelve assistant messengers;

Pension Office.

twenty messenger boys, at four hundred dollars each; thirty-five laborers; ten female laborers, at four hundred dollars each; fifteen charwomen; one painter, skilled in his trade, nine hundred dollars; one cabinetmaker, skilled in his trade, nine hundred dollars; captain of the watch, eight hundred and forty dollars; three sergeants of the watch, at seven hundred and fifty dollars each; twenty watchmen; in all, one million nine hundred and seventy-one thousand two hundred and ten dollars.

Per diem, etc., investigations.

For per diem, when absent from home and traveling on duty outside the District of Columbia, for special examiners, or other persons employed in the Bureau of Pensions detailed for the purpose of making special investigations pertaining to said Bureau, in lieu of expenses for subsistence, not exceeding three dollars per day, and for actual and necessary expenses for transportation and assistance and any other necessary expenses, including telegrams, four hundred thousand dollars: *Provided*, That two special examiners or clerks detailed and acting as chief and assistant chief of the division of special examiners may be allowed, from this appropriation, in addition to their salaries and in lieu of per diem and all expenses for subsistence, a sum sufficient to make their annual compensation two thousand dollars and one thousand eight hundred dollars, respectively, and whenever it may be necessary for either of them to travel on official business outside the District of Columbia by special direction of the Commissioner, he shall receive the same allowance in lieu of subsistence and for transportation as is herein provided for special examiners and detailed clerks engaged in field service; and the Secretary of the Interior shall so apportion the sum herein appropriated as to prevent a deficiency therein.

proviso.
Chief and assistant special examiners.

Additional special examiners.

For an additional force of one hundred and fifty special examiners for one year, at a salary of one thousand three hundred dollars each, one hundred and ninety-five thousand dollars, and no person so appointed shall be employed in the State from which he is appointed; and any of those now employed in the Pension Office or as special examiners may be reappointed if they be found to be qualified.

Patent Office.

PATENT OFFICE: For the Commissioner of Patents, five thousand dollars; Assistant Commissioner, who shall perform such duties pertaining to the office of Commissioner as may be assigned to him by the Commissioner, three thousand dollars; chief clerk, two thousand five hundred dollars; two law clerks, at two thousand five hundred dollars each; three examiners in chief, at three thousand dollars each; examiner of interferences, two thousand five hundred dollars; thirty-six principal examiners, at two thousand five hundred dollars each; thirty-eight first assistant examiners, at one thousand eight hundred dollars each; forty-two second assistant examiners, at one thousand six hundred dollars each; fifty-one third assistant examiners, at one thousand four hundred dollars each; sixty-fourth assistant examiners, at one thousand two hundred dollars each; financial clerk, who shall give bonds in such amount as the Secretary of the Interior may determine, two thousand dollars; librarian, two thousand dollars; three chiefs of division, at two thousand dollars each; three assistant chiefs of division, at one thousand eight hundred dollars each; five clerks of class four, one of whom shall act as application clerk; machinist, one thousand six hundred dollars; six clerks of class three, one of whom shall be translator of languages; fourteen clerks of class two; fifty-seven clerks of class one; skilled laborer, one thousand two hundred dollars; three skilled draftsmen, at one thousand two hundred dollars each; four draftsmen, at one thousand dollars each; twenty-seven permanent clerks, at one thousand dollars each; messenger and property clerk, one thousand dollars; five model attendants, at one thousand dollars

each; ten model attendants, at eight hundred dollars each; one hundred and six copyists, seven of whom may be copyists of drawings; thirty-one copyists, at seven hundred and twenty dollars each; three messengers; twenty-six assistant messengers; fifty-one laborers, at six hundred dollars each; fifty laborers, at four hundred and eighty dollars each; thirty-nine messenger boys, at three hundred and sixty dollars each; in all, seven hundred and seventy-seven thousand dollars.

For purchase of professional and scientific books and expenses of transporting publications of patents issued by the Patent Office to foreign governments, two thousand dollars.

For equipment of new scientific library rooms with steel stacks and other fireproof and labor-saving furniture and apparatus, five thousand dollars.

For purchase of law books, five hundred dollars.

For producing the Official Gazette, including weekly, monthly, quarterly, and annual indexes therefor, exclusive of expired patents, one hundred thousand dollars.

For producing copies of drawings of the weekly issues of patents; for producing copies of designs, trade-marks, and pending applications; and for the reproduction of exhausted copies of drawings and specifications; said work referred to in this and the preceding paragraph to be done as provided by the "Act providing for the public printing and binding and for the distribution of public documents:"

Provided, That the entire work may be done at the Government Printing Office if, in the judgment of the Joint Committee on Printing, or if there shall be no Joint Committee, in the judgment of the Committee on Printing of either House, it shall be deemed to be for the best interests of the Government, sixty-four thousand dollars.

For investigating the question of the public use or sale of inventions for two years or more prior to filing applications for patents, and for expenses attending defense of suits instituted against the Commissioner of Patents, two hundred and fifty dollars.

For the share of the United States in the expense of conducting the International Bureau at Berne, Switzerland, seven hundred and fifty dollars.

BUREAU OF EDUCATION: For Commissioner of Education, three thousand five hundred dollars; chief clerk, one thousand eight hundred dollars; statistician, one thousand eight hundred dollars; translator, one thousand six hundred dollars; collector and compiler of statistics, two thousand four hundred dollars; specialist in foreign educational systems, one thousand eight hundred dollars; specialist in education as a preventive of pauperism and crime, two thousand dollars; specialist in educational systems, one thousand four hundred dollars; two clerks of class four; two clerks of class three; four clerks of class two; seven clerks of class one; two clerks, at one thousand dollars each; seven copyists; two copyists, at eight hundred dollars each; copyist, seven hundred and twenty dollars; skilled laborer, eight hundred and forty dollars; one assistant messenger; two laborers; two laborers, at four hundred and eighty dollars each; laborer, four hundred dollars; and one laborer, three hundred and sixty dollars; in all, fifty-two thousand three hundred and twenty dollars.

For one clerk of class four, to obtain, receive, collate, and, under the direction of the Commissioner of Education, to furnish the Secretary of the Interior with the information in relation to the operations and work of the colleges of agriculture and mechanic arts that will enable the Secretary to discharge the duties imposed on the Secretary of the Interior by the Act approved August thirtieth, eighteen hundred and ninety, to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the

Books.

Official Gazette.

Copies of drawings.

Vol. 28, p. 620.

Proviso.
Work at Government Printing Office.

Investigating use of inventions.

International Bureau, Berne.

Bureau of Education.

Agricultural college statistics.

Vol. 12, p. 47.

Vol. 12, p. 503.

Books, etc.

Statistics.

Distribution, etc.,
documents.Commissioner of
Railroads.*Proviso.*
Office terminated.Architect's Office,
Capitol.

Contingent expenses.

Rent.

benefit of agriculture and mechanic arts, established under the provisions of an Act of Congress approved July second, eighteen hundred and sixty-two, one thousand eight hundred dollars.

For books for library, current educational periodicals, other current publications, and completing valuable sets of periodicals, two hundred and fifty dollars.

For collecting statistics for special reports and circulars of information, two thousand five hundred dollars.

For the purchase, distribution, and exchange of educational documents, and for the collection, exchange, and cataloguing of educational apparatus and appliances, text-books and educational reference books, articles of school furniture and models of school buildings illustrative of foreign and domestic systems and methods of education, and for procuring anthropological instruments of precision, and for repairing the same, two thousand five hundred dollars.

OFFICE OF COMMISSIONER OF RAILROADS: For Commissioner, four thousand five hundred dollars; bookkeeper, one thousand six hundred dollars; one clerk of class two; one clerk, one thousand dollars; and one assistant messenger; in all, nine thousand two hundred and twenty dollars: *Provided*, That the office of Commissioner of Railroads is hereby continued until the thirtieth day of June, nineteen hundred and two, when the same shall terminate, and the duties of the Commissioner shall be transferred to the Secretary of the Interior together with the records and files of the office.

OFFICE OF THE ARCHITECT OF THE CAPITOL: For Architect, four thousand five hundred dollars; chief clerk and assistant, two thousand two hundred and fifty dollars, and said officer hereafter in case of the absence or disability of the Architect shall have full power and authority to do and perform all the acts which the Architect might himself do, and in case of a vacancy shall perform the duties of the Architect until the vacancy shall be filled according to law; draftsman, one thousand eight hundred dollars; compensation to disbursing clerk, one thousand dollars; one assistant messenger; person in charge of the heating of the Supreme Court and central portion of the Capitol, eight hundred and sixty-four dollars; laborer in charge of water-closets in central portion of the Capitol, six hundred and sixty dollars; three laborers for cleaning Rotunda, corridors, and Dome, at six hundred and sixty dollars each; two laborers in charge of public closets of the House of Representatives and in the terrace, at seven hundred and twenty dollars each; in all, fifteen thousand two hundred and fourteen dollars.

FOR CONTINGENT EXPENSES OF THE DEPARTMENT OF THE INTERIOR, NAMELY: For contingent expenses of the office of the Secretary of the Interior and the bureaus, offices, and buildings of the Interior Department, including the Civil Service Commission: For furniture, carpets, ice, lumber, hardware, dry goods, advertising, telegraphing, expressage, wagons and harness, food and shoeing of horses, diagrams, awnings, constructing model and other cases, cases for drawings, file holders, repairs of cases and furniture, and other absolutely necessary expenses, including fuel and lights, ninety thousand dollars.

For stationery for the Department of the Interior and its several bureaus and offices, including the Civil Service Commission, sixty thousand dollars.

For professional and scientific books, law books, and books to complete broken sets, periodicals, directories, and other books of reference relating to the business of the Department, seven hundred and fifty dollars.

For rent of buildings for the Department of the Interior, namely: For the Bureau of Education, four thousand dollars; Geological Survey, ten thousand dollars; additional rooms for the engraving and printing divisions of the Geological Survey, one thousand two hundred

dollars; storage of documents, two thousand dollars; Civil Service Commission, four thousand dollars; Patent Office model exhibit, thirteen thousand dollars; in all, thirty-four thousand two hundred dollars.

For postage stamps for the Department of the Interior and its bureaus, as required under the Postal Union, to prepay postage on matter addressed to Postal Union countries, three thousand six hundred dollars.

Postage.

SURVEYORS-GENERAL AND THEIR CLERKS.

Surveyors-general
and their clerks.

For surveyor-general and ex officio secretary of the district of Alaska, four thousand dollars; clerks in his office, four thousand dollars; in all, eight thousand dollars.

Alaska.

For rent of office for surveyor-general, pay of messenger, stationery, binding of records, furniture, drafting instruments, books of reference for office use, fuel, lights, and other incidental expenses, one thousand five hundred dollars.

For surveyor-general of the Territory of Arizona, two thousand dollars; and for the clerks in his office, five thousand dollars; in all, seven thousand dollars.

Arizona.

For rent of office for the surveyor-general, pay of messenger, fuel, light, stationery, printing, binding of records, drafting supplies, record cases, furniture, books of reference for office use, water, typewriter, and repairs of same, and other incidental expenses, one thousand dollars.

For surveyor-general of California, two thousand dollars; and for the clerks in his office, twelve thousand dollars; in all, fourteen thousand dollars.

California.

For pay of messenger, stationery, binding records, washing, telephone, repairing maps, repairs to locks, clocks, and typewriter, books of reference for office use, and other incidental expenses, one thousand five hundred dollars.

For surveyor-general of the State of Colorado, two thousand dollars; and for the clerks of his office, eleven thousand five hundred dollars; in all, thirteen thousand five hundred dollars.

Colorado.

For rent of office for the surveyor-general, pay of messenger, stationery, binding and repairing records, furniture and repairs, muslin for mounting plats, drafting instruments, record books, ice, typewriters, books of reference for office use, and other incidental expenses, three thousand six hundred dollars.

For surveyor-general of Florida, one thousand eight hundred dollars; and for the clerks in his office, one thousand two hundred dollars; in all, three thousand dollars.

Florida.

For pay of messenger, stationery supplies, post-office box rent, books of reference for office use, and other incidental expenses, five hundred dollars.

For surveyor-general of Idaho, two thousand dollars; and for the clerks in his office, eight thousand five hundred dollars; in all, ten thousand five hundred dollars.

Idaho.

For rent of office for the surveyor-general, pay of messenger, stationery, binding, printing, fuel, light, drafting instruments, post-office box rent, new furniture, typewriters, books of reference for office use, and other incidental expenses, one thousand five hundred dollars.

For surveyor-general of Louisiana, one thousand eight hundred dollars; and for the clerks in his office, seven thousand dollars; in all, eight thousand eight hundred dollars.

Louisiana.

For messenger, stationery, binding records, books of reference for office use, and other incidental expenses, one thousand dollars.

For surveyor-general of Minnesota, one thousand eight hundred dollars; and for the clerks in his office, two thousand dollars; in all, three thousand eight hundred dollars.

Minnesota.

- For pay of messenger, stationery, printing, binding, books of reference for office use, and other incidental expenses, five hundred dollars.
- Montana. For surveyor-general of Montana, two thousand dollars; and for the clerks in his office, eleven thousand dollars; in all, thirteen thousand dollars.
- For rent of office for the surveyor-general, pay of messenger, lights, post-office box, ice, stationery, binding, furniture, books of reference for office use, and other incidental expenses, one thousand five hundred dollars.
- Nevada. For surveyor-general of Nevada, one thousand eight hundred dollars; and for the clerks in his office, two thousand dollars; in all, three thousand eight hundred dollars.
- For rent of office for the surveyor-general, pay of messenger, fuel, lights, stationery, post-office box rent, draftsmen's requisites, binding records, books of reference for office use, and other incidental expenses, five hundred dollars.
- New Mexico. For surveyor-general of the Territory of New Mexico, two thousand dollars; and for clerks in his office, ten thousand dollars; in all, twelve thousand dollars.
- For pay of messenger, printing, stationery, drafting instruments, drawing paper, binding records, telephone, registration of letters, post-office box rent, towels, books of reference for office use, and other incidental expenses, one thousand dollars.
- North Dakota. For surveyor-general of North Dakota, two thousand dollars; and for the clerks in his office, five thousand five hundred dollars; in all, seven thousand five hundred dollars.
- For rent of office for the surveyor-general, pay of messenger, stationery, printing, binding, lights, ice, post-office box rent, repairs, books of reference for office use, and other incidental expenses, one thousand five hundred dollars.
- Oregon. For surveyor-general of Oregon, two thousand dollars; and for the clerks in his office, seven thousand two hundred and fifty dollars; in all, nine thousand two hundred and fifty dollars.
- For pay of messenger, stationery, furniture, record books, towels, binding, post-office box rent, books of reference for office use, and other incidental expenses, one thousand dollars.
- South Dakota. For surveyor-general of South Dakota, two thousand dollars; and for clerks in his office, five thousand dollars; in all, seven thousand dollars.
- For rent of office for the surveyor-general, pay of messenger, stationery, typewriters, drafting instruments, fuel, binding records, furniture, post-office box rent, books of reference for office use, and other incidental expenses, one thousand five hundred dollars.
- Utah. For surveyor-general of Utah, two thousand dollars; and for the clerks in his office, nine thousand dollars; in all, eleven thousand dollars.
- For rent of office for the surveyor-general, pay of messenger, stationery supply, binding records, drawing paper, books of reference for office use, and other incidental expenses, one thousand two hundred dollars.
- Washington. For surveyor-general of Washington, two thousand dollars; and for the clerks in his office, nine thousand dollars; in all, eleven thousand dollars.
- For rent of office for the surveyor-general, pay of messenger, furniture, stationery, binding records, record books, blanks, books of reference for office use, and other incidental expenses, two thousand dollars.
- Wyoming. For surveyor-general of Wyoming, two thousand dollars; and for the clerks in his office, seven thousand dollars; in all, nine thousand dollars.
- For rent of office for the surveyor-general, pay of messenger, stationery, and supplies, lights, ice, post-office box rent, drafting instru-

ments, mounting maps, towels, books of reference for office use, and other incidental expenses, one thousand three hundred and fifteen dollars.

Provided, That the stationery and drafting instruments hereafter purchased for exclusive use in the offices of the surveyors-general in the preparation of plats and field notes of mineral surveys, as also the rent of additional quarters that may be necessary for the execution of such work, shall be paid for out of the fund created by deposits made by individuals to the credit of the United States to cover the cost of office work on such mineral surveys.

Proviso.
Fund available to pay for office stationery, etc.

POST-OFFICE DEPARTMENT.

Post-Office Department.

OFFICE POSTMASTER-GENERAL: For compensation of the Postmaster-General, eight thousand dollars; chief clerk, Post-Office Department, two thousand five hundred dollars; private secretary, two thousand two hundred and fifty dollars; stenographer, one thousand six hundred dollars; appointment clerk, one thousand eight hundred dollars; one clerk of class four; two clerks of class three; four clerks of class two; one clerk of class one; one clerk, one thousand dollars; curator of museum, one thousand dollars; one clerk, nine hundred dollars; one telephone operator, nine hundred dollars; one messenger; one assistant messenger; page, three hundred and sixty dollars; in all, thirty-three thousand six hundred and seventy dollars.

Pay of Postmaster-General, clerks, etc.

Office of Assistant Attorney-General for the Post-Office Department: Assistant attorney, two thousand seven hundred and fifty dollars; one clerk of class four; one clerk of class three; one clerk of class two; two clerks of class one; one clerk, one thousand dollars; assistant messenger; in all, eleven thousand six hundred and seventy dollars.

Assistant Attorney-General's office.

OFFICE FIRST ASSISTANT POSTMASTER-GENERAL: For First Assistant Postmaster-General, four thousand dollars; chief clerk, two thousand five hundred dollars; Superintendent of the Money-Order System, three thousand dollars; chief clerk Money-Order System, two thousand dollars; general superintendent free-delivery system, three thousand five hundred dollars; superintendent city delivery service, three thousand dollars; three assistant superintendents city delivery service, at two thousand dollars each; Superintendent of the Dead-Letter Office, two thousand five hundred dollars; one clerk of class four, who shall be chief clerk of the Dead-Letter Office; general superintendent of salaries and allowances, three thousand five hundred dollars; assistant superintendent of salaries and allowances, two thousand dollars; superintendent of post-office supplies, two thousand two hundred and fifty dollars; assistant superintendent of post-office supplies, one thousand eight hundred dollars; chief of the correspondence division, two thousand dollars; ten clerks of class four; twenty-one clerks of class three; twenty-two clerks of class two; forty-three clerks of class one; forty-five clerks, at one thousand dollars each; forty clerks, at nine hundred dollars each; eight assistant messengers; twenty-seven laborers; two pages, at three hundred and sixty dollars each; and five female laborers, at four hundred and eighty dollars each; in all, two hundred and eighty-one thousand five hundred and fifty dollars.

First Assistant Postmaster-General, clerks, etc.
Money-Order System.

Free delivery

Dead-Letter Office.

For continuing the employment of such additional temporary force of clerks and other employees rendered necessary because of increase of work incident to the war with Spain, as in the judgment of the Postmaster-General may be proper and necessary to the prompt, efficient, and accurate dispatch of the business in the office of the First Assistant Postmaster-General, twenty thousand dollars.

Temporary force.

OFFICE SECOND ASSISTANT POSTMASTER-GENERAL: For Second Assistant Postmaster-General, four thousand dollars; chief clerk, two thousand one hundred dollars; superintendent of railway adjustments, two

Second Assistant Postmaster-General, clerks, etc.

thousand five hundred dollars; Superintendent of Foreign Mails, three thousand dollars; chief clerk, two thousand dollars; chief of division of inspection, two thousand dollars; chief of contract division, two thousand dollars; chief of mail equipment division, two thousand dollars; nine clerks of class four; thirty-six clerks of class three; twenty-one clerks of class two; stenographer, one thousand six hundred dollars; twenty-one clerks of class one; seventeen clerks, at one thousand dollars each; six clerks, at nine hundred dollars each; messenger in charge of mails, nine hundred dollars; four assistant messengers; and two laborers; in all, one hundred and seventy-seven thousand one hundred dollars.

Third Assistant Postmaster-General, clerks, etc.

OFFICE THIRD ASSISTANT POSTMASTER-GENERAL: For Third Assistant Postmaster-General, four thousand dollars; chief clerk, two thousand one hundred dollars; superintendent postage-stamp supplies and postmasters' accounts, two thousand five hundred dollars; superintendent of system of postal finance, who shall give bond in such amount as the Postmaster-General may determine for the faithful discharge of his duties, two thousand two hundred and fifty dollars; chief of classification division, two thousand dollars; chief of files and records division, two thousand dollars; chief of redemption division, two thousand dollars; superintendent of registry system, two thousand five hundred dollars; six assistant superintendents of registry system, at two thousand dollars each; six clerks of class four; eighteen clerks of class three; twenty-two clerks of class two; twenty-seven clerks of class one; thirteen clerks, at one thousand dollars each; six clerks, at nine hundred dollars each; three assistant messengers; nine laborers; in all, one hundred and sixty-one thousand and fifty dollars.

Per diem, assistant superintendents registry system.

For per diem allowance for assistant superintendents of registry system, when actually traveling on business of the Post-Office Department, at a rate to be fixed by the Postmaster-General, not exceeding four dollars per day, and for other actual and necessary traveling expenses arising in connection with business of the registry system, ten thousand dollars.

Fourth Assistant Postmaster-General, clerks, etc.

Chief inspector.

OFFICE FOURTH ASSISTANT POSTMASTER-GENERAL: For Fourth Assistant Postmaster-General, four thousand dollars; chief clerk, two thousand one hundred dollars; chief post-office inspector, three thousand dollars; chief clerk of mail depredations, two thousand dollars; chief of appointment division, two thousand dollars; chief of bond division, two thousand dollars; two clerks of class four; eighteen clerks of class three; twelve clerks of class two; twenty clerks of class one; stenographer, one thousand six hundred dollars; stenographer, one thousand two hundred dollars; twelve clerks, at one thousand dollars each; seven clerks, at nine hundred dollars each; page, three hundred and sixty dollars; three assistant messengers, and four laborers; in all, one hundred and fourteen thousand five hundred and sixty dollars.

{ Topographer, etc.

OFFICE OF TOPOGRAPHER: For topographer, two thousand five hundred dollars; three skilled draftsmen, at one thousand eight hundred dollars each; four skilled draftsmen, at one thousand six hundred dollars each; three skilled draftsmen, at one thousand four hundred dollars each; three skilled draftsmen, at one thousand two hundred dollars each; examiner, one thousand two hundred dollars; one clerk of class two; map mouter, one thousand two hundred dollars; assistant map mouter, seven hundred and twenty dollars; one assistant map mouter, who shall be a mechanic, one thousand dollars; four copyists of maps, at nine hundred dollars each; and one assistant messenger; in all, thirty-one thousand nine hundred and forty dollars.

Disbursing clerk, etc.

OFFICE OF DISBURSING CLERK: Disbursing clerk and superintendent of buildings, two thousand one hundred dollars; bookkeeper and accountant, one thousand eight hundred dollars; one clerk of class two; engineer, one thousand four hundred dollars; seven assistant engineers,

at one thousand dollars each; one electrician, one thousand four hundred dollars; two assistant electricians, one at one thousand two hundred dollars and one at one thousand dollars; three dynamo tenders, at nine hundred dollars each; one fireman, who shall be a blacksmith, and one fireman, who shall be a steam fitter, at nine hundred dollars each; nine elevator conductors, at seven hundred and twenty dollars each; one assistant messenger; twelve firemen; ten laborers and coal passers, at five hundred dollars each; carpenter, one thousand two hundred dollars; assistant carpenter, one thousand dollars; captain of the watch, one thousand dollars; additional to two watchmen acting as lieutenants of watchmen, at one hundred and twenty dollars each; thirty-one watchmen; twenty-four laborers; plumber, and awning maker, at nine hundred dollars each; two female laborers, at four hundred and eighty dollars each; and twenty-seven charwomen; in all, ninety-three thousand four hundred and eighty dollars.

FOR CONTINGENT EXPENSES OF THE POST-OFFICE DEPARTMENT, including the additional building occupied for storage of post-office supplies, namely: Contingent expenses.

For stationery and blank books, including amount necessary for the purchase of free penalty envelopes, seven thousand dollars.

For fuel and repairs to heating, lighting, and power plant, including repairs to elevators, eighteen thousand dollars.

For gas and electric lights, one thousand dollars.

For plumbing, one thousand five hundred dollars.

For telegraphing, four thousand dollars.

For painting, one thousand dollars.

For carpets and matting, including one thousand dollars for the office of the Auditor for the Post-Office Department, three thousand dollars.

For furniture, including one thousand dollars for the office of the Auditor for the Post-Office Department, two thousand five hundred dollars.

For purchase, exchange, and keeping of horses and repair of wagons and harness, to be used only for official purposes, one thousand three hundred dollars.

For hardware, five hundred dollars.

For miscellaneous items, including two thousand dollars for the office of the Auditor of the Post-Office Department, fifteen thousand five hundred dollars, of which sum not exceeding three thousand nine hundred and eighty-five dollars may be expended for telephone service, and not exceeding nine hundred dollars, including one hundred dollars for the office of the Auditor for the Post-Office Department, may be expended for law books, books of reference, railway guides, city directories, and books necessary to conduct the business of the Department.

For rent of a suitable building for the storage of post-office supplies, four thousand dollars. Rent.

For rent of stable, three hundred dollars.

For the publication of copies of the Official Postal Guide, including not exceeding one thousand five hundred copies for the use of the Executive Departments, twenty-five thousand dollars. Official Postal Guide.

For miscellaneous expenses in the topographer's office in the preparation and publication of the post-route maps, twenty thousand dollars. Post-route maps. And the Postmaster-General may authorize the sale of post-route maps to the public at the cost of printing and ten per centum thereof added, the proceeds of such sales to be used as a further appropriation for the preparation and publication of post-route maps, and of this amount one hundred dollars may be expended for the purchases of atlases, geographical and technical works, needed in the topographer's office.

For postage stamps for correspondence addressed abroad which is not exempt from postage under article eight of the Paris convention of the Universal Postal Union, five hundred and fifty dollars. Postage.

Department of Justice.

DEPARTMENT OF JUSTICE.

Pay of Attorney-General, Assistants, Solicitor-General, clerks, etc.

OFFICE OF THE ATTORNEY-GENERAL: For compensation of the Attorney-General, eight thousand dollars; Solicitor-General, seven thousand dollars; four Assistant Attorneys-General, at five thousand dollars each; Assistant Attorney-General of the Post-Office Department, four thousand five hundred dollars; solicitor of internal revenue, four thousand five hundred dollars; solicitor for the Department of State, four thousand five hundred dollars; two assistant attorneys, at three thousand dollars each; four assistant attorneys, at two thousand five hundred dollars each; assistant attorney, two thousand dollars; assistant attorney, in charge of dockets, two thousand five hundred dollars; law clerk and examiner of titles, two thousand seven hundred dollars; chief clerk and ex officio superintendent of the building, two thousand five hundred dollars; private secretary to the Attorney-General, two thousand two hundred and fifty dollars; stenographer to the Solicitor-General, one thousand six hundred dollars; three stenographic clerks, at one thousand six hundred dollars each; one law clerk, two thousand five hundred dollars; two law clerks, at two thousand dollars each; seven clerks of class four; chief of division of accounts, two thousand five hundred dollars; attorney in charge of pardons, two thousand four hundred dollars; additional for disbursing clerk, five hundred dollars; seven clerks of class three; nine clerks of class two; sixteen clerks of class one; telegraph operator and stenographer, one thousand two hundred dollars; nine copyists, one messenger, eight assistant messengers, four laborers, three watchmen; engineer, one thousand two hundred dollars; two conductors of the elevator, at seven hundred and twenty dollars each; eight charwomen; superintendent of building, two hundred and fifty dollars; and three firemen; in all, one hundred and seventy-eight thousand and twenty dollars.

Contingent expenses.

FOR CONTINGENT EXPENSES OF THE DEPARTMENT OF JUSTICE, NAMELY: For furniture and repairs, seven hundred and fifty dollars.

For books for law library of the Department, one thousand seven hundred and fifty dollars.

For purchase of session laws and statutes of the States and Territories for library of Department, five hundred dollars.

For stationery, two thousand five hundred dollars.

For miscellaneous expenditures, including telegraphing, fuel, lights, foreign postage, labor, repairs of building and care of grounds, books of reference, periodicals, and other necessities, directly ordered by the Attorney-General, seven thousand five hundred dollars.

For official transportation, including purchase, keep, and shoeing of animals, and purchase and repairs of wagons and harness, three thousand dollars.

Solicitor of the Treasury.

OFFICE OF THE SOLICITOR OF THE TREASURY: For Solicitor of the Treasury, four thousand five hundred dollars; assistant solicitor, three thousand dollars; chief clerk, two thousand dollars; law clerk, two thousand dollars; four clerks of class four; three clerks of class three; three clerks of class two; one assistant messenger; and one laborer; in all, twenty-nine thousand and eighty dollars.

Law books.

For law books for office of the Solicitor of the Treasury, three hundred dollars.

Stationery.

For stationery for office of Solicitor of the Treasury, one hundred and fifty dollars.

Department of Labor.

DEPARTMENT OF LABOR.

Commissioner, clerks, etc.

For compensation of the Commissioner of Labor, five thousand dollars; chief clerk, two thousand five hundred dollars; disbursing clerk, two thousand dollars; four statistical experts, at two thousand dollars

each; four clerks of class four; five clerks of class three; six clerks of class two; twelve clerks of class one; ten clerks, at one thousand dollars each; two copyists; one messenger; one assistant messenger; three watchmen; four laborers; three charwomen; six special agents, at one thousand six hundred dollars each; ten special agents, at one thousand four hundred dollars each; four special agents, at one thousand two hundred dollars each; in all, one hundred and two thousand seven hundred and eighty dollars.

For per diem in lieu of subsistence of special agents and employees while traveling on duty away from home and outside of the District of Columbia, at a rate not to exceed three dollars per day, and for their transportation, and for employment of experts and temporary assistance, and for traveling expenses of officers and employees, and for the purchase of reports and materials for the bulletin of the Department of Labor authorized by legislative act approved March second, eighteen hundred and ninety-five, sixty-two thousand five hundred dollars.

Per diem, etc., special agents.

Vol. 23, p. 805.

For stationery, one thousand dollars.

Stationery.

For books, periodicals, and newspapers for the library, in addition to the amount authorized by section one hundred and ninety-two, Revised Statutes, the sum of one hundred dollars may be expended for newspapers for the purpose of procuring strike data, one thousand dollars.

Books

For postage stamps to prepay postage on matter addressed to Postal Union countries, four hundred and fifty dollars.

Postage stamps.

For rent of rooms, including steam heat and elevator service, six thousand seven hundred and fifty dollars.

Rent.

For contingent expenses, namely: For furniture, carpets, ice, lumber, hardware, dry goods, advertising, telegraphing, telephone service, expressage, storage for documents not to exceed seven hundred and fifty dollars, repairs of cases and furniture, fuel and lights, soap, brushes, brooms, mats, oils, and other absolutely necessary expenses, three thousand five hundred dollars.

Contingent expenses.

Charles E. Morse, disbursing clerk of the Department of Labor, is hereby authorized and directed to pay to Mrs. Emma M. Benerman, widow of Spencer N. Benerman, the sum of one hundred and six dollars and fifty cents, salary due said Spencer N. Benerman as special agent of the Department of Labor at the time of his death, September twenty-eighth, nineteen hundred.

Payment to Mrs. Emma M. Benerman.

JUDICIAL.

Judicial.

SUPREME COURT: For the Chief Justice of the Supreme Court of the United States, ten thousand five hundred dollars; and for eight associate justices, at ten thousand dollars each;

Supreme Court. Justices.

For marshal of the Supreme Court of the United States, three thousand dollars;

Marshal.

For stenographic clerk for the Chief Justice and for each associate justice of the Supreme Court, at not exceeding one thousand six hundred dollars each; in all, one hundred and seven thousand nine hundred dollars.

Clerks to justices.

CIRCUIT COURTS: For twenty-five circuit judges, at six thousand dollars each, one hundred and fifty thousand dollars;

Circuit court judges.

For nine clerks of circuit courts of appeals, at three thousand dollars each, twenty-seven thousand dollars;

Circuit courts of appeals.

For messenger, to act as librarian and crier, circuit court of appeals, eighth circuit, two thousand dollars; in all, one hundred and seventy-nine thousand dollars.

Crier, etc., eighth circuit.

DISTRICT COURTS: For salaries of the sixty-seven district judges of the United States, at five thousand dollars each, three hundred and thirty-five thousand dollars.

District court judges.

Indian Territory courts.	UNITED STATES COURTS, INDIAN TERRITORY: For salaries of the four judges of the United States courts in the Indian Territory, at five thousand dollars each, twenty thousand dollars.
Hawaiian Territory court.	DISTRICT COURT, TERRITORY OF HAWAII: For the payment of the salaries of the clerk and the reporter of the United States district court for the Territory of Hawaii, at three thousand dollars and one thousand two hundred dollars, respectively, four thousand two hundred dollars.
Retired judges. R. S., sec. 714, p. 135.	RETIRED JUDGES: To pay the salaries of the United States judges retired under section seven hundred and fourteen of the Revised Statutes, so much as may be necessary for the fiscal year ending June thirtieth, nineteen hundred and two, is hereby appropriated.
Court of Private Land Claims.	COURT OF PRIVATE LAND CLAIMS: For chief justice and four associate justices, at five thousand dollars each; For clerk, two thousand dollars; For stenographer, one thousand five hundred dollars; For attorney, three thousand five hundred dollars; For interpreter and translator, one thousand five hundred dollars; in all, thirty-three thousand five hundred dollars. For deputy clerks, as authorized by law, so much therefor as may be necessary.
Assistant attorneys, etc.	To enable the Attorney-General to employ such assistant attorneys, agents, stenographers, and experts to aid the United States attorney for said court as may be necessary to conduct the business of the Court of Private Land Claims during the fiscal year nineteen hundred and two, five thousand dollars.
Court of appeals, District of Columbia.	COURT OF APPEALS, DISTRICT OF COLUMBIA: For the chief justice of court of appeals of the District of Columbia, six thousand five hundred dollars; and for two associate justices, at six thousand dollars each; For clerk, three thousand dollars; For assistant or deputy clerk, two thousand dollars;
Proviso. Reports.	For reporter, one thousand two hundred dollars: <i>Provided</i> , That the reports issued by him shall not be sold for more than five dollars per volume; For messenger, seven hundred and twenty dollars; For necessary expenditures in the conduct of the clerk's office, five hundred dollars; in all, twenty-five thousand nine hundred and twenty dollars, one-half of which shall be paid from the revenues of the District of Columbia.
Supreme court, District of Columbia.	SUPREME COURT, DISTRICT OF COLUMBIA: For salaries of the chief justice of the supreme court of the District of Columbia and of the five associate judges, at five thousand dollars each, thirty thousand dollars, one-half of which shall be paid from the revenues of the District of Columbia.
Clerk, northern district of Illinois.	CLERK OF DISTRICT COURT, NORTHERN DISTRICT OF ILLINOIS: For salary of the clerk of the district court for the northern district of Illinois, as authorized by the Act of July thirty-first, eighteen hundred and ninety-four, three thousand dollars.
Commissioner Yellowstone Park. Vol. 29, p. 181. Provision as to commissioner's fees not to impair salary.	COMMISSIONER YELLOWSTONE PARK: For salary of commissioner, in Yellowstone National Park, one thousand five hundred dollars. And the provisions of section twenty-one of an Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-seven, and for other purposes, approved May twenty-eighth, eighteen hundred and ninety-six, shall not be construed as impairing the right of said commissioner to receive said salary as herein provided. For contingent fund for commissioner's office, including fuel, furniture, and necessary miscellaneous expenses, two hundred and fifty dollars.

COURT OF CLAIMS: For salaries of five judges of the Court of Claims, at four thousand five hundred dollars each; chief clerk, three thousand five hundred dollars; assistant clerk, two thousand dollars; bailiff, one thousand five hundred dollars; one clerk, one thousand six hundred dollars; one clerk, one thousand four hundred dollars; three clerks, at one thousand two hundred dollars each; one messenger; one stenographer, one thousand two hundred dollars; three firemen; three watchmen; one elevator conductor, seven hundred and twenty dollars; one assistant messenger; one laborer; and two charwomen; in all, forty-five thousand and forty dollars.

Court of Claims.

To defray the cost of the employment of auditors in the Court of Claims, to be disbursed under the direction of the court, eight thousand dollars.

Auditors.

For stationery, court library, repairs, fuel, electric light, electric elevator, and other miscellaneous expenses, three thousand four hundred dollars.

Contingent expenses.

For reporting the decisions of the court and superintending the printing of the thirty-sixth volume of the reports of the Court of Claims, to be paid on the order of the court, one thousand dollars; said sum to be paid to the reporter, notwithstanding section seventeen hundred and sixty-five of the Revised Statutes, or section three of the Act of June twentieth, eighteen hundred and seventy-four, chapter three hundred and twenty-eight.

Reporting decisions.

R. S., sec. 1765, p. 314.

SEC. 2. That the pay of assistant messengers, firemen, watchmen, laborers, and charwomen provided for in this Act, unless otherwise specially stated, shall be as follows: For assistant messengers, firemen, and watchmen, at the rate of seven hundred and twenty dollars per annum each; for laborers, at the rate of six hundred and sixty dollars per annum each, and for charwomen, at the rate of two hundred and forty dollars per annum each.

Rates of pay, assistant messengers, firemen, etc.

SEC. 3. That the term of temporary service of such additional clerks and other employees rendered necessary because of increased work incident to the war with Spain, and under the Act of June thirteenth, eighteen hundred and ninety-eight, providing for war expenditures and for other purposes, appointed in the various departments of the Government, shall be extended for the term of one year from June thirtieth, nineteen hundred and one, without compliance with the conditions prescribed by the Act entitled "An Act to regulate and improve the civil service," approved January sixteenth, eighteen hundred and eighty-three, provided they are otherwise competent.

Terms of service, temporary employees.

Vol. 30, pp. 696, 890, etc.

SEC. 4. That the appropriations herein made for the officers, clerks, and persons employed in the public service shall not be available for the compensation of any persons permanently incapacitated for performing such service.

Appropriations not available for incapacitated employees.

SEC. 5. That hereafter it shall be the duty of the heads of the several Executive Departments, and of other officers authorized or required to make estimates, to furnish to the Secretary of the Treasury, on or before the fifteenth day of October of each year, their annual estimates for the public service, to be included in the Book of Estimates prepared by law under his direction, and in case of failure to furnish estimates as herein required it shall be the duty of the Secretary of the Treasury to cause to be prepared in the Treasury Department, on or before the first day of November of each year, estimates for such appropriations as in his judgment shall be requisite in every such case, which estimates shall be included in the Book of Estimates prepared by law under his direction for the consideration of Congress.

Departmental estimates to be furnished for Book of Estimates before October 15 annually, etc.

SEC. 6. That all laws or parts of laws inconsistent with this Act are repealed.

Repeal.

Approved, March 3, 1901.

March 3, 1901.

CHAF. 831.—An Act Making appropriations to supply deficiencies in the appropriations for the fiscal year ending June thirtieth, nineteen hundred and one, and for prior years, and for other purposes.

Deficiencies appro-
priations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in the appropriations for the fiscal year nineteen hundred and one, and for prior years, and for other objects hereinafter stated, namely:

EXECUTIVE OFFICE.

Executive Office.

For contingent expenses of the Executive Office, including stationery therefor, as well as record books, telegrams, telephones, books for library, miscellaneous items, and furniture and carpets for offices, care of office carriage, horses, and harness, two thousand dollars.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Contingent expenses, Executive Office," for the fiscal year nineteen hundred, one thousand seven hundred and fifteen dollars and eighty-two cents.

Department of State.

DEPARTMENT OF STATE.

Contingent expenses.

For contingent expenses, namely: For care and subsistence of horses, to be used only for official purposes, and repairs of wagons, carriage, and harness, rent of stable, telegraphic and electric apparatus and repairs to the same, and miscellaneous items not included in the foregoing, for the fiscal years as follows:

For the fiscal year nineteen hundred and one, five hundred dollars.

For the fiscal year nineteen hundred, twenty-one dollars and twenty-one cents.

For stationery, furniture, fixtures, and repairs, and for the purchase of passport paper, for the fiscal years as follows:

For the fiscal year nineteen hundred and one, one thousand dollars.

For the fiscal year nineteen hundred, forty-three dollars and sixty-eight cents.

Payments to owners
of Russian bark Hans.

To reimburse the master and owners of the Russian bark Hans for all losses and damages incurred by reason of the wrongful and illegal arrest and detention of Gustav Isak Dahlberg, the master and principal owner of said bark, by officers of the United States district court for the southern district of Mississippi in eighteen hundred and ninety-six, five thousand dollars.

—to heirs of Floren-
tino Suaste.

To pay, out of humane consideration, without reference to the question of liability therefor, to the Mexican Government, as full indemnity to the heirs of Florentino Suaste, a Mexican citizen who was lynched in Lasalle County, Texas, in eighteen hundred and ninety-five, two thousand dollars.

—Tallulah lynching.

To pay, out of humane consideration, without reference to the question of liability therefor, to the Italian Government as full indemnity to the heirs of Joseph Defatta and John Cyrano, Italian citizens who were lynched at Tallulah, Louisiana, on July twentieth, eighteen hundred and ninety-nine, four thousand dollars.

Treaty with Spain
of November 7, 1900.
Appropriation.

For the purpose of carrying out the obligation of the treaty between the United States and Spain concluded at Washington on the seventh day of November, anno Domini nineteen hundred, to become immediately available upon the exchange of the ratifications of the said treaty, one hundred thousand dollars.

Spanish-American
Claims Commission.

To enable the Secretary of State to pay and distribute all increment and accretions upon the sums reserved by the Department of State from the fund received by the Government of the United States upon

the account of the payment of the awards of the late Spanish and American Claims Commission, and to pay and distribute the same pro rata to the claimants, their heirs or assigns, to whom said awards were made as shown by the report of the Secretary of State, transmitted to the President in his message dated February twenty-seventh, eighteen hundred and eighty-eight, and printed as Senate Executive Document Numbered Ninety-three, first session Fiftieth Congress, fourteen thousand four hundred and thirty-five dollars and fifty cents.

Pro rata distribution to claimants of accretions upon fund, etc., authorized.

For payment to Ella Lowery Moseley, widow of Robert E. Moseley, who died while consul-general at Singapore, a sum equal to three months' salary as such consul-general, seven hundred and fifty dollars.

Ella Lowery Moseley.
Payment to.

ISTHMIAN CANAL COMMISSION: To defray the expenses necessarily incurred in making the investigation authorized by sections three and four of the river and harbor appropriation Act approved March third, eighteen hundred and ninety-nine, seventy-five thousand dollars.

Isthmian Canal Commission.
Appropriation for expenses.
Vol. 30, p. 1150.

FOREIGN INTERCOURSE.

Foreign Intercourse.

To enable the President to provide, at the public expense, all such stationery, blanks, records, and other books, seals, presses, flags, and signs as he shall think necessary for the several embassies and legations in the transaction of their business, and also for rent, postage, telegrams, furniture, messenger service, clerk hire, compensation of kavasses, guards, dragomen, and porters, including compensation of interpreter, guards, and Arabic clerk at the consulate at Tangiers, and the compensation of dispatch agents at London, New York, and San Francisco, and for traveling and miscellaneous expenses of embassies and legations, and for printing in the Department of State; and for loss on bills of exchange to and from embassies and legations, seventy-five thousand dollars.

Contingent expenses, embassies.

For expense of providing all such stationery, blanks, record and other books, seals, presses, flags, signs, rent, postage, furniture, statistics, newspapers, freight (foreign and domestic), telegrams, advertising, messenger service, traveling expenses of consular officers and consular clerks, compensation of Chinese writers, loss by exchange, and such other miscellaneous expenses as the President may think necessary for the several consulates, consular agencies, and commercial agencies in the transaction of their business, thirty thousand dollars.

Contingent expenses, consulates.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Contingent expenses, United States consulates," for the fiscal year nineteen hundred, eighteen thousand four hundred dollars and eighty-seven cents.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Contingent expenses, United States consulates," for the fiscal year eighteen hundred and ninety-nine, four thousand one hundred and sixty-eight dollars and seventy cents.

To enable the President to meet unforeseen emergencies arising in the diplomatic and consular service, and to extend the commercial and other interests of the United States, to be expended pursuant to the requirement of section two hundred and ninety-one of the Revised Statutes, fifty thousand dollars, or so much thereof as may be necessary.

Emergencies, etc.

R. S., sec. 291, p. 49.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Loss by exchange, diplomatic service," for the fiscal year eighteen hundred and ninety-nine, one hundred and sixty-eight dollars and seventy-eight cents.

Loss by exchange, etc.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Publication of diplomatic, consular, and commercial reports," for the fiscal year nineteen hundred, eight thousand dollars.

Reports, publication.

Treasury Depart-
ment.

TREASURY DEPARTMENT.

Repairs, Treasury
building.

For special repairs to the Treasury building, namely: For new plumbing, toilet rooms, and expenses incident thereto, five thousand dollars.

Auditor for Post-
Office Department.

OFFICE OF THE AUDITOR FOR THE POST-OFFICE DEPARTMENT: For fifteen temporary clerks during the remainder of the fiscal year nineteen hundred and one, at the rate of seven hundred and twenty dollars per annum each, three thousand six hundred dollars, or so much thereof as may be necessary.

Contingent expenses.

CONTINGENT EXPENSES: For stationery for the Treasury Department and its several bureaus, five thousand dollars.

For postage required to prepay matter addressed to Postal Union countries, and for postage for the Treasury Department, five hundred dollars.

To pay the account of the Smithsonian Institution for the transmission of mail matter for the Treasury Department for the fiscal years as follows:

For the fiscal year nineteen hundred and one, two hundred and forty-four dollars and five cents.

For the fiscal year nineteen hundred, four hundred and fifty-three dollars and fifty cents.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Contingent expenses, Treasury Department: Freight, telegrams, etc.," for the fiscal year nineteen hundred and one, one thousand three hundred and thirty-eight dollars and thirty-four cents.

For freight, expressage, telegraph and telephone service, for the fiscal year nineteen hundred, one thousand four hundred and twenty-eight dollars and ninety cents.

For newspapers, law books, city directories, and other books of reference relating to the business of the Department, three hundred dollars.

Rent.

For rent of building near corner of Fourteenth and B streets northwest, Washington, District of Columbia, for files, for the four months ending June thirtieth, nineteen hundred and one, six hundred dollars.

For rent of number thirteen hundred and twenty-three G street northwest, Washington, District of Columbia, for Light-House Board, for the four months ending June thirtieth, nineteen hundred and one, one hundred and sixty-eight dollars.

File holders, shelv-
ing, etc.

For purchase of file holders and file cases, two thousand five hundred dollars.

For shelving for rented building near corner of Fourteenth and B streets northwest, Washington, District of Columbia, three thousand dollars.

For transferring files and records to rented building near corner of Fourteenth and B streets northwest, Washington, District of Columbia, one thousand dollars.

Boxes, etc.

For purchase of boxes, book rests, chairs, chair caning, chair covers, desks, bookcases, clocks, cloth for covering desks, cushions, leather for covering chairs and sofas, locks, lumber, screens, tables, typewriters, ventilators, wardrobe cabinets, washstands, water coolers and stands, two thousand dollars.

Miscellaneous.

For washing and hemming towels, for the purchase of awnings and fixtures, window shades and fixtures, alcohol, benzine, turpentine, varnish, baskets, belting, bellows, bowls, brooms, buckets, brushes, canvas, crash, cloth, chamois skins, cotton waste, door and window fasteners, dusters, flower garden, street and engine hose, lace leather, lye, nails, oils, plants, picks, pitchers, powders, stencil plates, hand stamps, and repairs of same, stamp ink, spittoons, soap, matches, match safes,

sponges, tacks, traps, thermometers, tools, towels, towel racks, tumblers, wire, zinc, and for blacksmithing, repairs of machinery, removal of rubbish, sharpening tools, advertising for proposals, and for sales at public auction in Washington, District of Columbia, of condemned property belonging to the Treasury Department, payment of auctioneer fees, and purchase of other absolutely necessary articles, two thousand dollars.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "numbering, adding, and other machines, Treasury Department," for the fiscal year nineteen hundred and one, one thousand and fifty dollars.

Numbering machines.

CONTINGENT EXPENSES, INDEPENDENT TREASURY: For contingent expenses under the requirements of section thirty-six hundred and fifty-three of the Revised Statutes of the United States, for the collection, safe-keeping, transfer, and disbursements of the public money, and for transportation of notes, bonds, and other securities of the United States, sixty thousand dollars.

Contingent expenses, Independent Treasury.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Contingent expenses, Independent Treasury," for the fiscal year nineteen hundred, sixteen thousand five hundred and thirty-two dollars and ninety-three cents.

TRANSPORTATION OF SILVER COIN: For transportation of silver coin, including fractional silver coin, by registered mail or otherwise, twenty-five thousand dollars, and in expending this sum the Secretary of the Treasury is authorized and directed to transport from the Treasury or subtreasuries, free of charge, silver coin when requested to do so: *Provided*, That an equal amount in coin or currency shall have been deposited in the Treasury or such subtreasuries by the applicant or applicants. And the Secretary of the Treasury shall report to Congress the cost arising under this appropriation.

Transporting silver coin.

Proviso.—condition.

To pay amounts found due by the accounting officers of the Treasury Department on account of the appropriation "Transportation of silver coin," for the fiscal year nineteen hundred, six thousand seven hundred and twenty-one dollars and fifty-nine cents.

COLLECTING THE REVENUE FROM CUSTOMS: To defray the expenses of collecting the revenue from customs, being additional to the permanent appropriation for this purpose, for the fiscal year nineteen hundred and one, one million five hundred thousand dollars.

Collecting customs revenue.

ENFORCEMENT OF THE CHINESE EXCLUSION ACT: To prevent unlawful entry of Chinese into the United States, by the appointment of suitable officers to enforce the laws in relation thereto, and for expenses of returning to China all Chinese persons found to be unlawfully in the United States, including the cost of imprisonment and actual expense of conveyance of Chinese persons to the frontier or seaboard for deportation, and for enforcing the provisions of the Act approved May fifth, eighteen hundred and ninety-two, entitled "An Act to prohibit the coming of Chinese persons into the United States," fifty thousand dollars.

Chinese exclusion.

Vol. 27, p. 25.

INSPECTORS OF PELAGIC SEAL SKINS: To pay L. J. Hansen, pelagic seal-skin inspector, for two days' services, September ninth and eleventh, eighteen hundred and ninety-nine, in examining seal skins captured by the schooner Julia E. Whalen, being a deficiency for the fiscal year nineteen hundred, ten dollars.

Inspectors, pelagic seal skins. Payment to.

PAY OF ASSISTANT CUSTODIANS AND JANITORS: For pay of assistant custodians and janitors, including all personal services in connection with the care of all public buildings under control of the Treasury Department outside of the District of Columbia, thirty-five thousand dollars; and the Secretary of the Treasury shall so apportion this sum as to prevent a deficiency therein.

Public buildings. Assistant custodians and janitors.

Fuel, lights, etc.	FUEL, LIGHTS, AND WATER FOR PUBLIC BUILDINGS: For the purchase of fuel, steam, light, water, water meters, ice, lighting supplies, electric current for light and power purposes, and miscellaneous items for the use of the custodians' forces in the care of the buildings, furniture, and heating, hoisting, and ventilating apparatus, and electric-light plants, exclusive of personal service, and for expenses of installing electric-light plants, electric-light wiring, and repairs thereto, in such buildings completed and occupied as may be designated by the Secretary of the Treasury, for all public buildings, exclusive of marine hospitals, mints, branch mints, and assay offices under the control of the Treasury Department, inclusive of new buildings, sixty-four thousand dollars. And the appropriation herein made for gas shall include the rental and use of gas governors, when ordered by the Secretary of the Treasury in writing: <i>Provided</i> , That no sum shall be paid as rental for such gas governors greater than thirty-five per centum of the actual value of the gas saved thereby, which saving shall be determined by such tests as the Secretary of the Treasury shall direct. No portion of the amount herein appropriated shall be used for operating a system of pneumatic tubes for the transmission of postal matter.
Gas governors.	For supplying necessary power and repairs to power plants, for operating pneumatic tubes for the transmission of mail matter, court-house and post-office buildings, Philadelphia, Pennsylvania, New York City, and Brooklyn, New York, and the post-office and subtreasury building, Boston, Massachusetts, twenty-one thousand seven hundred dollars.
<i>Proviso.</i> —limit payments.	PAYMENT TO E. R. STACKABLE: That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to E. R. Stackable, collector of customs, Honolulu, Hawaiian Islands, out of any money in the Treasury not otherwise appropriated, the amount of loss sustained by him in accepting certain light-weight United States gold coins in payment of duties on imports before he was furnished with the necessary facilities for testing the weight of such coins, fifty-six dollars and thirty-six cents.
Pneumatic tubes.	REFUND OF FINE, SCHOONER ESTHER BUHNE: To refund to R. Salvesson, master of the schooner Esther Buhne, the amount of a fine imposed by the collector of customs at Honolulu, Hawaii, for violation of section forty-three hundred and fifty, Revised Statutes, and section ninety-eight, Act of April thirty, nineteen hundred, since remitted by the Secretary of the Treasury, the original sum having been covered into the Treasury prior to the said remission, one hundred dollars.
E. R. Stackable. —Payment to.	REFUND OF FINE, SCHOONER J. M. WEATHERWAX: To refund to L. Sorenson, master of the American schooner J. M. Weatherwax, the amount of a fine imposed by the collector of customs at Honolulu, Hawaii, for violation of section forty-three hundred and fifty, Revised Statutes, and section ninety-eight, Act of April thirtieth, nineteen hundred, since remitted by the Secretary of the Treasury, the original sum having been covered into the Treasury prior to the said remission, one hundred dollars.
Refunds. Schooner Esther Buhne.	CREDIT IN ACCOUNT OF MAJOR T. E. TRUE: That the proper accounting officers of the Treasury are hereby authorized and directed to credit and allow to Major T. E. True, quartermaster, United States Army, depot quartermaster, Washington, District of Columbia, the voucher for one thousand three hundred dollars, for payment made by him to Sheldon Jackson, under the approval of the War Department of March eighteenth, eighteen hundred and ninety-nine, said payment being in the nature of extra compensation to Sheldon Jackson for services rendered by him in connection with the relief of people in the mining regions of Alaska, and to charge the same to the credit of the appropriation made for that purpose by the Act approved December eighteenth, eighteen hundred and ninety-seven.
Schooner J. M. Weatherwax.	PAYMENT TO J. WILBURN SWINK: That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to J. Wilburn
Major T. E. True. Credit in accounts of.	
J. Wilburn Swink. Payment to.	

Swink four hundred and forty dollars and eighty cents, appropriated in Act of April eighteenth, nineteen hundred, entitled "An Act for the relief of Hiram Johnson and others," instead of to William Swink, as therein provided.

TRANSPORTATION OF DESTITUTE MINERS: To pay the account of the Pacific Steamship Company, of San Francisco, California, certified in House Document Numbered Two hundred and fifty-eight, of this session, for transportation of certain destitute miners from Wrangel, Alaska, to Seattle, Washington, in eighteen hundred and ninety-nine, nine hundred and twenty dollars.

Transporting destitute miners.

CREDIT IN ACCOUNTS OF CERTAIN OFFICERS CORPS OF ENGINEERS: Authority is hereby granted to the accounting officers of the Treasury to allow and credit in the accounts of certain officers of the Corps of Engineers, United States Army, amounts standing against them on the books of the Treasury as follows: Captain W. E. Craighill, twenty-seven dollars and twenty-three cents; Major E. H. Ruffner, eighty-three dollars; Major W. L. Fisk, one hundred and sixteen dollars and fifteen cents; in all, two hundred and twenty-six dollars and thirty-eight cents.

Credit in accounts of certain engineer officers.

PAYMENT TO WILLIAM COLE: To enable the Secretary of the Treasury to pay the claim of William Cole, private, Company K, Fifteenth United States Colored Troops, certified to be due under the appropriation "Bounty to volunteers, their widows, and legal heirs," by settlement numbered forty-six thousand four hundred and ninety-nine of eighteen hundred and eighty-five, but erroneously paid to another person, three hundred dollars.

William Cole.
Payment to.

REIMBURSEMENT OF CUBAN REVENUES: To enable the Secretary of the Treasury to reimburse the revenues of the island of Cuba for the amount expended in said island in furnishing information to the Secretary of War, as directed by him, relating to receipts and expenditures in said island, heretofore paid from said revenues, the sum of fifteen thousand seven hundred and eighty-six dollars and ninety-one cents.

Reimbursement of Cuban revenues.

QUARANTINE SERVICE.

Quarantine service

For the maintenance and ordinary expenses, including pay of officers and employees of quarantine stations at Delaware Breakwater, Reedy Island, Cape Charles and supplemental station, Cape Fear, Savannah, South Atlantic, Brunswick, Gulf, Tortugas, San Diego, San Francisco, Columbia River, Port Townsend, and Porto Rico, eighteen thousand dollars.

Maintenance.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Quarantine Service," for the fiscal year nineteen hundred, two thousand six hundred and sixty-six dollars and eighty cents.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Quarantine Service," for the fiscal year eighteen hundred and ninety-nine, one hundred and fifty-nine dollars and twenty-three cents.

Repairs to vessels in use in the Quarantine Service, twenty-two thousand dollars.

Repairs to vessels.

PUBLIC BUILDINGS.

Public buildings.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Custom-house and post-office, Saint Albans, Vermont," one hundred and ninety-four dollars and ten cents.

St. Albans, Vt.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Post-office and court-house, Philadelphia, Pennsylvania," fifteen dollars and fifty-three cents.

Philadelphia, Pa.

Indianapolis, Ind.

For the rental of additional temporary quarters at Indianapolis, Indiana, for the accommodation of certain Government officials, one thousand dollars.

Repairs.

For repairs and preservation of public buildings: Repairs and preservation of custom-houses, court-houses, and post-offices, and quarantine stations, and other public buildings and the grounds thereof under the control of the Treasury Department, exclusive of marine hospitals, thirty-five thousand dollars.

Heating apparatus.

Heating apparatus for public buildings: For heating, hoisting, and ventilating apparatus, and repairs to the same, for all public buildings, including marine hospitals and quarantine stations, and the marine hospital sanitarium, Fort Stanton, New Mexico, under control of the Treasury Department, exclusive of personal services, except for work done by contract, sixteen thousand five hundred dollars.

Fort Stanton, N. Mex.

Revenue-Cutter Service.

REVENUE-CUTTER SERVICE.

Expenses.

For the following sums required to meet increased expenses on account of Revenue-Cutter Service, as follows: For fuel, thirty-two thousand five hundred dollars; for repairs, five thousand dollars; for pay of crews, two thousand five hundred dollars; in all, forty thousand dollars.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Expenses of Revenue-Cutter Service," for the fiscal year nineteen hundred, three thousand four hundred and fifty-two dollars and fifty-eight cents.

Light-House Establishment.

LIGHT-HOUSE ESTABLISHMENT.

Credit in accounts of Commander Thomas Nelson, U. S. N.

The accounting officers of the Treasury are authorized and directed to allow and credit in the account of Commander Thomas Nelson, United States Navy, late inspector of the Second light-house district, for the quarter ended December thirty-first, eighteen hundred and ninety-eight, the amount of eighteen dollars and thirty cents paid by him from the appropriation "Expenses of light-vessels, eighteen hundred and ninety-nine," for the transportation of a recovered body of a drowned seaman of the Hen and Chickens light-vessel, which payment was specifically authorized by the Light-House Board, the same not to involve the further payment of money from the Treasury.

Expenses, light-vessels.

That the unexpended balance of the appropriation "Expenses of light-vessels" for the fiscal year nineteen hundred, or so much thereof as may be necessary, is hereby reappropriated and made available for the payment for the relief and repairs to Columbia River light-vessel numbered fifty.

Mahon River, Del., station.

For completion of the establishment of the Mahon River, Delaware, light station on a new site, four thousand dollars.

Sturgeon Bay Canal station, Wis.

For balance due the contractors for the construction of a keeper's dwelling at Sturgeon Bay Canal, Wisconsin, light station, six hundred and twenty dollars and seventy-two cents.

Internal revenue.

COLLECTING INTERNAL REVENUE.

Salaries, collectors, deputies, etc.

Vol. 24, pp. 209, 218.

Vol. 29, p. 253.

For salaries and expenses of collectors and deputy collectors and surveyors, and clerks, including transportation of public funds, and also including expenses of enforcing the Act of August second, eighteen hundred and eighty-six, taxing oleomargarine, and the Act of August fourth, eighteen hundred and eighty-six, imposing upon the Government the expense of the inspection of tobacco exported; also the Act of June sixth, eighteen hundred and ninety-six, imposing a tax on filled cheese, fifty thousand dollars.

*For salaries and expenses of agents, fees and expenses of gaugers, salaries and expenses of storekeepers and storekeeper-gaugers, and miscellaneous expenses on account of the fiscal years as follows:

For the fiscal year nineteen hundred and one, fifty thousand dollars.

For the fiscal year nineteen hundred, twenty-five thousand dollars.

Agents, gaugers, etc.

ENGRAVING AND PRINTING.

Bureau of Engraving and Printing.

For labor and expenses of engraving and printing: For salaries of all necessary clerks and employees, other than plate printers and plate printers' assistants, fifty-one thousand five hundred and sixty-five dollars and seventy-four cents, to be expended under the direction of the Secretary of the Treasury: *Provided*, That no portion of this sum shall be expended for printing United States notes or Treasury notes of larger denomination than those that may be canceled or retired, except in so far as such printing may be necessary in executing the requirements of the Act "To define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes," approved March fourteenth, nineteen hundred.

Salaries.

Proviso.
Notes of larger denomination.
Ante, p. 45.

For wages of plate printers, at piece rates to be fixed by the Secretary of the Treasury, not to exceed the rates usually paid for such work, including the wages of printers' assistants, when employed, forty-four thousand nine hundred and fourteen dollars and nine cents, to be expended under the direction of the Secretary of the Treasury: *Provided*, That no portion of this sum shall be expended for printing United States notes or Treasury notes of larger denomination than those that may be canceled or retired, except in so far as such printing may be necessary in executing the requirements of the Act "To define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes," approved March fourteenth, nineteen hundred.

Wages.

Proviso.
Notes of larger denomination.

For engravers' and printers' materials and other materials, except distinctive paper, and for miscellaneous expenses, one hundred and thirty-eight thousand five hundred and sixty-nine dollars and ninety-eight cents.

Materials.

LIFE-SAVING SERVICE.

Life-Saving Service.

Authority is hereby granted the Secretary of the Treasury to pay, from the regular annual appropriation for the Life-Saving Service for the fiscal year nineteen hundred and one, the services of a keeper and surfmen detailed for duty at the Pan-American Exposition at Buffalo, New York, during the months of May and June, nineteen hundred and one, the sum of one thousand five hundred dollars, or so much thereof as may be required.

Keeper, etc., Buffalo Exposition.

MINTS AND ASSAY OFFICES.

Mints and assay office.

For freight on bullion and coin, by registered mail or otherwise, between mints and assay offices, twenty-five thousand dollars.

MINT AT SAN FRANCISCO, CALIFORNIA: For incidental and contingent expenses, including new machinery, melter and refiner's wastage, and loss on sale of sweeps, arising from the manufacture of ingots for coinage, and wastage of, and loss on sale of coiners' sweeps, ten thousand dollars.

San Francisco, Cal.

To procure new boilers and pumps and to make other necessary repairs to the machinery and appliances at the United States mint at San Francisco, California, twelve thousand dollars.

ASSAY OFFICE AT SEATTLE, WASHINGTON: For wages, rent, and contingent expenses, five thousand five hundred dollars.

Seattle, Wash.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Contingent expenses, assay office at Boise," for the fiscal year eighteen hundred and ninety-nine, five dollars and twenty-one cents.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Contingent expenses, assay office at Charlotte," for the fiscal year nineteen hundred, fifty-nine cents.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Contingent expenses, assay office at New York," for the fiscal year nineteen hundred, three hundred and thirty-four dollars and eighty-four cents.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Salaries and expenses, assay office at Seattle," for the fiscal year eighteen hundred and ninety-nine, forty dollars and nine cents.

Coast and Geodetic Survey.

COAST AND GEODETIC SURVEY.

For unusual and unexpected repairs to steamer Gedney, including a new boiler, twenty-five thousand dollars.

Government in Territories.

GOVERNMENT IN THE TERRITORIES.

Hawaii.

For the payment of the salaries of the chief justice and two associate justices of the supreme court of the Territory of Hawaii, from June fifteen to June thirtieth, nineteen hundred, inclusive, six hundred and eighty-one dollars and thirty-two cents.

Alaska.

For the payment of the salaries of the judges and clerks in the district of Alaska, fiscal year nineteen hundred, eight hundred and ninety-eight dollars and thirty-five cents.

For payment of the salary of the Governor of Alaska for the fiscal year nineteen hundred, being the difference in salary under the act of June sixth, nineteen hundred, from date of reappointment, to June thirtieth, nineteen hundred, inclusive, ninety-two dollars and forty-two cents.

Oklahoma.

For legislative expenses, Territory of Oklahoma: To pay the accounts set forth on page four, House Document Numbered Two hundred and fifty-six, of this session, for the service of the fiscal year nineteen hundred, four hundred and thirty dollars and seventy cents.

To pay actual and necessary traveling expenses of C. M. Barnes, governor of Oklahoma Territory, in coming to Washington, District of Columbia, from Guthrie, Oklahoma, and return, in January, nineteen hundred, under telegraphic instructions from the Secretary of the Interior of January fourth, nineteen hundred, one hundred and thirty-seven dollars.

Fish Commission.

FISH COMMISSION.

Neosho station.

Neosho (Missouri) station: For the purchase of additional land and water rights and construction of additional ponds, and for rebuilding of hatchery, and other improvements, seven thousand five hundred dollars.

Woods Hole.

Woods Hole (Massachusetts) station: For the completion of improvements, two thousand dollars.

Smithsonian Institution.

UNDER SMITHSONIAN INSTITUTION.

North American Ethnology.

For payment of outstanding accounts for transportation incurred during the fiscal year eighteen hundred and ninety-seven under the appropriation "North American Ethnology, Smithsonian Institution," forty-seven dollars and sixty-one cents.

DISTRICT OF COLUMBIA.

District of Columbia.

CORONER'S OFFICE: To pay the deputy coroner for services during the absence of the coroner, on account of the fiscal years as follows:

Coroner's office.

For the fiscal year nineteen hundred and one, two hundred and fifteen dollars.

For the fiscal year nineteen hundred, twenty dollars.

BOARD OF CHARITIES: For salaries, two hundred and forty dollars.

Board of charities.

FOR SURVEYOR'S OFFICE: For such employees as may be required in accordance with the provisions of the Act of Congress making the surveyor of the District of Columbia a salaried officer, three thousand dollars.

Surveyor's office.

For amount required to reimburse the surveyor, District of Columbia, for damages incurred by incorrect survey made in fiscal year nineteen hundred, based on defective record, two hundred and five dollars.

CONTINGENT AND MISCELLANEOUS EXPENSES: For general advertising, authorized and required by law, and for tax and school notices and notices of changes in regulations, on account of fiscal years as follows:

Contingent expenses.

For the fiscal year nineteen hundred, one thousand three hundred and sixty-six dollars and seventeen cents.

For the fiscal year eighteen hundred and ninety-nine, four dollars and eighty-three cents.

For the fiscal year eighteen hundred and ninety-eight, five dollars and twenty-five cents.

For the fiscal year eighteen hundred and ninety-seven, four dollars and seventy-three cents.

To enable the Commissioners of the District of Columbia to purchase the entire collection of maps, field notes, records, and other surveying data, of the late H. W. Brewer, formerly surveyor of Georgetown, fifteen thousand dollars.

That the sum of one hundred and fifty-four dollars, paid Kennedy and Shaefer for plumbing, from the appropriation "Special repairs to market houses," fiscal year nineteen hundred and one, is hereby allowed, and the accounting officers of the United States Treasury are authorized and directed to credit the same in the settlement of the accounts of C. C. Rogers, disbursing officer, District of Columbia.

For amount required to pay in full the claim for damages of Edward Lander, four hundred and sixty-seven dollars.

STREETS: For amount required for disposal of city refuse, nine thousand dollars.

Streets.

For sprinkling, sweeping, and cleaning the streets, avenues, and alleys, and suburban streets, six thousand two hundred and forty dollars.

SEWERS: For amount required to pay in full the award of damages for right of way for Rock Creek and B street intercepting sewer for fiscal year eighteen hundred and ninety-six, three hundred and forty-five dollars.

Sewers.

PUBLIC SCHOOLS: For fuel, seven thousand dollars.

Public schools.

For repairing, renewing, and replacing the heating apparatus in school buildings, thirty thousand dollars, to continue available during the fiscal year nineteen hundred and two.

For contingent expenses, including furniture, books, books of reference, and periodicals, stationery, printing, insurance, and other necessary items not otherwise provided for, including maintenance of horse and carriage for the superintendent, one thousand eight hundred dollars.

Authority is granted to pay T. J. Outen ninety-nine dollars and seventy cents for material furnished for rebinding schoolbooks, fiscal year nineteen hundred and one.

The accounting officers of the Treasury are authorized and directed to allow one hundred and ninety-six dollars and sixty-one cents in the accounts of the disbursing officers, District of Columbia, for the purchase of bayonets, swords, and other military equipments from the appropriation, "Contingent expenses, public schools," fiscal year nineteen hundred and one.

Police

METROPOLITAN POLICE: For miscellaneous and contingent expenses, including modern revolvers, and installation of card system in the police department, stationery, books of reference, and periodicals, telegraphing, photographs, printing, binding, gas, ice, washing, meals for prisoners, furniture and repairs thereto, beds and bed clothing, insignia of office, purchase and care of horses, police equipments and repairs of same, harness, forage, repairs to vehicles, van, ambulance, and patrol wagons, and expenses incurred in the prevention and detection of crime, and other necessary items, on account of the fiscal years as follows:

For the fiscal year nineteen hundred and one, two thousand five hundred dollars.

For the fiscal year nineteen hundred, one thousand six hundred and fifty-five dollars and twenty-eight cents.

For the fiscal year eighteen hundred and ninety-nine, twenty dollars and seventy-six cents.

For fuel, five hundred dollars.

Fire department.

FIRE DEPARTMENT: For contingent expenses, horseshoeing, furniture, fixtures, washing, oil, medical and stable supplies, harness, blacksmithing, labor, gas, and other necessary items, on account of the fiscal years as follows:

For the fiscal year nineteen hundred and one, two thousand dollars.

For the fiscal year nineteen hundred, eight hundred and sixty-four dollars and twelve cents.

For forage, two thousand five hundred dollars.

The provisions contained in the Act of Congress approved June eleventh, eighteen hundred and ninety-six, relating to the firemen's relief fund, may, within the discretion of the Commissioners of the District of Columbia, be extended to and used for the relief of any fireman, or his family, although he may not heretofore, or hereafter, have served twelve months.

That the amounts paid by the disbursing officers of the District of Columbia for bicycles, from the appropriations for "Repairs to apparatus and new appliances, fire department," are hereby allowed, and the accounting officers of the United States Treasury are authorized and directed to credit the same in the settlement of their accounts, as follows: H. H. Darneille, late disbursing officer, one hundred and seventy dollars, fiscal year nineteen hundred; C. C. Rogers, disbursing officer, thirty-five dollars and twenty-five cents, fiscal year nineteen hundred and one.

Telegraph, etc., service.

TELEGRAPH AND TELEPHONE SERVICE: For general supplies, repairs, new batteries, and battery supplies, telephone rental and purchase, wire for extension of the telegraph and telephone service, repairs of lines and instruments, purchase of poles, tools, insulators, brackets, pins, hardware, cross arms, ice, record books, stationery, printing, purchase of horse and harness, washing, blacksmithing, forage, extra labor, new boxes, rent of stable and storeroom, and other necessary items, one thousand four hundred and seventy-eight dollars and thirteen cents.

Health department.

HEALTH DEPARTMENT: For maintaining the disinfecting service, one thousand dollars.

For amount required for preventing the spread of contagious diseases, to be available until expended, fifteen thousand dollars.

SUPPORT OF PRISONERS: For expenses for maintenance of the jail of the District of Columbia, and for support of prisoners therein, to be expended under the direction of the Attorney-General, two thousand dollars.

Support of prisoners

COURTS: For witness fees, fiscal year eighteen hundred and ninety-eight, three dollars and seventy-five cents.

Courts.

JUDGMENTS: For payment of the judgments, including costs, against the District of Columbia, set forth in House Documents Numbered Three hundred and fifty-two, Four hundred and twenty, and Four hundred and thirty-five, of this session, twenty-one thousand five hundred and three dollars and eighty cents, together with a further sum to pay the interest on said judgments, as provided by law, from the date the same became due until the date of payment.

Judgments

DEFENDING SUITS IN CLAIMS: For defending suits in the United States Court of Claims, one thousand dollars.

Defending suits in claims.

WRITS OF LUNACY: For amount required to pay the clerk of the supreme court of the District of Columbia fees in lunacy cases, one thousand five hundred dollars.

Lunacy writs.

For witness fees for the fiscal years as follows:

For fiscal year nineteen hundred and one, five thousand dollars.

For fiscal year nineteen hundred, one thousand three hundred and sixty dollars.

For fiscal year eighteen hundred and ninety-nine, one hundred and forty dollars.

WASHINGTON ASYLUM: For contingent expenses for fiscal year nineteen hundred, forty-one dollars and eighty-six cents.

Washington Asylum.

FREEDMEN'S HOSPITAL AND ASYLUM: For contingent expenses for fiscal year nineteen hundred, seven hundred and fifty-four dollars and five cents.

Freedmen's Hospital, etc.

GARFIELD MEMORIAL HOSPITAL: For isolating wards for minor contagious diseases, maintenance, two thousand dollars.

Garfield Hospital.

RELIEF OF THE POOR: For municipal lodging house, fiscal year nineteen hundred, forty dollars and seventy-six cents.

Relief of poor.

BOARD OF CHILDREN'S GUARDIANS: For Board of Children's Guardians for the fiscal year nineteen hundred and one, and authority to pay from this amount one thousand dollars, or so much as may be necessary, to the House of the Good Shepherd for Colored Girls, at Baltimore, and one hundred and fifty dollars, or so much thereof as may be necessary, to the Saint Rose Industrial School, District of Columbia, for the maintenance of wards of the board, is hereby granted four thousand nine hundred and fifty dollars;

Board of Children's Guardians.

For amount required for the fiscal year nineteen hundred, thirty-five dollars and seventy-six cents.

EXTENSION OF STREETS AND AVENUES: For amount required to pay the jury, in condemnation proceedings, for the widening of Columbia road and Sixteenth street, to be paid wholly out of the revenues of the District of Columbia, seven hundred and twenty-five dollars.

Highway extension

MILITIA, DISTRICT OF COLUMBIA: For printing and stationery, one hundred and fifty dollars; for expenses of drills and parades, two hundred and fifty dollars; in all, four hundred dollars.

Militia.

Except as otherwise provided, one-half of the foregoing amounts to meet deficiencies in the appropriations on account of the District of Columbia shall be paid from the revenues of the District of Columbia and one-half from any money in the Treasury not otherwise appropriated.

That of the unexpended balance of the appropriation for repairs to the Aqueduct Bridge, District of Columbia, the sum of one thousand four hundred and sixty-five dollars may be used under the direction of the Secretary of War for the temporary protection of said bridge.

Aqueduct Bridge. Temporary protection authorized.

War Department.

WAR DEPARTMENT.

Secretary's Office.

OFFICE OF THE SECRETARY.

To pay accounts set forth on page two of House Document Numbered One hundred and eighty-eight of this session for contingent expenses of the War Department, being for the service of the fiscal year nineteen hundred, three hundred and forty dollars and seventy-three cents.

Military establishment.

MILITARY ESTABLISHMENT.

MISCELLANEOUS.

For subsistence of two prisoners on United States transport George W. Elder from Nagasaki, Japan, to San Francisco, California, sixty-six dollars.

For payment of the account of the Chicago, Rock Island and Pacific Railway Company, for transportation from Chicago, Illinois, to Rush Springs, Indian Territory, of one Deering corn binder for use of the Apache prisoners of war at Fort Sill, Indian Territory, sixteen dollars and sixty-three cents.

Adjutant-General's Department.

ADJUTANT-GENERAL'S DEPARTMENT.

Reimbursements.

To reimburse amount due Major George P. Scriven, Signal Corps, for expenses incurred by him while serving as military attaché at Rome, Italy, fiscal year eighteen hundred and ninety-eight, fifty dollars and one cent.

To reimburse amount due Captain Henry T. Allen, Sixth Cavalry, for expenses incurred by him while serving as military attaché at Berlin, Germany, fiscal year eighteen hundred and ninety-eight, one hundred and thirty-six dollars and sixty-three cents.

To reimburse amount due First Lieutenant Charles G. Dwyer, Third Infantry, for expenses incurred by him while serving as military attaché at Mexico, fiscal year eighteen hundred and ninety-eight, fifty-two dollars and eighty-six cents.

Signal Service.

UNDER THE CHIEF SIGNAL OFFICER.

Expenses.

For expenses of the Signal Service of the Army, as follows: Purchase, equipment, and repair of field electric telegraphs, signal equipments and stores, binocular glasses, telescopes, heliostats, and other necessary instruments, including necessary meteorological instruments for use on target ranges; war balloons; telephone apparatus (exclusive of exchange service) and maintenance of the same; electrical installations and maintenance at military posts; maintenance and repair of military telegraph lines and cables, including salaries of civilian employees, supplies, and general repairs, and other expenses connected with the duty of collecting and transmitting information for the Army by telegraph or otherwise, four hundred and twenty-five thousand dollars.

Military posts.

MILITARY POSTS.

Des Moines, Iowa.

For the construction of buildings at the military post at Des Moines, Iowa, and for grading, for water system, roads, walks, gutters, and reservation fence, two hundred thousand dollars, to be available until expended.

Out of the aggregate balances remaining unexpended July first,

nineteen hundred, of the appropriations made by the deficiency appropriation Acts approved May fourth and June eighth, eighteen hundred and ninety-eight, respectively, and by section two of the deficiency appropriation Act approved July seventh, eighteen hundred and ninety-eight, for the six months beginning July first, eighteen hundred and ninety-eight, on account of war expenses under the titles "War Department" and "Military establishment," reappropriated by the Acts approved January fifth, eighteen hundred and ninety-nine, for the last six months of the fiscal year eighteen hundred and ninety-nine, and February ninth, nineteen hundred, for the fiscal year nineteen hundred, there is hereby reappropriated and made available for expenditure during the fiscal year nineteen hundred and one, for objects hereinafter specified under the title "Military establishment," the following sums, namely:

PAY DEPARTMENT.

Pay Department.

For pay of officers and enlisted men, three million dollars.

Pay of officers.

For mileage to officers and to contract surgeons, when authorized by law, two hundred thousand dollars.

Mileage.

For the reimbursement of traveling expenses on account of travel from their homes or the places of original acceptance of offer of employment, and for salary, when on leaves of absence, of contract or acting assistant surgeons employed by the Medical Department of the Army since April twenty-first, eighteen hundred and ninety-eight, where such traveling expenses or salary may have heretofore been disallowed or deducted on the ground that the terms of the written contracts made with the contract surgeons did not entitle them to the allowances in question, ten thousand dollars, or so much thereof as may be necessary therefor: *Provided*, That all such claims now pending or that may hereafter be presented for payment shall be settled and allowed, where such claims relate to salary, in accordance with the leave privileges governing in the case of commissioned officers of the Army, and where such claims relate to traveling allowances, as in the case of assistant surgeons of the Army on their first appointment, but the amounts so allowed shall in no case exceed the amounts authorized by the War Department in regulations governing the matter: *And provided further*, That disbursing officers of the Paymaster's Department of the Army who have already paid or shall hereafter pay accounts for such traveling expenses or for salary during leaves of absence, as above provided, shall be given credit in the settlement of their accounts at the Treasury for all such payments upon the presentation of proper vouchers: *And provided further*, That the Secretary of the Treasury is hereby authorized and directed to make settlement of the claims growing out of Government transportation over non-bond-aided lines of the Southern Pacific Company and Central Pacific Railroad Company by crediting against the notes of the Central Pacific Railroad Company held in the Treasury of the United States interest on all of said judgment and allowed claims at four per centum per annum, as set forth in his letter to the chairman of the Committee on Appropriations of the Senate, dated May twelfth, nineteen hundred.

Reimbursement for travel expenses disallowed contract surgeons, etc.

Proviso.
—pending claims, basis of settlement.

—credit to disbursing officers who have paid above accounts.

Southern Pacific Company and Central Pacific Railroad Company.
Basis of settlement with, authorized for Government transportation.

SUBSISTENCE DEPARTMENT.

Subsistence Department.

PURCHASE OF SUBSISTENCE SUPPLIES: For issue as rations to troops, civil employees when entitled thereto, hospital matrons and nurses, general prisoners of war (including Indians held by the Army as prisoners, but for whose subsistence appropriation is not otherwise made); for sales to officers and enlisted men of the Army; for authorized issues of candles; of toilet articles, barbers', laundry, and tailors' materials for use of general prisoners confined at military posts with-

Supplies.

out pay or allowances and recruits at recruiting stations; for matches for lighting public fires and lights at posts and stations and in the field; of flour used for paste in target practice; of salt and vinegar for public animals, of issues to Indians employed with the Army, without pay, as guides and scouts; for payments for meals for recruiting parties and recruits; for hot coffee, canned meats, and baked beans for troops traveling, when it is impracticable to cook their rations; for scales, weights, measures, utensils, tools, stationery, blank books and forms, printing, advertising, commercial newspapers, use of telephones, office furniture; for temporary buildings, cellars, and other means of protecting subsistence supplies (when not provided by the Quartermaster's Department); for commissary chests complete, and for the renewal of their outfits; for field desks of commissaries; for extra pay to enlisted men employed on extra duty in the Subsistence Department for periods of not less than ten days, at rates fixed by law; for compensation of civilians employed in the Subsistence Department, and for other necessary expenses incident to the purchase, care, preservation, issue, sale, and accounting for subsistence supplies for the Army; for the payment of the regulation allowances of commutation in lieu of rations to enlisted men on furlough, to ordnance sergeants on duty at ungarrisoned posts, to enlisted men stationed at places where rations in kind can not be economically issued, to enlisted men traveling on detached duty when it is impracticable to carry rations of any kind, to enlisted men selected to contest for places or prizes in department and army rifle competitions while traveling to and from places of contest; to be expended under the direction of the Secretary of War; subsistence of the masters, officers, crews, and employees of the vessels of the army transport service; difference between the cost of the ration at twenty-five cents per day and the amount of forty cents per day, to be expended by commissaries on request of medical officers for special diet to enlisted patients in hospital who are too sick to be subsisted on the army ration; difference between the cost of the ration at twenty-five cents and the cost of rations differing in whole or in part from the ordinary ration to be issued to enlisted men in camp during periods of recovery from low conditions of health consequent upon service in unhealthy regions or in debilitating climates, to be expended only under special authority of the Secretary of War; five million three hundred thousand dollars.

Quartermaster's Department.

QUARTERMASTER'S DEPARTMENT.

Regular supplies.

REGULAR SUPPLIES: For regular supplies of the Quartermaster's Department, including their care and protection, consisting of stoves and heating apparatus required for heating offices, hospitals, barracks and quarters, and recruiting stations; also ranges and stoves, and appliances for cooking and serving food, and repair and maintenance of such heating and cooking appliances; of fuel and lights for enlisted men, including recruits, guards, hospitals, storehouses, and offices, and for sale to officers; and including also fuel and engine supplies required in the operation of modern batteries at established posts; for post bakeries; for the necessary furniture, text-books, paper, and equipment for the post schools and libraries; for the tableware and mess furniture for kitchens and mess halls, each and all for the enlisted men, including recruits; of forage in kind for the horses, mules, and oxen of the Quartermaster's Department at the several posts and stations and with the armies in the field, and for the horses of the several regiments of cavalry, the batteries of artillery, and such companies of infantry and scouts as may be mounted, and for the authorized number of officers' horses, including bedding for the animals; of straw for soldiers' bedding, and of stationery, including blank books for the Quartermaster's Department, certificates for discharged soldiers, blank

forms for the Pay and Quartermaster's Departments, and for printing Department orders and reports, one million five hundred thousand dollars.

INCIDENTAL EXPENSES: For postage; cost of telegrams on official business received and sent by officers of the Army; extra pay to soldiers employed on extra-duty, under the direction of the Quartermaster's Department, in the erection of barracks, quarters, and storehouses, in the construction of roads, and other constant labor for periods of not less than ten days, and as clerks for post quartermasters at military posts, and for prison overseers at posts designated by the War Department for the confinement of general prisoners; for expenses of expresses to and from frontier posts and armies in the field, of escorts to paymasters and other disbursing officers, and to trains where military escorts can not be furnished; expenses of the interment of officers killed in action or who die when on duty in the field, or at military posts, or on the frontiers, or when traveling under orders, and of noncommissioned officers and soldiers; and that in all cases where they would have been lawful claims against the Government, reimbursement may be made of expenses heretofore or hereafter incurred by individuals of burial and transportation of remains of officers, including acting assistant surgeons, not to exceed what is now allowed in the cases of officers, and for the reimbursement in the cases of enlisted men of what is now allowed in their cases, may be paid out of the proper funds appropriated by this Act, and that the disbursing officers shall be credited with such reimbursements heretofore made; authorized office furniture; hire of laborers in the Quartermaster's Department, including the hire of interpreters, spies, or guides for the Army; compensation of clerks and other employees to the officers of the Quartermaster's Department, and incidental expenses of recruiting; for the apprehension, securing, and delivering of deserters, and the expenses incident to their pursuit, and no greater sum than fifty dollars for each deserter shall, in the discretion of the Secretary of War, be paid to any civil officer or citizen for such services and expenses; for a donation of five dollars to each dishonorably discharged prisoner upon his release from confinement, under court-martial sentence, involving dishonorable discharge; for the following expenditures required for the several regiments of cavalry, the batteries of light artillery, and such companies of infantry and scouts as may be mounted, the authorized number of officers' horses, and for the trains, to wit: Hire of veterinary surgeons, purchase of medicines for horses and mules, picket ropes, blacksmiths' tools and materials, horseshoes and blacksmiths' tools for the cavalry service, and for the shoeing of horses and mules, and such additional expenditures as are necessary and authorized by law in the movements and operation of the Army and at military posts, and not expressly assigned to any other department, seven hundred and fifty thousand dollars.

To enable the Secretary of War, in his discretion, to cause to be transported to their homes the remains of officers and soldiers who die at military camps or who are killed in action or who die in the field or hospital in Alaska and at places outside of the limits of the United States, or who die while on voyage at sea, one hundred thousand dollars.

TRANSPORTATION OF THE ARMY AND ITS SUPPLIES: For transportation of the Army, including baggage of the troops when moving either by land or water, and including, also, the transportation of recruits and recruiting parties heretofore paid from the appropriation for "Expenses for recruiting;" of supplies to the militia furnished by the War Department; of the necessary agents and employees; of clothing, camp and garrison equipage, and other quartermaster stores, from army depots or places of purchase or delivery to the several posts and

Incidental expenses

Transporting soldiers' remains, foreign service.

Transportation.

	<p>army depots, and from those depots to the troops in the field; of horse equipments and subsistence stores from the places of purchase, and from the places of delivery under contract to such places as the circumstances of the service may require them to be sent; of ordnance, ordnance stores, and small arms from the foundries and armories to the arsenals, fortifications, frontier posts, and army depots; freights, wharfage, tolls, and ferriages; the purchase and hire of draft and pack animals and harness, and the purchase and repair of wagons, carts, and drays, and of ships and other vessels and boats required for the transportation of troops and supplies and for garrison purposes; for drayage and cartage at the several posts; hire of teamsters and other employees; extra-duty pay of enlisted men driving teams, repairing means of transportation, and employed as trainmasters, and in opening roads and building wharves; transportation of funds of the Army; the expenses of sailing public transports on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific oceans; for procuring water, and introducing the same to buildings, at such posts as from their situation require it to be brought from a distance, and for the disposal of sewage and drainage, and for constructing roads and wharves; for the payment of army transportations lawfully due such land-grant railroads as have not received aid in Government bonds (to be adjusted in accordance with the decisions of the Supreme Court in cases decided under such land-grant Acts), but in no case shall more than fifty per centum of full amount of service be paid: <i>Provided</i>, That such compensation shall be computed upon the basis of the tariff or lower special rates for like transportation performed for the public at large, and shall be accepted as in full for all demands for such service: <i>Provided further</i>, That in expending the money appropriated by this Act, a railroad company which has not received aid in bonds of the United States, and which obtained a grant of public land to aid in the construction of its railroad on condition that such railroad should be a post route and military road, subject to the use of the United States for postal, military, naval, and other Government services, and also subject to such regulations as Congress may impose restricting the charge for such Government transportation, having claims against the United States for transportation of troops and munitions of war and military supplies and property over such aided railroads, shall be paid out of the moneys appropriated by the foregoing provision only on the basis of such rate for the transportation of such troops and munitions of war and military supplies and property as the Secretary of War shall deem just and reasonable under the foregoing provision, such rate not to exceed fifty per centum of the compensation for such Government transportation as shall at the time be charged to and paid by private parties to any such company for like and similar transportation; and the amount so fixed to be paid shall be accepted as in full for all demands for such service, eight million three hundred and fifty thousand dollars.</p>
Payment to land-grant railroads.	
<i>Proviso.</i> —compensation; how computed.	
Fifty percent to railroads not bond aided.	
Amount.	
Horses.	<p>HORSES FOR CAVALRY AND ARTILLERY: For the purchases of horses for the cavalry and artillery, and for the Indian scouts, and for such infantry and members of the Hospital Corps and Signal Corps in field campaigns as may be required to be mounted, and the expenses incident thereto, five hundred thousand dollars.</p>
Clothing, camp and garrison equipage.	<p>CLOTHING, AND CAMP AND GARRISON EQUIPAGE, NAMELY: For cloth, woolens, materials, and for the manufacture of clothing for the Army, for issue and for sale at cost price according to the Army Regulations; for altering and fitting clothing and washing and cleaning, when necessary; for equipage, and for expenses of packing and handling, and similar necessities; for a suit of citizen's outer clothing to cost not exceeding ten dollars, to be issued upon release from confinement to each prisoner who has been confined under a court-martial sentence</p>

involving dishonorable discharge; for indemnity to officers and men of the Army for clothing and bedding, and so forth, destroyed by order of medical officers of the Army for sanitary reasons, one million five hundred thousand dollars.

Amount.

MEDICAL DEPARTMENT.

Medical Department.

For the purchase of medical and hospital supplies, and all other necessary miscellaneous expenses of the Medical Department of the Army, one hundred and fifty thousand dollars.

Supplies, etc.

MILITARY ACADEMY.

Military Academy.

For pay of cadets at the rate of five hundred and forty dollars per annum each, twenty thousand four hundred and forty-one dollars and twenty-six cents.

Pay.

For pay of one instructor of practical military engineering in addition to pay of first lieutenant, four hundred dollars.

Current expenses.

CURRENT AND ORDINARY EXPENSES: For repairs and improvements, namely: Timber, plank, boards, joists, wall strips, lath, shingles, slate, tin, sheet lead, zinc, nails, screws, locks, hinges, glass, paints, turpentine, oils, varnish, brushes, stone, brick, flag, lime, cement, plaster, hair, sewer and drain pipe, blasting powder, fuse, iron, steel, tools, machinery, mantels, and other similar materials, renewing roofs, and for pay of overseer and master builder and citizen mechanics, and labor employed upon repairs and improvements that can not be done by enlisted men, ten thousand dollars.

For fuel and apparatus, namely: Coal, wood, charcoal, stoves, grates, heaters, furnaces, ranges and fixtures, fire bricks, clay, sand, and for repairs of steam-heating apparatus, grates, stoves, heaters, ranges, and furnaces, mica, five thousand dollars.

Fuel.

For gas pipes, gas and electric fixtures, electric lamps and lighting supplies, lamp-posts, gasometers and retorts, and annual repairs of the same, eight hundred dollars.

Lights, etc.

For department of cavalry, artillery, and infantry tactics: For repairs and changes in cadet barracks and to supply extra clothes-presses, tables, and so forth, for cadet rooms, five thousand dollars.

Miscellaneous items and incidental expenses: For water pipe, plumbing, and repairs, two thousand dollars.

Buildings and grounds: For repairing, rearranging, and slightly enlarging the cadet administration building, three thousand five hundred dollars.

For doors, floors, and interior wood finish of library building, five thousand dollars.

For metallic book stacks, chairs, tables, and other necessary library furniture, ten thousand dollars.

For stables for the artillery detachment, five thousand dollars.

For repairing and relaying the line of sewer from the engineer barracks, artillery, and band barracks, two thousand five hundred dollars.

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

Volunteer Soldiers' Home.

At the Central Branch, at Dayton, Ohio: For hospital expenses, namely: For blankets, forty dollars and sixty-three cents.

At the Northwestern Branch, at Milwaukee, Wisconsin: For household expenses, namely: For coal, four hundred and forty-one dollars and sixty-six cents.

For hospital expenses, namely: For blankets, twenty-seven dollars and eighty-three cents.

At the Eastern Branch, at Togus, Maine: For hospital expenses, namely: For blankets, sixteen dollars and ninety cents.

At the Southern Branch at Hampton, Virginia: For current expenses, namely: For services, two hundred and fifty-seven dollars and fifty-two cents.

For hospital expenses, namely: For blankets and supplies, six hundred and eight dollars and forty-seven cents.

For transportation, namely: For services, five hundred and sixty-four dollars and five cents.

For Western Branch at Leavenworth, Kansas: For household expenses, namely: For coal, three thousand five hundred and ten dollars.

All of the foregoing items under National Home for Disabled Volunteer Soldiers being for the service of the fiscal year nineteen hundred.

At the Danville Branch, at Danville, Illinois: For household expenses for the service of the fiscal year nineteen hundred and one, seven thousand three hundred dollars.

For repairs, for the service of the fiscal year nineteen hundred and one, two thousand five hundred dollars.

At the Marion Branch, at Marion, Indiana: For current expenses for the service of the fiscal year nineteen hundred and one, three hundred dollars.

State or Territorial
Homes.

Vol. 25, p. 450.

Proviso.

Deductions.

STATE OR TERRITORIAL HOMES: For continuing aid to State or Territorial Homes for the support of disabled volunteer soldiers, in conformity with the Act approved August twenty-seventh, eighteen hundred and eighty-eight, for the service of the fiscal year nineteen hundred, thirty-three thousand three hundred and eighty dollars and fifty-nine cents: *Provided*, That one-half of any sum or sums retained by State Homes on account of pensions received from inmates shall be deducted from the aid herein provided for.

Navy.

NAVAL ESTABLISHMENT.

GENERAL ACCOUNT OF ADVANCES.

General account of
advances.

To reimburse "General account of advances," created by the Act of June nineteenth, eighteen hundred and seventy-eight, for amounts advanced therefrom and expended on account of the several appropriations named in excess of the sums appropriated therefor, for the fiscal year given, found to be due the "general account" on adjustment by the accounting officers, there is appropriated as follows:

Pay.

For pay, miscellaneous, nineteen hundred, ninety-two thousand eight hundred and forty-three dollars and fifty-three cents;

For pay, Marine Corps, eighteen hundred and ninety-eight and eighteen hundred and ninety-nine, forty-five thousand nine hundred and three dollars and forty cents;

Marine Corps.

For pay, Marine Corps, eighteen hundred and ninety-eight, fifty-six dollars and sixty-one cents;

For pay, Marine Corps, eighteen hundred and ninety-eight and eighteen hundred and ninety-nine, six thousand five hundred and sixty-one dollars and fifty-seven cents;

For transportation and recruiting, Marine Corps, nineteen hundred, four hundred and fifty-four dollars and forty-nine cents;

Bureau of Navigation.

For transportation, recruiting, and contingent, Bureau of Navigation, nineteen hundred, two thousand one hundred and forty-two dollars and eighty cents;

Bureau of Equipment.

For equipment of vessels, Bureau of Equipment, nineteen hundred, sixty-one thousand one hundred and three dollars and eighty-nine cents;

Bureau of Medicine and Surgery.

For Medical Department, Bureau of Medicine and Surgery, nineteen hundred, three thousand nine hundred and forty-five dollars and forty-two cents;

For contingent, Bureau of Medicine and Surgery, one hundred and thirty-three dollars and seventy cents;

For contingent, Bureau of Medicine and Surgery, nineteen hundred, five hundred and fifty-five dollars and seventy-two cents;

For contingent, Bureau of Medicine and Surgery, eighteen hundred and ninety-eight and eighteen hundred and ninety-nine, sixty-one dollars and ninety-two cents;

For provisions, Navy, Bureau of Supplies and Accounts, eighteen hundred and ninety-eight, twenty dollars and seventy-five cents; Bureau of Supplies and Accounts.

For contingent, Bureau of Supplies and Accounts, eighteen hundred and ninety-eight and eighteen hundred and ninety-nine, eight dollars and seventy cents;

For steam machinery, Bureau of Steam Engineering, eighteen hundred and ninety-eight and prior years, ten dollars and thirteen cents; in all, two hundred and thirteen thousand eight hundred and two dollars and sixty-three cents. Bureau of Steam Engineering.

EMERGENCY FUND, NAVY DEPARTMENT.

Emergency fund,
Navy Department.

To meet unforeseen contingencies for the maintenance of the Navy constantly arising, to be expended at the discretion of the President, one hundred and forty-four thousand three hundred and fifty-six dollars.

PAY, MISCELLANEOUS.

Pay.

For commissions and interest; transportation of funds; exchange; mileage to officers while traveling under orders in the United States, and transportation of baggage allowed by regulations, and for actual personal expenses of officers while traveling abroad under orders, and for traveling expenses of civilian employees, and for actual and necessary traveling expenses of naval cadets while proceeding from their homes to the Naval Academy for examination and appointment as cadets; for rent and furniture of buildings and offices not in navy-yards; expenses of courts-martial, prisoners and prisons, and courts of inquiry, boards of inspection, examining boards, with clerks' and witnesses' fees and traveling expenses and costs; stationery and recording expenses of purchasing-paymasters' offices of the various cities, including clerks, furniture, fuel, stationery, and incidental expenses; newspapers and advertising; foreign postage; telegraphing, foreign and domestic; telephones; copying; care of library, including the purchase of books, photographs, prints, manuscripts, and periodicals; ferriage, tolls, and express fees; costs of suits; commissions, warrants, diplomas, and discharges; relief of vessels in distress; canal tolls and pilotage; recovery of valuables from shipwrecks; quarantine expenses; reports; professional investigation; cost of special instruction, at home or abroad, in maintenance of students and attachés, and information from abroad, and the collection and classification thereof, and other necessary and incidental expenses: *Provided*, That in lieu of traveling expenses and all allowances whatsoever connected therewith, including transportation of baggage, officers of the Navy traveling from point to point within the United States under orders shall hereafter receive mileage at the rate of eight cents per mile, distance to be computed by the shortest usually traveled route; but in cases where orders are given for travel to be performed repeatedly between two or more places in the same vicinity the Secretary of the Navy may, in his discretion, direct that actual and necessary expenses only be allowed. Actual expenses only shall be paid for travel under orders outside the limits of the United States in North America, one hundred and twenty-five thousand dollars.

Proviso.
Mileage in lieu of
travel expenses, etc.

—when actual ex-
penses to be paid.

NAVAL ACADEMY.

Naval Academy.

To reimburse the appropriation "Repairs, Naval Academy," fiscal year nineteen hundred and one, for expenses incurred in fitting up and furnishing two buildings as additional quarters for cadets, five thousand dollars.

Bureau of Navigation.

BUREAU OF NAVIGATION.

Naval station, Cal.

NAVAL TRAINING STATION, CALIFORNIA: For cost of fresh water during the remainder of the present fiscal year, one thousand and thirty-five dollars.

To pay accounts set forth in House Documents Numbered One hundred and eighty-five and Three hundred and fifty-two of this session, on account of naval training station, California, on file in the Bureau of Supplies and Accounts, being for the service of the fiscal year nineteen hundred, four hundred and twelve dollars and thirty-two cents.

Transportation, recruiting, and contingent.

TRANSPORTATION, RECRUITING, AND CONTINGENT: To provide for the transportation of so many of the five thousand additional enlisted men as may enlist prior to June thirtieth, nineteen hundred and one; for the transportation to their homes, if residents of the United States, of enlisted men and apprentices discharged on medical survey; for transportation to the place of enlistment, if residents of the United States, of enlisted men and apprentices discharged on account of expiration of enlistment, sixty thousand dollars.

To pay bill of Pennsylvania Railroad Company for transportation of enlisted men of the Navy, dated August first, nineteen hundred, for the service of the fiscal year nineteen hundred, one thousand four hundred and five dollars and eighteen cents.

To pay bill of Wabash Railroad Company for transportation of fifty recruits from Saint Louis, Missouri, to San Francisco and Mare Island, California, in March, nineteen hundred, the transportation request having been lost by that company, one thousand two hundred and twenty-two dollars.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Transportation, recruiting, and contingent, Bureau of Navigation," for the fiscal year nineteen hundred, nine hundred and thirty-nine dollars and sixty-six cents: *Provided*, That the transportation to their homes, if residents of the United States, of enlisted men and apprentices discharged on medical survey; and the transportation to the place of enlistment, if residents of the United States, of enlisted men and apprentices discharged on account of expiration of enlistment, shall hereafter be chargeable to the appropriation "Transportation, recruiting, and contingent."

Proviso.
—certain transportations charged to appropriation for.

BUREAU OF ORDNANCE.

Bureau of Ordnance.

For miscellaneous items, namely: Freight to foreign and home stations, advertising, cartage and express charges, repairs to fire engines, gas and water pipes, gas and water tax at magazines, tolls, ferriage, foreign postage, and telegrams to and from the Bureau, technical books, and incidental expenses attending inspection of ordnance material, forty thousand dollars.

BUREAU OF EQUIPMENT.

Bureau of Equipment.

For purchase of coal for steamers' and ships' use, including expenses of transportation, storage, and handling the same; hemp, wire, iron, and other materials for the manufacture of cordage, anchors, cables, galleys, and chains; canvas for the manufacture of sails, awnings, ham-

mocks, and other work; water for all purposes on board naval vessels, including the expenses of transportation and storage of the same; stationery for commanding and navigating officers of ships, equipment officers on shore and afloat, and for the use of courts-martial on board ship; the removal and transportation of ashes from ships of war; interior appliances and tools for equipment buildings in navy-yards and naval stations, and for the purchase of all other articles of equipment at home and abroad, and for the payment of labor in equipping vessels and manufacture of equipment articles in the several navy-yards; foreign and local pilotage and towage of ships of war; services and materials in repairing, correcting, adjusting, and testing compasses on shore and on board ship; nautical and astronomical instruments, and repairs to same; libraries for ships of war; professional books and papers and drawings and engravings for signal books; naval signals and apparatus, namely, signals, lights, lanterns, rockets, running lights, compass fittings, including binnacles, tripods, and other appendages of ships' compasses; logs and other appliances for measuring the ship's way, and leads and other appliances for sounding; lanterns and lamps, and their appendages for general use on board ship for illuminating purposes, and oil and candles used in connection therewith; bunting and other materials for making and repairing flags of all kinds; photographic instruments and materials; musical instruments and music; installing, maintaining, and repairing interior and exterior signal communications and all electrical appliances of whatsoever nature on board naval vessels, except range finders, battle order, and range transmitters and indicators, and motors and their controlling apparatus used to operate the machinery belonging to other bureaus, one million three hundred and fifty thousand dollars.

To meet outstanding obligations incurred during the fiscal year ending June thirtieth, nineteen hundred, bills for which have not yet been rendered, fifteen thousand dollars.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Equipment of vessels, Bureau of Equipment," for the fiscal year nineteen hundred, fifteen thousand two hundred and seventy dollars and twenty-two cents.

For freight and transportation of equipment stores, packing boxes, and materials; printing, advertising, telegraphing, books, and models; stationery for the Bureau; furniture for equipment offices in navy-yards; postage on letters sent abroad; ferriage, ice, and emergencies arising under cognizance of the Bureau of Equipment, unforeseen and impossible to classify, two thousand five hundred dollars.

BUREAU OF MEDICINE AND SURGERY.

For surgeons' necessities for vessels in commission, navy-yards, naval stations, Marine Corps, and Coast Survey, and for the civil establishment at the several naval hospitals, navy-yards, naval laboratory, and department of instruction, museum of hygiene, and Naval Academy, twenty thousand dollars.

Bureau of Medicine
and Surgery.

To pay accounts on file for fiscal year nineteen hundred, as set forth in House Document Numbered Three hundred and fifty-two, of this session, seventy-two dollars and twenty-two cents.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Medical department, Bureau of Medicine and Surgery," fiscal year nineteen hundred, sixty-two dollars and ten cents.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Contingent, Bureau of Medicine and Surgery," fiscal year nineteen hundred, two hundred and twenty-eight dollars and fifty-five cents.

BUREAU OF SUPPLIES AND ACCOUNTS.

Bureau of Supplies
and Accounts.

To pay the firm of Gibson Brothers, Washington, District of Columbia, one thousand and fifty-seven dollars and sixty-four cents for furnishing blank proposals for supplies for the Navy, which service was duly authorized and rendered prior to the decision of the Comptroller of the Treasury dated July thirty-first, nineteen hundred, that such printing should be done by the Public Printer only; payment to be made from the unexpended balances under the appropriation "Contingent, Bureau of Supplies and Accounts," for the fiscal year in which the services were rendered. And the accounting officers of the Treasury are also authorized and directed to allow vouchers for similar services previously paid in the settlement of the accounts of the disbursing officer by whom they were paid.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Contingent, Bureau of Supplies and Accounts," for the fiscal years eighteen hundred and ninety-eight and eighteen hundred and ninety-nine, one thousand two hundred and ninety-three dollars and thirty-six cents.

BUREAU OF CONSTRUCTION AND REPAIR.

Bureau of Construc-
tion and Repair.

For preservation and completion of vessels on the stocks and in ordinary; purchase of materials and stores of all kinds; steam steerers, pneumatic steerers, steam capstans, steam windlasses, and all other auxiliaries; labor in navy-yards and on foreign stations; purchase of machinery and tools for use in shops; carrying on work of experimental model tank; designing naval vessels; wear, tear, and repair of vessels afloat, general care, increase, and protection of the Navy in the line of construction and repair; incidental expenses, such as advertising, freight, foreign postage, telegrams, telephone service, photographing, books, professional magazines, plans, stationery, and instruments for drafting room, on account of the fiscal years as follows:

For the fiscal year nineteen hundred and one, one million five hundred thousand dollars.

For the fiscal year nineteen hundred, eighty thousand dollars.

Proviso.
Limit repairs to
wooden ships.

Provided, That no part of said sums shall be applied to the repair of any wooden ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed ten per centum of the estimated cost, appraised in like manner, of a new ship of the same size and like material.

BUREAU OF STEAM ENGINEERING.

Bureau of Steam
Engineering.

For completion, repairing, and preservation of machinery and boilers of naval vessels, including cost of new boilers; distilling, refrigerating, and auxiliary machinery; preservation of and small repairs to machinery and boilers in vessels in ordinary, receiving and training vessels, repair and care of machinery of yard tugs and launches; purchase, handling, and preservation of all material and stores; purchase, fitting, repair, and preservation of machinery and tools in navy-yards and stations, and running yard engines; incidental expenses for naval vessels, yards, and the Bureau, such as foreign postage, telegrams, advertising, freight, photographing, books, stationery, office furnishings and instruments for the fiscal years as follows:

For the fiscal year nineteen hundred and one, six hundred thousand dollars.

For the fiscal year nineteen hundred, eighty thousand dollars.

Proviso.
Limit repairs to
wooden ships.

Provided, That no part of said sums shall be applied to the engines, boilers, and machinery of wooden ships where the estimated cost

of such repair shall exceed ten per centum of the estimated cost of new engines and machinery of the same character and power, nor shall new boilers be constructed for wooden ships.

MARINE CORPS.

That the Auditor for the Navy Department be, and is hereby, authorized and directed to credit voucher numbered three hundred and seventy-eight, third quarter eighteen hundred and ninety-nine, in favor of Pacific Coast Steamship Company, amounting to six dollars and fifty cents, for transportation of one man from Bremerton, Washington, to Mare Island, California.

Marine Corps.

To reimburse Ordnance Department, United States Army, for one hundred thousand rifle ball cartridges, caliber thirty one-hundredths, delivered to quartermaster First Regiment United States Marines at Tientsin, China, August thirteenth, nineteen hundred, two thousand five hundred and fifty-six dollars.

For purchase of military equipments, such as rifles, revolvers, cartridge boxes, bayonet scabbards, haversacks, blanket bags, knapsacks, canteens, musket slings, swords, drums, trumpets, flags, waist belts, waist plates, cartridge belts, sashes for officer of the day, spare parts for repairing muskets, and purchase and repair of tents and field ovens, purchase and repair of instruments of band, purchase of music and musical accessories, purchase and marking of medals for excellence in gunnery and rifle practice, good-conduct badges, for incidental expenses of the school of application, purchase of signal equipment and stores, for the establishment and maintenance of targets and ranges, and renting ranges, and for procuring, preserving, and handling ammunition and other necessary military supplies, twenty thousand dollars.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Military stores, Marine Corps," fiscal year nineteen hundred, one thousand two hundred and eighteen dollars and twenty-one cents.

For transportation of troops, including ferriage, and the expense of the recruiting service, twenty thousand dollars.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Transportation and recruiting, Marine Corps," for the fiscal year nineteen hundred, two thousand six hundred and thirteen dollars and forty-four cents.

For freight, tolls, cartage, advertising; washing of bedsacks, mattress covers, pillowcases, towels, and sheets; for funeral expenses of marines; stationery and other paper, telegraphing, rent of telephones, purchase and repair of typewriters, apprehension of stragglers and deserters, per diem of enlisted men employed on constant labor for a period of not less than ten days, repair of gas and water fixtures, office and barracks furniture, camp and garrison equipage and implements; mess utensils for enlisted men, such as bowls, plates, spoons, knives and forks, tin cups, pans, pots, and so forth; packing boxes, wrapping paper, oilcloth, crash, rope, twine, camphor, and carbolized paper, carpenters' tools, tools for police purposes, iron safes, purchase and repair of public wagons, purchase and repair of public harness, purchase of public horses, services of veterinary surgeons and medicines for public horses, purchase and repair of hose, purchase and repair of fire extinguishers, purchase of fire hand grenades, purchase and repair of carts, wheelbarrows, and lawn mowers; purchase and repair of cooking stoves, ranges, stoves, and furnaces where there are no grates; purchase of ice, towels, soap, combs, and brushes for offices; postage stamps for foreign postage; purchase of books, newspapers, and periodicals; improving parade grounds; repair of pumps and wharves, laying drain, water, and gas pipes; water, introducing gas, and for gas, gas

oil, and introduction and maintenance of electric lights; straw for bedding, mattresses, mattress covers, pillows, sheets; wire bunk bottoms for enlisted men at various posts; furniture for Government quarters and repair of same, and for all emergencies and extraordinary expenses arising at home and abroad, but impossible to anticipate or classify, twenty-eight thousand seven hundred and fifty dollars.

For improvements and repairs to buildings, sewerage, plumbing, prison cells, lights, and other necessary expenses, marine barracks, navy-yard, New York, seventeen thousand five hundred dollars.

Miscellaneous.

MISCELLANEOUS.

Reimbursements.

To reimburse Paymaster Henry E. E. Jewett, United States Navy, the amount paid by him, on order of Captain C. M. Chester, senior officer in Guantanamo Bay, Cuba, to the master of the schooner Talofa, in settlement of claim for damages done to his vessel by the United States steamship Newark, and checked against Paymaster Jewett's account by the accounting officers of the Treasury, thirty-five dollars.

To reimburse Commander John C. Wilson, United States Navy, the amount paid for repairs to a private launch damaged by the steam launch of the United States steamship Indiana, and checked against his accounts by the accounting officers of the Treasury, twenty-five dollars.

To reimburse the George B. Douglass Trading Company, New York, the amount of overpayment to the Government by said company for scrap iron and steel plate purchased at a sale of condemned material at the navy-yard, New York, in May, nineteen hundred, one hundred and twenty-four dollars and sixty-three cents.

To reimburse the New York, New Haven and Hartford Railroad Company the amount of damage done to its wharf at New London, Connecticut, by the United States tug Osceola, fifteen dollars.

The accounting officers of the Treasury are hereby authorized and directed to allow in the settlement of the accounts of Pay Director H. T. Wright, United States Navy, payments to per diem civil establishment employees at the navy-yard, Brooklyn, New York, during the war with Spain, in the fiscal years eighteen hundred and ninety-eight and eighteen hundred and ninety-nine, made by direction of the commandant's order of March twenty-sixth, eighteen hundred and ninety-eight, under telegraphic instructions of the same date from the Navy Department, and amounting to two thousand two hundred and fifteen dollars and sixty-two cents.

DEPARTMENT OF THE INTERIOR.

Department of the Interior.

For postage stamps for the Department of the Interior and its bureaus, as required under the Postal Union, to prepay postage on matter addressed to Postal Union countries, five hundred dollars.

General Land Office.
Distribution of maps.

Of the whole number of United States maps procured under the appropriation made for the fiscal year eighteen hundred and ninety-nine, for connected and separate United States and other maps prepared in the General Land Office, there shall be delivered, in addition to the number now required by law, five thousand four hundred copies to the Senate and ten thousand eight hundred and thirty copies to the House of Representatives for distribution; and the appropriation of fourteen thousand eight hundred and forty dollars for connected and separate United States and other maps made for the fiscal year nineteen hundred and one is hereby made available for expenditure during the fiscal year nineteen hundred and two. The Public Printer is hereby authorized to print, on the requisition of the Secretary of the Interior, five thousand copies of the connected and separate United States and other maps prepared in the General Land Office, for sale by the Interior Department under the laws and regulations now in force.

Connected and separate maps, printing authorized.

For the removal of offices of the Interior Department to the old Post-Office Department building, namely: The accounting officers of the Treasury are hereby authorized and directed to allow and credit in the accounts of George W. Evans, disbursing clerk, Department of the Interior, the sum of six hundred and fifty-nine dollars and twenty-five cents, being the amount disbursed by him by authority and direction of the Secretary of the Interior from the above-mentioned appropriation, on account of payments made by him to certain temporary laborers employed in the months of July, August, and September, nineteen hundred, in the removal of the records, files, and other official effects of the General Land Office from the Interior Department building to the old Post-Office Department building.

Allowance in accounts of George W. Evans, disbursing officer.

For stationery for the Department of the Interior and its several bureaus and offices, including the Civil Service Commission, six thousand dollars.

Stationery.

To print the report of the Committee on the Centennial Celebration of the Establishment of the Seat of Government in the District of Columbia, held in the city of Washington, December twelfth, nineteen hundred, together with the proceedings and public addresses on the commemoration of that event, in a memorial volume, with suitable illustrations as selected by the committee, one thousand five hundred copies for the use of the Senate, three thousand copies for the use of the House of Representatives, and two thousand five hundred copies for distribution by the citizens' committee on the celebration, five thousand five hundred dollars, or so much thereof as may be necessary; of which amount the sum of five hundred dollars shall be available for the preparation of the report and for obtaining the necessary material for illustrating the same. That the work shall be done under the direction of the Joint Committee on Printing.

Printing authorized of memorial volume centennial celebration establishment of the seat of government in the District of Columbia.

REINDEER FOR ALASKA: To pay the account of Hobbs, Wall and Company, of San Francisco, California, for transportation of herders and supplies from Seattle, Washington, to reindeer stations in Alaska, being for the service of the fiscal year eighteen hundred and ninety-eight, one thousand one hundred and thirty-three dollars and fifty-three cents.

Reindeer for Alaska.

FOR THE CAPITOL: For work at Capitol, and for general repairs thereof, including wages of mechanics and laborers, and for repairs to elevators in the House wing, fifteen thousand one hundred and ninety-six dollars and thirty-six cents.

Capitol

For repairs in Senate restaurant, regilding frames of Moran paintings, and for fire extinguishers for the Senate folding rooms and Maltby Building, one thousand three hundred and ninety-four dollars and fifty cents.

IMPROVING THE CAPITOL GROUNDS: For continuing the work of the improvement of the Capitol grounds and for care of the grounds, one clerk, and the pay of mechanics, gardeners, and laborers; for repairs to artificial pavement, walls, and roadways, seven hundred and eighty-two dollars and fifteen cents.

Capitol grounds.

LIGHTING THE CAPITOL AND GROUNDS: To pay the Washington Gaslight Company for gas service during the months of December, eighteen hundred and ninety-nine, and January, February, March, April, May, and June, nineteen hundred, one thousand one hundred and twenty-two dollars and seventy cents.

PATENT OFFICE.

Patent Office.

For producing the Official Gazette, including weekly, monthly, quarterly, and annual indexes therefor, exclusive of expired patents, on account of the fiscal years, as follows:

Official Gazette.

For the fiscal year nineteen hundred and one, thirty-five thousand six hundred and twenty-three dollars and twelve cents.

For the fiscal year nineteen hundred, five thousand two hundred and fifty-eight dollars and fifty-six cents.

Drawings, etc.

For producing copies of the weekly issues of patents; for producing copies of designs, trade-marks, and pending applications; and for the reproduction of exhausted copies of drawings and specifications; said work referred to in this and the preceding paragraph to be done as provided by the "Act providing for the public printing and binding and for the distribution of public documents:"

Vol. 28, p. 620.

Provido.
Work at Govern-
ment Printing Office.

Provided, That the entire work may be done at the Government Printing Office if, in the judgment of the Joint Committee on Printing, or if there shall be no Joint Committee, in the judgment of the Committee on Printing of either House, it shall be deemed to be for the best interests of the Government, forty-five thousand dollars.

International Bu-
reau, Berne.

For the share of the United States in the expense of conducting the International Bureau at Berne, Switzerland, one hundred dollars.

GOVERNMENT HOSPITAL FOR THE INSANE.

Government Hospi-
tal for Insane.

For current expenses of the Government Hospital for the Insane: For support, clothing, and treatment in the Government Hospital for the Insane of the insane from the Army and Navy, Marine Corps, Revenue-Cutter Service, and inmates of the National Home for Disabled Volunteer Soldiers, persons charged with or convicted of crimes against the United States who are insane, all persons who have become insane since their entry into the military or naval service of the United States, who have been admitted to the hospital and who are indigent, thirty thousand dollars.

For repairs and improvements, to meet unexpected and extraordinary repairs, thirteen thousand five hundred dollars.

The accounting officers of the Treasury are hereby directed to credit and allow in the settlement of the accounts of Doctor A. B. Richardson, superintendent and disbursing agent of the Government Hospital for the Insane, the sum of one thousand and fifty dollars, being the amount paid by him for the rent of the premises and machinery known as the Swiss Laundry, in the District of Columbia, for three months, beginning September nineteenth, nineteen hundred.

And such accounting officers are also directed to credit and allow in the settlement of the accounts of said superintendent and disbursing agent such sums as may have been necessarily expended by him, or may during the current fiscal year be required for the apprehension and return to the hospital of escaped insane patients.

To complete the construction of a railroad switch to the boiler house of the hospital, including a siding five hundred feet long and grading and foundation for a coal shed, three thousand dollars.

Public Land Service.

PUBLIC LAND SERVICE.

Registers and re-
ceivers.

SALARIES AND COMMISSIONS OF REGISTERS AND RECEIVERS: For salaries and commissions of registers of land offices and receivers of public moneys at district land offices, at not exceeding three thousand dollars each, on account of the fiscal years as follows:

For the fiscal year nineteen hundred and one, one hundred thousand dollars.

Contingent expenses.

For the fiscal year nineteen hundred, thirty thousand dollars.

Expenses local land
offices specifically au-
thorized.

CONTINGENT EXPENSES OF LAND OFFICES: For clerk hire, rent, and other incidental expenses of the district land offices, sixty thousand dollars: *Provided*, That no expenses chargeable to the Government shall be incurred by registers and receivers in the conduct of local land offices, except upon previous specific authorization by the Commissioner of the General Land Office.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Contingent expenses of land offices," for the fiscal year nineteen hundred, five hundred and thirty-five dollars and fifty-five cents.

EXPENSES OF DEPOSITING PUBLIC MONEYS: For expenses of depositing money received from the disposal of public lands, five hundred dollars.

Depositing public moneys.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Expenses of depositing public moneys," for the fiscal year nineteen hundred, three hundred and seventy-seven dollars and twenty-four cents.

EXPENSES OF HEARINGS IN LAND ENTRIES: For expenses of hearings held by order of the Commissioner of the General Land Office to determine whether alleged fraudulent entries are of that character or have been made in compliance with law, one thousand five hundred dollars.

Hearings in land entries.

DEPREDACTIONS ON PUBLIC TIMBER, PROTECTING PUBLIC LANDS, AND SETTLEMENT OF CLAIMS FOR SWAMP LANDS AND SWAMP-LAND INDEMNITY: To meet the expenses of protecting timber on the public lands, and for the more efficient execution of the law and rules relating to the cutting thereof; of protecting public lands from illegal and fraudulent entry or appropriation, and of adjusting claims for swamp lands, and indemnity for swamp lands, sixty thousand dollars: *Provided*, That agents and others employed under this appropriation shall be selected by the Secretary of the Interior, and allowed per diem, subject to such rules and regulations as he may prescribe, in lieu of subsistence, at a rate not exceeding three dollars per day each and actual necessary expenses for transportation, including necessary sleeping-car fares.

Timber depredations, protecting public lands, and swamp land claims.

Provided. Agents per diem.

PROTECTION AND ADMINISTRATION OF FOREST RESERVES: To meet the expenses of executing the provisions of the sundry civil Act approved June fourth, eighteen hundred and ninety-seven, for the care and administration of the forest reserves, to meet the expenses of forest inspectors and assistants, superintendents, supervisors, surveyors, rangers, and for the employment of foresters and other emergency help in the prevention and extinguishment of forest fires, and for advertising dead and matured trees for sale within such reservations: *Provided*, That all selections of land made in lieu of a tract covered by an unperfected bona fide claim, or by a patent, included within a public forest reservation, as provided in the Act of June fourth, eighteen hundred and ninety-seven, entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight, and for other purposes," shall be confined to vacant surveyed nonmineral public lands which are subject to homestead entry not exceeding in area the tract covered by such claim or patent: *Provided*, That nothing herein contained shall be construed to affect the rights of those who, previous to October first, nineteen hundred, shall have delivered to the United States deeds for lands within forest reservations and make application for specific tracts of land in lieu thereof: *Provided*, That forestry agents, superintendents, and supervisors, and other persons employed under this appropriation shall be selected by the Secretary of the Interior wholly with reference to their fitness and without regard for their political affiliations and allowed per diem, subject to such rules and regulations as he may prescribe, in lieu of subsistence, at a rate not exceeding three dollars per day each, and actual necessary expenses for transportation, including necessary sleeping-car fares, twenty-five thousand dollars, to be immediately available: *Provided further*, That forest agents, superintendents, supervisors, and all other persons employed in connection with the administration and protection of forest reservations shall, in all ways that are practicable, aid in the

Forest reserves. Protection and administration of. Vol. 30, p. 34.

Proviso. Selections of land in lieu of tract covered by unperfected bona fide claim, etc.

—limit of time to make selection.

Employees selected because of fitness, per diem to, etc.

Protection of fish and game.

Mineral lands, Montana and Idaho.

enforcement of the laws of the State or Territory in which said forest reservation is situated in relation to the protection of fish and game.

CLASSIFICATION OF CERTAIN MINERAL LANDS IN MONTANA AND IDAHO: To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Classification of certain mineral lands in Montana and Idaho," for the fiscal year nineteen hundred, seventy-four dollars and seventeen cents.

Payments of certain accounts.

PAYMENTS TO WILLARD W. AULT AND OTHERS: To pay the accounts of Willard W. Ault, Charles E. Branson, the Spokane Chronicle Publishing Company, G. C. Corbaley, the Statesman Printing Company, the publisher of the Silver Blade, the publisher of the Kootenai Herald, the Citizens Printing and Publishing Company, N. S. Gordon, and C. M. Funston for services as fully set forth in House Documents Numbered One hundred and ninety-six and Four hundred and sixty-three of this session, one thousand one hundred and ninety-five dollars and seventy-one cents.

For payment to W. W. Cheely, proprietor of the Madisonian, of Virginia City, Montana, for advertising, being amount found due him in the settlement of his account, one hundred and twenty-seven dollars and fifty cents.

For payment to Albert W. Gilchrist, United States deputy surveyor, for resurvey of lands in the State of Florida, being amount found due him in the settlement of his account, one hundred and fifty-five dollars and ninety-one cents.

For payment to Albro Gardner, United States deputy surveyor, for surveying and resurveying of public lands in the State of Washington, as submitted in House Document Numbered Three hundred and fifty-two of this session, one hundred and four dollars and thirty-six cents.

For pay to Isaac M. Galbraith, United States deputy surveyor, for resurveys of public land in the State of Washington, as submitted in House Document Numbered Four hundred and sixty-three of this session, two hundred and one dollars and four cents.

To pay Chapman and Bannister, deputy surveyors, amount due and unpaid for surveys under contract numbered one hundred and forty-six, two thousand one hundred and six dollars and six cents.

To pay F. W. Pettigrew amount due and unpaid on contract for surveys of public lands, numbered one hundred and thirty-two, of July twelfth, eighteen hundred and ninety-seven, three hundred and eighty-three dollars and thirty-three cents.

Expenses, offices of surveyors-general, Wyoming.

OFFICE OF SURVEYOR-GENERAL OF WYOMING: For rent of office for the surveyor-general, pay of messenger, stationery, and supplies, lights, ice, post-office box rent, drafting instruments, mounting maps, towels, books of reference for office use, and other incidental expenses, two hundred and sixty-four dollars and sixty cents.

Alaska.

OFFICE OF SURVEYOR-GENERAL AND EX OFFICIO SECRETARY OF THE DISTRICT OF ALASKA: For clerks in his office, three hundred dollars.

Payments to settlers on Des Moines River lands.

PAYMENT TO SETTLERS ON DES MOINES RIVER LANDS: To pay the amount found due J. L. Stevens, special commissioner to adjust the Des Moines River land-grant claims, on account of per diem salary, traveling and other miscellaneous expenses incurred by him in the discharge of his duties as said commissioner since April first, nineteen hundred, one thousand seven hundred and forty-one dollars and five cents.

Fort Sherman abandoned military reservation.
Payment to custodian.

FORT SHERMAN ABANDONED MILITARY RESERVATION: To pay salary of the custodian of the Fort Sherman abandoned military reservation, Idaho, from March first to June thirtieth, nineteen hundred and one, at the rate of four hundred and eighty dollars per annum, one hundred and sixty-one dollars and thirty cents.

UNITED STATES GEOLOGICAL SURVEY.

For engraving and printing the geological maps of the United States, ten thousand dollars.

Geological Survey.

For the purchase of necessary books for the library, and the payment for the transmission of public documents through the Smithsonian exchange, five thousand six hundred and twenty dollars.

For furnishing the new addition to the Hooe Building, occupied by the United States Geological Survey, for which the sum of five thousand dollars additional rent was provided for in the sundry civil act approved June sixth, nineteen hundred, twelve thousand dollars. That facilities for study and research in the Government Departments, the Library of Congress, the National Museum, the Zoological Park, the Bureau of Ethnology, the Fish Commission, the Botanic Gardens, and similar institutions hereafter established shall be afforded to scientific investigators and to duly qualified individuals, students, and graduates of institutions of learning in the several States and Territories, as well as in the District of Columbia, under such rules and restrictions as the heads of the Departments and Bureaus mentioned may prescribe.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Geological Survey" (mineral resources), for the fiscal year nineteen hundred, thirty-three dollars and eleven cents.

INDIAN AFFAIRS.

The accounting officers of the Treasury Department are hereby authorized and directed to pass to the credit of Captain W. J. Nicholson, acting Indian agent, San Carlos Agency, Arizona, the sum of one thousand and twenty dollars and eighty-seven cents, collected by him as grazing tax for the fiscal year ending June thirtieth, nineteen hundred, on the San Carlos Indian Reservation, Arizona, and expended by him under the authority of the Secretary of the Interior.

Indian Service.

For traveling expenses of eight Indian inspectors, at three dollars per day when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses now authorized by law, and for incidental expenses of inspection and investigation, including telegraphing and expenses of going to and going from the seat of Government, and while remaining there under orders and direction of the Secretary of the Interior, for a period not to exceed twenty days, for the fiscal year nineteen hundred, fifty-nine dollars and seventeen cents.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Traveling expenses of Indian inspectors," for the fiscal year nineteen hundred, one hundred and sixty-eight dollars and fifty-eight cents.

For necessary traveling expenses of one superintendent of Indian schools, including telegraphing and incidental expenses of inspection and investigation, for the fiscal year nineteen hundred, seventy-two dollars and ninety-one cents.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Traveling expenses, Indian school superintendent," for the fiscal year nineteen hundred, three dollars and eighty-five cents.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Traveling expenses, Indian school superintendent," for the fiscal year eighteen hundred and ninety-nine, thirty dollars and eighty-six cents.

For service of officers, at fifteen dollars per month each, and privates, at ten dollars per month each, of Indian police, to be employed in main-

Indian Service—
Continued.

taining order and prohibiting illegal traffic in liquor on the several Indian reservations and within the Territory of Alaska, in the discretion of the Secretary of the Interior; for the purchase of equipments and for the purchase of rations for policemen at nonration agencies, for the fiscal year nineteen hundred, eight hundred and fifty dollars.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Pay of Indian police," for the fiscal year nineteen hundred, four hundred and fifty-nine dollars and eighty cents.

To pay the expense of purchasing goods and supplies for the Indian service, and pay of necessary employees; advertising, at rates not exceeding regular commercial rates; inspection and all other expenses connected therewith, including telegraphing, ten thousand dollars.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Telegraphing and purchase of Indian supplies," for the fiscal year nineteen hundred, two thousand and ninety-six dollars and eighty cents.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Telegraphing and purchase of Indian supplies," for the fiscal year eighteen hundred and ninety-nine, seventeen dollars and ten cents.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Vaccination of Indians," for the fiscal year nineteen hundred, two hundred and twenty-two dollars.

For contingencies of the Indian Service, including traveling and incidental expenses of Indian agents and of their offices and of the Commissioner of Indian Affairs; also traveling and incidental expenses of five special agents, at three dollars per day when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses now authorized by law; and expenses of going to and going from the seat of Government and while remaining there, under orders and direction of the Secretary of the Interior, for a period not to exceed twenty days; and pay of employees not otherwise provided for, and for pay of the five special agents at two thousand dollars per annum each, ten thousand dollars.

For erection of barn at Haskell Institute, Lawrence, Kansas, three thousand dollars.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Support of Mexican Kickapoos" for the fiscal years eighteen hundred and ninety-nine and nineteen hundred, five hundred and eighty-eight dollars and twenty-nine cents.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Support of Absentee Shawnees, Big Jim's Band," for the fiscal years eighteen hundred and ninety-nine and nineteen hundred, eight hundred and twenty-three dollars and thirty-five cents.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Indian school, Carlisle, Pennsylvania," for the fiscal year nineteen hundred, two hundred and five dollars and eighty-three cents.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Indian school, Fort Mojave, Arizona, sewer and water system," thirty-six dollars and sixty-five cents.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Indian school, Lincoln Institution, Philadelphia, Pennsylvania," for the fiscal year nineteen hundred, ninety-one dollars and fifty cents.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Indian school, Phoenix, Arizona," for the fiscal year nineteen hundred, two hundred and sixty-three dollars and seventy-three cents.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Indian school, Salem, Oregon," for the fiscal year nineteen hundred, seven hundred and eight dollars and eighteen cents.

The Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may allow during the fiscal year nineteen hundred and one a larger per capita expenditure than one hundred and sixty-seven dollars but not exceeding two hundred and fifty dollars, at the Indian school for the Sac and Fox Reservation, Iowa, if he deems the same necessary.

For completing allotments to the Wichitas and affiliated bands provided for by the Act of March second, eighteen hundred and ninety-five, twenty thousand dollars.

For continuing during the fiscal year nineteen hundred and two the work of the commission under the Act of Congress approved June tenth, eighteen hundred and ninety-six, to negotiate with the Crow, Flathead, and other Indians, twelve thousand dollars, and the members of said commission shall perform such other duties pertaining to Indian affairs, in the field, as may be required of them by the Secretary of the Interior.

Crow, Flathead, etc., Indian Commission. Vol. 29, p. 341. Continuance of, authorized.

It is hereby directed that the money appropriated by the Act of Congress, entitled "An Act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June thirtieth, nineteen hundred and one, and for other purposes," approved January fourth, nineteen hundred and one, "for completing the allotments provided for in the agreement with the Comanche, Kiowa, and Apache Indians in Oklahoma," may be used in accordance with the provisions of said Act by the Secretary of the Interior for making any and all surveys, whether original or resurveys, found necessary in connection with the making of said allotments, and also for any expenses necessary and incident for the setting apart as grazing lands for said Indians four hundred and eighty thousand acres of land, as provided in the agreement ratified by the Act approved June sixth, nineteen hundred.

Comanche, Kiowa, and Apache Indians, Oklahoma. Appropriation for allotting available for surveys, etc.

Ante, p. 676.

For the survey of lands in the Pine Ridge, Standing Rock, and Lower Brule Indian reservations in South Dakota, and for examination in the field of surveys, the sum of twenty-two thousand dollars, to be immediately available, and for clerical work and stationery in the office of the Surveyor-General required on surveys within the Pine Ridge, Standing Rock, and Lower Brule Indian reservations in South Dakota, the sum of three thousand two hundred dollars; in all, twenty-five thousand two hundred dollars.

Surveys, Pine Ridge, Standing Rock, and Lower Brule reservations, etc.

ARMY AND NAVY PENSIONS.

Army and Navy pensions.

For fees and expenses of examining surgeons, for services rendered within the fiscal year nineteen hundred, fifteen thousand dollars. And each member of each examining board shall, as now authorized by law, receive the sum of two dollars for the examination of each applicant whenever five or a less number shall be examined on any one day, and one dollar for the examination of each additional applicant on such day: *Provided*, That if twenty or more applicants appear on one day, no fewer than twenty shall, if practicable, be examined on said day, and that if fewer examinations be then made, twenty or more having appeared, then there shall be paid for the first examinations made on the next examination day the fee of one dollar only until twenty examinations shall have been made: *Provided further*, That no fee shall be paid to any member of an examining board unless personally present and assisting in the examination of applicant: *And provided further*, That the report of such examining surgeons shall specifically state the rating which in their judgment the applicant is

Fees, examining surgeons.

Provided. Examinations, etc.

No fee unless service rendered.

Report to state rating, etc.

entitled to, and the report of such examining surgeons shall specifically and accurately set forth the physical condition of the applicant, each and every existing disability being fully and carefully described. The reports of the special examiners of the Bureau of Pensions shall be open to inspection and copy by the applicant or his attorney, under such rules and regulations as the Secretary of the Interior may prescribe.

Reimbursement to
E. F. Waite.

To reimburse Edward F. Waite, late a special examiner of the Pension Bureau, for costs incurred by him in the United States circuit court of appeals, at Saint Paul, Minnesota, at May, eighteen hundred and ninety-eight, term in defending himself in the criminal prosecution suit *Re Campbell* against Waite, Special Examiner, Pension Bureau, instituted and appealed from the State court of Iowa, three hundred and seventy-nine dollars and fifteen cents.

Post-Office Depart-
ment.

POST-OFFICE DEPARTMENT.

For fuel and repairs to heating, lighting, and power plant, six thousand five hundred dollars.

For miscellaneous items, including two hundred dollars for law books, books of reference, railway guides, city directories, and books necessary to conduct the business of the Department, three thousand two hundred dollars.

For telegraphing on account of fiscal years as follows:

For the fiscal year nineteen hundred, nine hundred and nineteen dollars and fifteen cents.

For the fiscal year eighteen hundred and ninety-nine, forty-one dollars and eighty-one cents.

For labor and material necessary for the modification of the windows in the Post-Office Department building, eleven thousand three hundred dollars.

To provide lookouts over the main working room of the Washington, District of Columbia, post-office, three thousand dollars.

For the purchase of four revolving doors to be placed in the main entrances of the Washington City post-office, on the Eleventh and Twelfth streets and Pennsylvania avenue sides, two thousand four hundred and thirty-two dollars.

For fuel and repairs to heating apparatus, fiscal year nineteen hundred, thirty dollars.

Postal service.

POSTAL SERVICE.

OUT OF THE POSTAL REVENUES.

Foreign service.

For postal service in the newly acquired territory in Porto Rico, the Hawaiian Islands, and the Philippine Islands, or territory held by military occupation, and for additional transportation to and from said territory, also including postal service for all military camps or stations, to be used in the discretion of the Postmaster-General, seventy thousand dollars.

Postal Laws and
Regulations, appro-
priation for printing,
etc.

Ante, p. 253.

Amount available
for H. J. Barrett.

For printing, binding, and wrapping the revised edition of the Postal Laws and Regulations, and the necessary appendix thereto, provided for in the Act entitled "An Act making appropriations for the service of the Post-Office Department for the fiscal year ending June thirtieth, nineteen hundred and one," approved June second, nineteen hundred, the sum of fifteen thousand dollars in addition to the amount provided for in said Act, out of which the Postmaster-General may expend two thousand dollars, to be paid to Harrison J. Barrett, late assistant attorney for the Post-Office Department, for his services in codifying and editing said revised edition out of office hours, and superintending the publication of the same, and one thou-

sand dollars, or so much thereof as may be necessary, to reimburse said Barrett for amounts paid by him to others for clerical and expert service, said sums to be verified by proper vouchers, fifteen thousand dollars.

For temporary clerk hire, fifteen thousand dollars.

Temporary clerks,
etc.

For acting railway postal clerks vice railway postal clerks injured while on duty, five thousand dollars.

For postmarking and rating stamps and repairs to same; ink and pads for stamping and canceling purposes, three thousand dollars.

Postmarking.

To pay Amos Van Etten for legal services rendered George M. Brink, postmaster at Kingston, New York, in defending a suit brought against him by virtue of his official employment, one hundred and twenty-five dollars.

Legal services.

Out of the sum appropriated by the Act of June second, nineteen hundred, for inland transportation by railroad routes, twenty thousand dollars additional may be employed to pay freight on postal cards, stamped envelopes, stamped paper, and other supplies from the manufacturing to the post-offices and depots of distribution.

Inland transportation.

Ante, p. 258.

For mail messenger service, thirty-five thousand dollars.

Mail messenger
service.

The number of clerks of class two appropriated for in the Railway Mail Service for the current fiscal year is modified so as to allow two thousand and eighty-seven clerks of class two, at not exceeding nine hundred dollars each: *Provided*, That this change shall be made without increasing the aggregate amount appropriated for clerks of the several classes of the Railway Mail Service in the Post-Office appropriation Act of June second, nineteen hundred.

Number of clerks,
class 2.

Proviso.
—no increase of ap-
propriation, etc.

For the manufacture of adhesive postage and special-delivery stamps, thirty thousand dollars.

Stamps.

For rent of offices in Washington, District of Columbia, for the division superintendent of Railway Mail Service, from August thirteenth, nineteen hundred, to June thirtieth, nineteen hundred and one, one thousand eight hundred and fifty-seven dollars and twenty-six cents.

Rent.

For stationery for postal service, fifteen thousand dollars.

Stationery, etc.

For wrapping twine, sixty-five thousand dollars.

For wrapping paper, five thousand dollars.

MILITARY POSTAL SERVICE: To pay the amounts set forth in House Document Numbered Three hundred and fifty-two, of this session, on account of fiscal year eighteen hundred and ninety-nine, one hundred and fourteen dollars and thirty-six cents.

Military postal serv-
ice.

MISCELLANEOUS: To pay the amounts set forth in House Document Numbered Three hundred and fifty-two, of this session, office First Assistant Postmaster-General, on account of fiscal year eighteen hundred and ninety-nine, sixty-six dollars and fifty cents.

Miscellaneous.

FREE-DELIVERY SERVICE: To pay the amounts set forth in House Document Numbered Three hundred and fifty-two, of this session, on account of the fiscal year as follows:

Free delivery.

For the fiscal year nineteen hundred, three hundred and fifteen thousand five hundred and seventy-one dollars and ninety-nine cents.

For the fiscal year eighteen hundred and ninety-nine, twenty-five dollars and seventy-three cents.

To pay the amounts set forth in Senate Document Numbered Two hundred and five, of this session, fiscal year nineteen hundred, seven-
teen dollars and fifty-eight cents.

RURAL FREE-DELIVERY SERVICE: To pay amount set forth in House Document Numbered Three hundred and fifty-two, of this session, on account of fiscal year eighteen hundred and ninety-nine, thirty-two dollars and ninety-seven cents.

—rural.

MANUFACTURE OF POSTAGE STAMPS: To pay amount set forth in House Document Numbered Three hundred and fifty-two, of this session, on account of the fiscal year nineteen hundred, eight hundred and twenty-nine dollars and thirty-two cents.

Manufacturing
stamps.

Postmasters.

COMPENSATION OF POSTMASTERS: For amounts to reimburse the postal revenues, being the amounts retained by postmasters in excess of the appropriations, including amounts set forth in House Document Numbered Three hundred and fifty-two, of this session, for the fiscal years as follows:

For the fiscal year nineteen hundred, two million one hundred and fifteen thousand seven hundred and eighty-seven dollars and nine cents.

For the fiscal year eighteen hundred and ninety-nine, three hundred and twenty-four dollars and thirty-two cents.

For compensation of postmasters, as set forth in Senate Document Numbered Two hundred and five, of this session, for the fiscal years as follows:

For the fiscal year nineteen hundred, one hundred and seventy dollars and thirteen cents.

For the fiscal year eighteen hundred and ninety-nine, seventeen dollars and ninety-one cents.

Mail transportation.

MAIL TRANSPORTATION: To pay amounts set forth in House Document Numbered Three hundred and fifty-two, of this session, for inland transportation, as follows:

By railroad routes, on account of the fiscal years as follows:

For the fiscal year nineteen hundred, fifteen thousand four hundred and ninety-four dollars and twenty-eight cents.

For the fiscal year eighteen hundred and ninety-nine, one hundred and fifty-three dollars and eighty-one cents.

For the fiscal year eighteen hundred and ninety-nine, as set forth in Senate Document Numbered Two hundred and five, of this session, two hundred and four dollars and seventy-six cents.

For post-office cars, fiscal year nineteen hundred, three thousand eight hundred and seventy-eight dollars and sixty-one cents.

For star routes, fiscal year nineteen hundred, nineteen thousand seven hundred and twenty-four dollars and sixteen cents.

For star routes, fiscal year nineteen hundred, as set forth in Senate Document Numbered Two hundred and five, of this session, two thousand eight hundred and ninety-eight dollars and forty-three cents.

Department of Justice.

DEPARTMENT OF JUSTICE.

Law books.

For books for law library of the Department, five hundred dollars.

For the purchase of early volumes of Opinions of Attorneys-General, to be distributed as current volumes of said opinions are distributed, two hundred and twenty-five dollars.

Furniture, etc.

For furniture and repairs for the fiscal years as follows:

For the fiscal year nineteen hundred and one, two hundred and fifty dollars.

For the fiscal year nineteen hundred, sixty-one dollars and five cents.

For stationery for the fiscal year eighteen hundred and ninety-nine, thirty dollars.

For official transportation, including purchase, keep, and shoeing of animals, and purchase and repairs of wagons and harness, eight hundred dollars.

For the purchase of nine directories of the District of Columbia for the Department of Justice, forty-five dollars.

Repairs to court-house, District of Columbia.

For special repairs to court-house, District of Columbia, in accordance with estimates of the Architect of the Capitol, for the fiscal years nineteen hundred and nineteen hundred and one, six hundred and fifty dollars.

Alaska.

RENT AND INCIDENTAL EXPENSES, TERRITORY OF ALASKA: For rent of offices for the marshal, district attorney, and commissioners; furniture, fuel, books, stationery, and other incidental expenses, and for necessary clerk hire in the United States marshal's office, the amount

thereof to be fixed by the Attorney-General, for the fiscal years as follows:

For the fiscal year nineteen hundred and one, six thousand dollars.

For the fiscal year eighteen hundred and ninety-nine, one thousand one hundred and eighty-five dollars.

DEFENDING SUITS IN CLAIMS AGAINST THE UNITED STATES: For defraying the necessary expenses, including salaries of necessary employees in Washington, District of Columbia, incurred in the examination of witnesses and procuring of evidence in the matter of claims against the United States and in defending suits in the Court of Claims, including defense for the United States in the matter of French spoliation claims, to be expended under the direction of the Attorney General, three thousand dollars. Defending suits in claims.

For defraying the necessary expenses incurred in the examination of witnesses and procuring of evidence in the matter of claims against the United States, and in defending suits in the Court of Claims, including the payment of such expenses as in the discretion of the Attorney-General shall be necessary for making proper defense for the United States in the matter of French spoliation claims, to be expended under the direction of the Attorney-General for the fiscal year nineteen hundred, five hundred and ten dollars and fifty cents.

DEFENSE IN INDIAN DEPREDAATION CLAIMS: To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Defense in Indian depredation claims" for the fiscal year nineteen hundred, one hundred and forty-seven dollars and ninety-three cents. Indian depredation claims.

PROSECUTION OF CRIMES: To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Prosecution of crimes" for the fiscal year nineteen hundred, four hundred and sixty-seven dollars and fifty cents. Prosecution of crimes.

PAYMENT FOR LEGAL SERVICES IN CIRCUIT COURTS OF APPEALS: For the payment, upon accounts approved by the Attorney-General, of claims for compensation on account of legal services rendered and expenses incurred in cases before the United States circuit courts of appeals, prior to June sixth, nineteen hundred, the amount of said compensation to be determined by the Attorney-General, six thousand five hundred and twenty-five dollars. Circuit courts appeals.
Payment for legal services in, authorized, etc.

For payment to Henry L. Burnett, United States attorney for the southern district of New York, for legal services rendered under direction of the Attorney-General, in the supreme court of the State of New York, in the case of John G. Hassard against United States of Mexico, and the States of Tamaulipas and San Luis Potosi, five hundred dollars, and in the case of James C. Jewett against United States of Mexico, two hundred and fifty dollars; in all, seven hundred and fifty dollars.

To reimburse John F. Horr, United States marshal for the southern district of Florida, the amount erroneously paid into the Treasury of the United States, instead of being deposited to the credit of the prize fund in the case of the United States against the Buena Ventura, and subsequently paid from his personal resources, thirty dollars and fifty cents. Reimbursements.

To reimburse Canada H. Thompson, United States marshal for the district of Oklahoma, for payments made by him and disallowed by the accounting officers of the Treasury in his accounts under the appropriation "Salaries, fees, and expenses of marshals," to John M. Hale, deputy United States marshal, for traveling expenses incurred by said deputy in July, eighteen hundred and ninety-eight, in perfecting plans whereby writs to arrest, issued in connection with the burning of the Seminole Indians, Lincoln McGiesey and Palmer Sampson, could be executed, twenty-one dollars and eighty-five cents; and to Office

Deputy W. D. Fossett for expenses incurred by him in November, eighteen hundred and ninety-eight, in the investigation of the accuracy of the accounts rendered by one of the marshal's field deputies, sixty-two dollars and sixty cents; in all, eighty-four dollars and forty-five cents.

To pay to Francis Bloodgood, of Milwaukee, Wisconsin, balance of a judgment rendered in his favor in the district court of the United States for the eastern district of Wisconsin, for services rendered as United States commissioner, six hundred and ten dollars.

Additional district judge, northern district of Ohio, payment to.

JUDICIAL: For the payment of the salary of the additional district judge for the northern district of Ohio for the last half of the fiscal year nineteen hundred and one, two thousand and ninety-seven dollars and eighteen cents.

Acts clerk district court Beaumont, Tex., validated, etc.

That the appointment of the clerk of the district court at Beaumont, Texas, heretofore made, and his lawful acts as such clerk heretofore done, are hereby validated and confirmed, and the accounting officers of the Treasury are hereby directed to audit and pay him for his services rendered the United States as such clerk as compensation is paid to other clerks of the United States courts.

Robert Willett, clerk, etc. Allowance in accounts of.

The accounting officers of the Treasury are hereby authorized to allow in the accounts of Robert Willett, clerk of the court of appeals, District of Columbia, the sum of seven dollars expended by him during the fiscal year nineteen hundred, upon the order of the court, for a city directory and book of reference for use of said court; and authority is hereby granted for the purchase from the appropriation for expenses of said court of such law books, books of reference, and periodicals as the court shall hereafter require in the conduct of its business.

H. G. McMillan, etc. Accounts of, reopened, etc. Ante, p. 734.

The accounting officers of the Treasury are hereby authorized and directed to reopen and restate the accounts of H. G. McMillan, D. C. Dunbar, C. H. McClure, and K. S. Boreman and settle them in accordance with the provisions of the Act approved January nineteenth, nineteen hundred and one, entitled "An Act relating to the accounts of United States marshals and clerks of the district courts of the Territory of Utah."

United States courts.

UNITED STATES COURTS.

Marshals, etc.

For payment of salaries, fees, and expenses of United States marshals and their deputies, two hundred and twenty thousand dollars, to include payments for services rendered in behalf of the United States or otherwise.

Indian Territory. Mileage of witnesses in United States commissioners courts.

That witnesses in misdemeanor and civil cases before the United States commissioners courts in the Indian Territory shall be entitled to three cents a mile, for each mile actually and necessarily traveled, in going to and returning from said court; and witnesses subpoenaed in behalf of the United States shall be paid on the order of the commissioner, as in felony cases. When a witness is subpoenaed and in attendance upon said court in more than one case at the same term, only one travel fee and one per diem compensation shall be allowed for attendance, and the same shall be taxed in the case first disposed of, after which the per diem attendance only shall be taxed in the other cases in the order in which they are disposed of.

District attorneys, etc.

For salaries of United States district attorneys and expenses of United States district attorneys and their regular assistants, ten thousand dollars.

Assistants.

For payment of regular assistants to United States district attorneys, who are appointed by the Attorney-General, at a fixed annual compensation, ten thousand dollars.

For payment of assistants to United States district attorneys employed by the Attorney-General to aid in special cases for the fiscal years as follows:

Special assistant attorneys.

For the fiscal year eighteen hundred and ninety-nine, two thousand dollars.

For the fiscal year eighteen hundred and ninety-eight, two thousand dollars.

For the fiscal year eighteen hundred and ninety-seven, one thousand dollars.

Provided, That the appropriation for pay of special assistant attorneys, United States courts, for the fiscal year nineteen hundred, shall be available for the purpose for which it was originally provided and for the payment of special assistants to the Attorney-General employed to aid in special cases.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Pay of special assistant attorneys, United States courts," for the fiscal years as follows:

For the fiscal year eighteen hundred and ninety-nine, one thousand nine hundred and seventy dollars and sixty-five cents.

For the fiscal year eighteen hundred and ninety-eight, five hundred dollars.

For payment for services and expenses of special assistants to the Attorney-General, in cases appealed from the Court of Private Land Claims to the Supreme Court, to be available until expended, eight thousand dollars.

For fees of jurors, seventy-five thousand dollars.

Fees of jurors.

For support of United States prisoners, including necessary clothing and medical aid, and transportation to place of conviction or place of bona fide residence in the United States, and including support of prisoners becoming insane during imprisonment, as well before as after conviction, and continuing insane after expiration of sentence, who have no friends to whom they can be sent, one hundred thousand dollars.

Support of prisoners.

For rent of rooms for the United States courts and judicial officers, five thousand dollars.

Rent.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Rent of court rooms, United States courts," for the fiscal years as follows:

For the fiscal year nineteen hundred, five thousand six hundred and fifty-five dollars and seven cents.

For the fiscal year eighteen hundred and ninety-nine, fifteen dollars.

For pay of bailiffs and criers, not exceeding three bailiffs and one crier in each court, except in the southern district of New York: *Provided*, That all persons employed under section seven hundred and fifteen of the Revised Statutes shall be deemed to be in actual attendance when they attend upon the order of the courts: *And provided further*, That no such person shall be employed during vacation; of reasonable expenses for travel and attendance of district judges directed to hold court outside of their districts, not to exceed ten dollars per day each, to be paid on written certificates of the judges, and such payments shall be allowed the marshal in the settlement of his accounts with the United States; expenses of judges of the circuit courts of appeals; of meals and lodgings for jurors in United States cases, and of bailiffs in attendance upon the same, when ordered by the court; and of compensation for jury commissioners, five dollars per day, not exceeding three days for any one term of court, twelve thousand dollars.

Bailiffs and criers.

Provisos.

Attendance.
R. S., sec. 715, p. 136.

Vacation.
Expenses of judges.

For payment of such miscellaneous expenses as may be authorized by the Attorney-General, for the United States courts and their offi-

Miscellaneous.

cers, including the furnishing and collecting of evidence where the United States is or may be a party in interest, and moving of records, fifty thousand dollars.

Legislative.

LEGISLATIVE.

Senate.

SENATE.

Payments to widows of Senators.

To enable the Secretary of the Senate to pay Mrs. Harriet F. Gear, widow of Honorable John H. Gear, late a Senator from the State of Iowa, five thousand dollars.

To enable the Secretary of the Senate to pay Mrs. Anna Malcolm Agnew Davis, widow of Honorable Cushman K. Davis, late a Senator from the State of Minnesota, five thousand dollars.

Officers, clerks, etc.

For compensation of officers, clerks, messengers, and others in the service of the Senate, namely: For ten clerks to Senators who are not chairmen of committees, from March fourth, nineteen hundred and one, to June thirtieth, nineteen hundred and one, inclusive, at the rate of one thousand five hundred dollars per annum, six thousand one hundred and fifty-three dollars.

Fuel, etc.

For fuel, oil, and cotton waste, and advertising, for the heating apparatus, exclusive of labor, three thousand dollars.

Inquiries and investigations.

For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers to committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding one dollar and twenty-five cents per printed page, ten thousand dollars.

Miscellaneous

For miscellaneous items, exclusive of labor, twenty five thousand dollars.

Reporting debates.

To reimburse the official reporters of the proceedings and debates of the Senate for expenses incurred from March fourth, nineteen hundred, to March fourth, nineteen hundred and one, for clerk hire and other extra clerical services, three thousand nine hundred and ninety dollars.

Compiling laws, etc., for consideration of claim bills.

To enable the Secretary of the Senate to pay the persons who performed the work of compiling the laws, proclamations, orders and history of claims, and the decisions of the courts relating thereto for use in the consideration of claims bills, one thousand four hundred dollars, to be paid only upon vouchers signed by the chairman of the Senate Committee on Claims.

Payments for extra services.

To pay Hawkins Taylor, assistant clerk to the Committee on Foreign Relations, for extra services, including preparation of the work entitled "Precedents with reference to treaties between the United States and Foreign Nations," six hundred dollars.

To pay John H. Walker for extra services as clerk to Committee on Pensions, five hundred dollars.

To pay Dennis M. Kerr, clerk detailed from the Bureau of Pensions, for services to Committee on Pensions, five hundred dollars.

To pay J. H. Jones for services in the care of the Senate chronometer, and for the work in connection therewith, for the second session of the Fifty-sixth Congress, one hundred dollars.

Congressional employees.

To enable the Secretary of the Senate and the Clerk of the House of Representatives to pay to the officers and employees of the Senate and House borne on the annual and session rolls on the first day of March, nineteen hundred and one, including the Capitol police, the official reporters of the Senate and of the House, and W. A. Smith, Congressional Record clerk, for extra services during the Fifty-sixth Congress, a sum equal to one month's pay at the compensation then paid them by law, the same to be immediately available.

Payment to Wood & Bond, etc.

To enable the Secretary of the Senate to pay Wood and Bond, undertakers, of Macon, Georgia, for services and expenses in connection

with the funeral and burial of the late Senator A. H. Colquitt, two hundred and seventy-six dollars and twenty-five cents.

HOUSE OF REPRESENTATIVES.

For compensation of Members of the House of Representatives and Delegates from Territories, twenty thousand dollars.

For miscellaneous items and expenses of special and select committees, forty thousand dollars.

For wrapping paper, pasteboard, paste, twine, newspaper wrappers, and other necessary materials for folding, for the use of members of the House, and for use in the Clerk's office and the House folding room (not including envelopes, writing paper, and other paper and materials to be printed and furnished by the Public Printer, upon requisitions from the Clerk of the House, under the provisions of the Act approved January twelfth, eighteen hundred and ninety-five, for the public printing and binding), one thousand dollars.

To supply a deficiency in the appropriation for salaries of officers and employees, fiscal years eighteen hundred and ninety-nine and nineteen hundred, eleven dollars and fifty-nine cents.

To pay the salaries of the employees in the heating and ventilating department of the House, provided for in House resolution numbered one hundred and sixty-four, from March fourth to June thirtieth, nineteen hundred and one, inclusive, one thousand one hundred and sixty dollars and thirty-three cents.

For salary of assistant bookkeeper in the office of the Sergeant-at-Arms, from March fourth to June thirtieth, nineteen hundred and one, inclusive, at the rate of nine hundred dollars per annum, two hundred and ninety-five dollars.

For janitor for Committee on Appropriations, at the rate of seven hundred and twenty dollars per annum, from March third, nineteen hundred and one, to June thirtieth, nineteen hundred and two, inclusive, nine hundred and fifty-eight dollars.

To pay the widow of William D. Daly, late a Representative in Congress from the State of New Jersey, two thousand nine hundred and fifty-five dollars and forty-eight cents.

To pay the widow of F. G. Clarke, late a Representative in Congress from the State of New Hampshire, seven hundred and twelve dollars and thirty-three cents.

To pay the widow of J. H. Hoffecker, late a Representative in Congress from the State of Delaware, three thousand five hundred and sixty-one dollars and sixty-five cents.

To pay to the legal heirs of R. S. Wise, late a Representative in Congress from the State of Virginia, nine hundred and eighty-six dollars and thirty-one cents.

To pay to the legal heirs of A. D. Shaw, late a Representative in Congress from the State of New York, two hundred and eighty-seven dollars and sixty-seven cents.

For allowances to the following contestants and contestees for expenses incurred by them in contested-election cases, as audited and recommended by the Committees on Elections:

To Jesse F. Stallings, five hundred dollars;

To Oliver H. Dockery, two thousand dollars; in all, two thousand five hundred dollars.

To reimburse the official reporters of the proceedings and debates, and the official stenographers to committees of the House of Representatives for clerical hire and extra clerical services from March fourth, nineteen hundred, to March fourth, nineteen hundred and one, seven hundred and fifty dollars each; and to John J. Cameron two hundred and forty dollars; in all, six thousand two hundred and forty dollars.

House of Representatives.

Compensation of Members.

Miscellaneous, etc.

Folding materials.

Vol. 23, p. 624.

Salaries employees.

Payments to widows, etc., of Representatives.

Contested election expenses.

Reporting debates.

Payments to em-
ployees.

To pay Kendal Lee, Marcellus Butler, and Charles Carter for caring for rooms of Committees on Accounts, Invalid Pensions, and subcommittee room of Committee on Appropriations, respectively, one hundred dollars each, three hundred dollars.

To pay H. F. Dodge for reporting hearings before the Committee on Post-Offices and Post-Roads, thirty-five dollars and seventy-five cents.

To pay C. W. Mansfield, assistant clerk to the Committee on Rivers and Harbors, one hundred dollars.

To pay Herman Gauss for extra services as assistant clerk to the Committee on Invalid Pensions, five hundred dollars.

To pay Charles O. Houek for clerical services rendered to the Committee on Invalid Pensions, three hundred dollars.

To pay D. S. Porter for extra services as assistant clerk to Committee on Pensions, five hundred dollars.

To pay Edward A. Boykin for services as messenger and assistant clerk to Committee on Pensions, three hundred dollars.

To pay William L. Stiles for services as messenger to Committee on Accounts, three hundred and seventy-five dollars and eighty-nine cents.

To pay Herman D. Reeve, for extra service rendered during the Fifty-fifth and Fifty-sixth Congresses as clerk to the Committee on Military Affairs, one thousand dollars.

To pay the following, the same having been audited and recommended by the Committee on Accounts, namely:

To George F. Evers and James F. English, five hundred dollars each;

To William H. Smith, six hundred dollars;

To Howard D. Pritchard, two hundred and eighty dollars;

To J. J. Constantine, three hundred dollars;

To Oscar Hill and Harrison Crane, five hundred and sixty dollars each;

To Joel Grayson, junior, four hundred and eighty-one dollars and seventeen cents;

To Harris A. Walters, five hundred and ninety-four dollars;

To Charles N. Thomas, three hundred dollars;

To Joseph H. Johnson, sixty-four dollars and ten cents;

To Jesse G. Bunnell, three hundred dollars;

To Guy Underwood, one thousand and eighty dollars;

To Samuel F. Leavitt, two hundred and ten dollars;

To John W. Deards, two hundred and twenty-seven dollars;

To John Iredale, three hundred and seventy-nine dollars and nine cents;

To James A. Gibson, four hundred and eighty dollars;

To H. A. Dumont, three hundred and seventy-nine dollars and nine cents;

To Don C. Walters, five hundred and ninety-four dollars;

To John Hollingsworth, nine hundred dollars;

To George C. Randall, three hundred dollars;

To Charles O. Houk, three hundred and sixty dollars;

To Ed. H. Sharp, three hundred dollars;

To John B. Fletcher, three hundred dollars;

To O. M. Enyart, four hundred dollars;

To William A. Forbis, two hundred dollars;

To Minot Reed Stewart, two hundred and ninety-five dollars;

To O. A. Harvey, eight hundred and fifty-three dollars and thirty-two cents;

To Thomas F. Tracy, four hundred and three dollars and forty-eight cents;

In all, twelve thousand seven hundred dollars and twenty-five cents.

To pay William A. Watson, special messenger, authorized in the resolution adopted by the House of Representatives February seventh, nineteen hundred, at the rate of one thousand two hundred dollars per annum, from March fourth, nineteen hundred and one, to June thirtieth, nineteen hundred and two, inclusive, one thousand five hundred and ninety-three dollars and thirty cents.

To pay George C. Randall, B. W. Armstrong, John W. Herndon, J. M. McKay, and F. B. Lyon, each a sum equal to two months' pay at the rate of compensation respectively received by them January first, nineteen hundred and one, for extra services rendered in the folding room under resolution of the House Numbered Two hundred and fifty-three, one thousand one hundred and thirty-three dollars and thirty-two cents.

LIBRARY OF CONGRESS.

That the appropriation of two thousand dollars heretofore made in the legislative and judicial appropriation bill for special, temporary, and miscellaneous service at the discretion of the Librarian of Congress shall be immediately available.

Congressional Li-
brary.

PUBLIC PRINTING AND BINDING.

For the public printing, for the public binding, and for paper for the public printing, including the costs of printing the debates and proceedings of Congress in the Congressional Record, and for lithographing, mapping, and engraving for both Houses of Congress, including salaries or compensation of all necessary clerks and employees, for labor (by the day, piece, or contract), and for rents, books of reference, and all the necessary materials which may be needed in the prosecution of the work, five hundred thousand dollars.

Public printing and
binding.

To enable the Public Printer to comply with the provisions of the law granting thirty days' annual leave to the employees of the Government Printing Office, twenty-five thousand dollars, or so much thereof as may be necessary.

Leaves of absence,
Government Printing
Office.

To pay Samuel Robinson, William Madden, and Joseph DeFontes as messengers on night duty during the second session of the present Congress for extra services, one hundred and fifty dollars each, in all, four hundred and fifty dollars.

Messengers, night
duty, payment to.

For printing and binding for the Treasury Department, one hundred and twenty-five thousand dollars.

Departments.

For printing and binding for the War Department, seventy-five thousand dollars.

For printing and binding for the Navy Department, including three thousand dollars for the Hydrographic Office, eighteen thousand dollars.

For printing and binding for the Post-Office Department, exclusive of the Money-Order Office, thirty-five thousand dollars.

For printing and binding for the Department of Justice, three thousand dollars.

For printing and binding for the Interior Department, including the Civil Service Commission, fifty thousand dollars.

JUDGMENTS IN INDIAN DEPREDAATION CLAIMS.

For payment of judgments rendered by the Court of Claims in Indian depredation cases, certified to Congress at its present session in Senate Documents Numbered One hundred and eighty-nine and Two hundred and seventeen, four hundred and thirty-five thousand seven hundred and twenty-eight dollars; said judgments to be paid after the deductions required to be made under the provisions of section six of the Act approved March third, eighteen hundred and ninety-one,

Judgments, Indian
depredation claims.

-deductions.
Vol. 26, p. 553.

entitled "An Act to provide for the adjustment and payment of claims arising from Indian depredations," shall have been ascertained and duly certified by the Secretary of the Interior to the Secretary of the Treasury, which certification shall be made as soon as practicable after the passage of this Act, and such deductions shall be made according to the discretion of the Secretary of the Interior, having due regard to the educational and other necessary requirements of the tribe or tribes affected; and the amounts paid shall be reimbursed to the United States at such times and in such proportions as the Secretary of the Interior may decide to be for the interests of the Indian Service: *Provided*, That no one of said judgments provided in this paragraph shall be paid until the Attorney-General shall have certified to the Secretary of the Treasury that there exists no grounds sufficient, in his opinion, to support a motion for a new trial or an appeal of said cause.

Proviso.
Certificate of lack of
ground for new trial.

JUDGMENTS, COURT OF CLAIMS.

Judgments, Court of
Claims.

For the payment of the judgments rendered by the Court of Claims, reported to Congress at its present session in House Document Numbered Three hundred and fifty-four and Senate Document Numbered Two hundred and eleven, seven hundred and fifty-nine thousand four hundred and ninety-four dollars and sixty-seven cents: *Provided*, That none of the judgments herein provided for shall be paid until the right of appeal shall have expired: *Provided further*, That the payment, to officers and enlisted men severally entitled, of the judgments of the Court of Claims for bounty for destruction of enemy's vessels, under section forty-six hundred and thirty-five of the Revised Statutes, be made on settlements by the Auditor for the Navy Department in the manner prescribed by law and Treasury regulation for the payment of prize money, the distribution of such individual share to be in accordance with the orders, rules, and findings of the Court of Claims.

Provisos.
Appeal.

Payments for de-
struction of enemy's
vessels, how made.
R. S., sec. 4635, p. 902.

Payment authorized
to Chas. F. Adams as
administrator of Peter
C. Brooks, etc.
Vol. 30, p. 1193, etc.

That the sum or sums appropriated to be paid to the administrator of Peter C. Brooks, deceased, in the Act of Congress approved March third, eighteen hundred and ninety-nine, entitled "An Act for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the Act approved March third, eighteen hundred and eighty-three, and commonly known as the Bowman Act, and for other purposes," be paid Charles F. Adams as the administrator of said estate; but the amount thus appropriated shall not be paid until the Court of Claims shall certify to the Secretary of the Treasury that the administrator of said estate represents the next of kin of the said Peter C. Brooks, and the court which granted the administration shall have certified that said administrator has given adequate security for the legal disbursement of the amounts.

JUDGMENTS, UNITED STATES COURTS.

Judgments, United
States courts.
Vol. 24, p. 505.

For payment of the final judgments and decrees, including costs of suit, which have been rendered under the provisions of the Act of March third, eighteen hundred and eighty-seven, entitled "An Act to provide for the bringing of suits against the Government of the United States," certified to Congress at its present session by the Attorney-General, in House Document Numbered Three hundred and sixty-seven, and Senate Document Numbered One hundred and ninety-two, and which have not been appealed, three thousand and fifty-two dollars and seventy cents, together with such additional sum as may be necessary to pay interest on the respective judgments at the rate of four per centum per annum from the date thereof until the time this appropriation is made: *Provided*, That none of the judgments herein provided for shall be paid until the right of appeal shall have expired.

Proviso.
Appeal.

For payment of interest at four per centum per annum on the final judgment against the United States in favor of Patrick Henry Winston, rendered by the circuit court of the United States for the district of Washington, on the first day of October, eighteen hundred and ninety-four, under and by virtue of jurisdiction conferred by the Act of Congress approved March third, eighteen hundred and seventy-seven, four hundred and six dollars and twenty-six cents.

Payment authorized of interest on judgment of Winston against United States.

SEC. 2. That for the payment of the following claims, certified to be due by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section five of the Act of June twentieth, eighteen hundred and seventy-four, and under appropriations heretofore treated as permanent, being for the service of the fiscal year eighteen hundred and ninety-eight, and prior years, unless otherwise stated, and which have been certified to Congress under section two of the Act of July seventh, eighteen hundred and eighty-four, as fully set forth in House Document Numbered Three hundred and fifty-nine, Fifty-sixth Congress, second session, there is appropriated as follows:

Vol. 19, p. 110.

Vol. 22, p. 254.

CLAIMS ALLOWED BY THE AUDITOR FOR THE TREASURY DEPARTMENT.

Claims allowed by the Auditor for the Treasury Department.

For inspector of furniture and other furnishings for public buildings, twenty-four dollars and fifteen cents.

For fuel, lights, and water for public buildings, three hundred and two dollars and seventy-two cents.

For suppressing the slave trade, one hundred and eight dollars and ninety cents.

For contingent expenses, mint at Carson, one dollar and twenty-three cents.

For contingent expenses, mint at New Orleans, six dollars and eighty-four cents.

For contingent expenses, assay office at Boise, one dollar and ninety-seven cents.

For salaries and expenses, assay office at Deadwood, one hundred and sixty-three dollars and twenty-one cents.

For repayment to importers excess of deposits, one thousand and forty-two dollars and nineteen cents.

For enforcement of the Chinese-exclusion Act, two hundred and seventy-six dollars and six cents.

For Quarantine Service, twenty-one dollars and ten cents.

For Life-Saving Service, fifty-eight dollars and five cents.

For salaries and expenses of collectors of internal revenue, thirty-five dollars and fifty-two cents.

For redemption of stamps, fifty-one dollars and twenty-five cents.

For refunding taxes illegally collected, twenty-eight thousand six hundred and nineteen dollars and four cents.

CLAIMS ALLOWED BY THE AUDITOR FOR THE WAR DEPARTMENT.

Claims allowed by the Auditor for the War Department.

For pay of the Army, seven thousand eight hundred and seventy-six dollars and forty-six cents.

For pay of volunteers, seventy-seven dollars and ninety-five cents.

For bounty under Act of July eleventh, eighteen hundred and sixty-two, one hundred dollars.

For bounty under Act of July twenty-eighth, eighteen hundred and sixty-six, one hundred dollars.

For subsistence of the Army, one hundred and ninety-nine dollars and thirty-one cents.

For regular supplies, Quartermaster's Department, ninety-five dollars and eighteen cents.

For incidental expenses, Quartermaster's Department, three hundred and forty-one dollars and forty-one cents.

For transportation of the Army and its supplies, three hundred and seventy-six dollars and eight cents.

For clothing, and camp and garrison equipage, one hundred and thirty-seven dollars and twenty cents.

For headstones for graves of soldiers, four dollars and thirteen cents.

For Medical and Hospital Department, eight dollars and fifty cents.

For artificial limbs, eight hundred and sixty dollars and twenty-one cents.

For operating snagboats on the Ohio River, twenty-two cents.

For expenses California Débris Commission, four dollars and thirty-seven cents.

For horses and other property lost in the military service, ninety dollars.

For pay of volunteers, Mexican war, eighty-six dollars and four cents.

For pay of mounted riflemen under Colonel John C. Frémont in eighteen hundred and forty-six, fifty-one dollars and four cents.

For traveling expenses of First Michigan Cavalry, two hundred and six dollars and twenty-one cents.

For pay, transportation, services, and supplies of Oregon and Washington Volunteers in eighteen hundred and fifty-five and eighteen hundred and fifty-six, forty-eight dollars and fifty-two cents.

Claims allowed by
the Auditor for the
Navy Department.

CLAIMS ALLOWED BY THE AUDITOR FOR THE NAVY DEPARTMENT.

For pay of the Navy, two thousand nine hundred and seventy-nine dollars and thirty-nine cents.

For pay, miscellaneous, sixty-six dollars and twenty-four cents.

For pay of the Marine Corps, one hundred and fifteen dollars and three cents.

For pay, Naval Academy, one hundred and forty-four dollars.

For outfits for naval apprentices, Bureau of Navigation, forty-five dollars.

For indemnity for lost clothing, nine hundred and forty-six dollars and fifty-five cents.

For destruction of clothing and bedding for sanitary reasons, two hundred and twenty-eight dollars and sixty-eight cents.

For bounty for destruction of enemy's vessels, seventy dollars and twenty-seven cents.

For enlistment bounties to seamen, six hundred and thirty-three dollars and thirty-four cents.

For extra pay to officers and men who served in the Pacific, five dollars and seventy cents.

Claims allowed by
the Auditor for the
Interior Department.

CLAIMS ALLOWED BY THE AUDITOR FOR THE INTERIOR DEPARTMENT.

For investigation of pension cases, Pension Office, two dollars and eighty-six cents.

For reimbursement to receivers of public moneys, excess of deposits, five dollars and eighty cents.

For salaries and commissions of registers and receivers, two hundred and ninety-six dollars.

For contingent expenses of land offices, twenty dollars and ninety cents.

For surveying the public lands, nine thousand one hundred and twelve dollars and fifty-one cents.

For Geological Survey, one hundred and fifty-two dollars and thirty-one cents.

For pay of Indian police, eighty-seven dollars and fifty cents.

For pay of matrons, twelve dollars.

For telegraphing and purchase of Indian supplies, fifty-seven dollars and thirty-seven cents.

For transportation of Indian supplies, four hundred and fifty dollars and seventeen cents.

For support of Sioux of different tribes, beneficial objects, five hundred and eighty-five dollars and ninety cents.

For support of Mission Indians, one dollar and ninety-five cents.

For Indian schools, support, one hundred and sixty-six dollars and sixty-five cents.

For Indian school buildings, two hundred and ninety-nine dollars and twenty-five cents.

For Indian school, Genoa, Nebraska, thirty-three dollars and forty-eight cents.

For Indian school, Pierre, South Dakota, two dollars and sixty-seven cents.

For army pensions, fifty-four dollars.

For navy pensions, twenty-four dollars.

For fees of examining surgeons, pensions, two dollars.

CLAIMS ALLOWED BY THE AUDITOR FOR THE STATE AND OTHER DEPARTMENTS.

Claims allowed by the Auditor for the State and other Departments.

For salaries, consular service, one thousand four hundred and two dollars.

For allowance for clerks at consulates, one hundred and twenty dollars.

For pay of consular officers for services to American vessels and seamen, one hundred and eighty dollars and fifty-four cents.

For loss by exchange, consular service, eleven cents.

For fees and costs in extradition cases, one hundred and nine dollars and eighty-seven cents.

For relief and protection of American seamen, five hundred and fifty-four dollars and eighty cents.

For contingent expenses, United States consulates, two hundred and fifty-eight dollars and forty-nine cents.

For Interstate Commerce Commission, fifty-one dollars.

For salaries and expenses, Bureau of Animal Industry, two hundred and seventy-five dollars and eighty-four cents.

For forestry investigations, one dollar and forty-nine cents.

For general expenses, Weather Bureau, forty-two dollars and sixty-two cents.

For rent and incidental expenses, Territory of Alaska, eight hundred and ten dollars.

For salaries and expenses, United States courts, Indian Territory, one hundred and thirty dollars and sixty-five cents.

For salaries, fees, and expenses of marshals, United States courts, five hundred and thirty-two dollars and sixty-four cents.

For salaries and expenses of district attorneys, United States courts, one hundred and eighteen dollars and eighty-seven cents.

For fees of clerks, United States courts, fifty-four dollars and fifty cents.

For fees of commissioners, United States courts, one thousand two hundred and sixty dollars and thirty cents.

For fees of jurors, United States courts, four hundred and fifty-one dollars.

For fees of witnesses, United States courts, forty-nine dollars and sixty cents.

For support of prisoners, United States courts, sixty-four dollars and sixty cents.

For rent of court rooms, United States courts, seven hundred and fifty dollars.

For pay of bailiffs, and so forth, United States courts, eight dollars.

For miscellaneous expenses, United States courts, two hundred and fifty-three dollars and fifty cents.

Claims allowed by
the Auditor for the
Post-Office Depart-
ment.

CLAIMS ALLOWED BY THE AUDITOR FOR THE POST-OFFICE DEPARTMENT.

For rent, light, and fuel, one hundred and nine dollars and thirty-five cents.

For free-delivery service, one dollar.

For clerk hire, two hundred and fifteen dollars.

For compensation of postmasters, one hundred and ten dollars and eight cents.

For rewards, five hundred dollars.

For inland mail transportation (star), three hundred and nineteen dollars and thirty-seven cents.

No part of sum appropriated by this Act for pay of cadets shall be paid to any cadet who shall have been found guilty of any brutal form of hazing.

SEC. 3. That for the payment of the following claims, certified to be due by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section five of the Act of June twentieth, eighteen hundred and seventy-four, and under appropriations heretofore treated as permanent, being for the service of the fiscal year eighteen hundred and ninety-eight, and prior years, unless otherwise stated, and which have been certified to Congress under section two of the Act of July seventh, eighteen hundred and eighty-four, as fully set forth in Senate Document Numbered Two hundred and twelve, Fifty-sixth Congress, second session, there is appropriated as follows:

Vol. 18, p. 110.

Vol. 23, p. 254.

Claims allowed by
the Auditor for the
Treasury Department.

CLAIMS ALLOWED BY THE AUDITOR FOR THE TREASURY DEPARTMENT.

For contingent expenses, Treasury Department: Freight, telegrams, and so forth, fiscal year nineteen hundred and one, three hundred and ninety-seven dollars and thirteen cents.

For contingent expenses, Treasury Department: Freight, telegrams, and so forth, ten dollars and ninety-five cents.

For heating apparatus for public buildings, five dollars and thirty cents.

For repairs and preservation of public buildings, six dollars and forty cents.

For additional compensation to certain employees in the civil service at Washington, District of Columbia, under joint resolution of February twenty-eighth, eighteen hundred and sixty-seven, one thousand and seventy dollars and eighty-four cents.

For collecting the revenues from customs, seventy-eight dollars and thirty cents.

For repayment to importers excess of deposits, two hundred and twenty dollars and fifty-five cents.

For redemption of stamps, four hundred and five dollars and eighty-three cents.

For refunding taxes illegally collected, eighteen thousand seven hundred and thirty-six dollars and sixty-two cents.

Claims allowed by
the Auditor for the
War Department.

CLAIMS ALLOWED BY THE AUDITOR FOR THE WAR DEPARTMENT.

For contingent expenses, War Department, one dollar and thirty-five cents.

For pay, and so forth, of the Army, seven hundred and forty-three dollars and nine cents.

For regular supplies, Quartermaster's Department, one hundred and twenty-nine dollars and forty-nine cents.

For incidental expenses, Quartermaster's Department, eight dollars and five cents.

For transportation of the Army and its supplies, two hundred and sixty-seven dollars and thirty cents.

For clothing, and camp and garrison equipage, forty dollars and one cent.

For headstones for graves of soldiers, one dollar and twenty-five cents.

For pay, transportation, services, and supplies of Oregon and Washington Volunteers in eighteen hundred and fifty-five and eighteen hundred and fifty-six, two hundred and eighty-one dollars and sixty-two cents.

CLAIMS ALLOWED BY THE AUDITOR FOR THE NAVY DEPARTMENT.

Claims allowed by the Auditor for the Navy Department.

For pay of the Navy, eight hundred and sixty-eight dollars and nineteen cents.

For contingent, Marine Corps, sixty-five dollars and twelve cents.

For indemnity for lost clothing, four thousand nine hundred and ninety-eight dollars and eighty-five cents.

For destruction of clothing and bedding for sanitary reasons, one hundred and thirty-seven dollars and eighteen cents.

For bounty for destruction of enemy's vessels, five dollars and sixty-three cents.

For enlistment bounties to seamen, eight hundred and thirty-three dollars and thirty-three cents.

CLAIMS ALLOWED BY THE AUDITOR FOR THE INTERIOR DEPARTMENT.

Claims allowed by the Auditor for the Interior Department.

For contingent expenses, Department of the Interior, four dollars and forty-three cents.

For appraisal and sale of abandoned military reservations, one hundred dollars.

For surveying the public lands, fourteen thousand one hundred and ten dollars and eighty-three cents.

For surveying private land claims, three hundred and seventy-two dollars and three cents.

For pay of matrons, seven dollars.

For payment to Overton Love, a Chickasaw Indian, for stock stolen from him by Comanche Indians in eighteen hundred and sixty-seven, seven thousand three hundred and fifty dollars.

For army pensions, thirty dollars.

For navy pensions, ten dollars.

CLAIMS ALLOWED BY THE AUDITOR FOR THE STATE AND OTHER DEPARTMENTS.

Claims allowed by the Auditor for the State and other Departments.

DEPARTMENT OF STATE.

For salaries, secretaries of embassies and legations, eleven cents.

For pay of consular officers for services to American vessels and seamen, eighteen dollars and sixty-nine cents.

For loss by exchange, diplomatic service, forty-eight dollars and seventy-nine cents.

For contingent expenses, United States consulates, twenty-five dollars and four cents.

DEPARTMENT OF AGRICULTURE.

For forestry investigations, five dollars and seventy-seven cents.

For general expenses, Weather Bureau, twelve dollars and forty-four cents.

DEPARTMENT OF JUSTICE.

For salaries, fees, and expenses of marshals, United States courts, four hundred and forty dollars and twenty-nine cents.

For fees of commissioners, United States courts, one hundred and nineteen dollars and fifteen cents.

For fees of witnesses, United States courts, twenty-four dollars and thirty cents.

Claims allowed by the Auditor for the Post-Office Department.

CLAIMS ALLOWED BY THE AUDITOR FOR THE POST-OFFICE DEPARTMENT.

For advertising, eight dollars and fifty cents.

For railroad transportation, seventy-two dollars and thirty-three cents.

For star transportation, nine dollars and fifty-four cents.

Approved, March 3, 1901.

March 3, 1901.

CHAP. 832.—An Act Making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, nineteen hundred and two, and for other purposes.

Indian Department appropriations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the current and contingent expenses of the Indian Department and in full compensation for all offices the salaries for which are specially provided for herein, for the service of the fiscal year ending June thirtieth, nineteen hundred and two, and fulfilling treaty stipulations for the various Indian tribes, namely:

CURRENT AND CONTINGENT EXPENSES.

Pay of agents at agencies.

For pay of forty-nine agents of Indian affairs at the following-named agencies, at the rates respectively indicated, namely:

At the Blackfeet Agency, Montana, one thousand eight hundred dollars;

At the Cherokee School, North Carolina: Additional compensation to superintendent of said school for performing the duties heretofore required of the agent at the Cherokee Agency, two hundred dollars;

At the Cheyenne and Arapahoe Agency, Oklahoma Territory, one thousand eight hundred dollars;

At the Cheyenne River Agency, South Dakota, one thousand seven hundred dollars;

At the Colorado River Agency, Arizona; one thousand five hundred dollars;

At the Colville Agency, Washington, one thousand five hundred dollars;

At the Crow Creek Agency, South Dakota, one thousand six hundred dollars;

At the Crow Agency, Montana, one thousand eight hundred dollars;

At the Devils Lake Agency, North Dakota, one thousand two hundred dollars;

Pay of agents at
agencies—Continued.

At the Flathead Agency, Montana, one thousand five hundred dollars;

At the Fort Apache Agency, Arizona, one thousand five hundred dollars;

At the Fort Belknap Agency, Montana, one thousand five hundred dollars;

At the Fort Berthold Agency, North Dakota, one thousand five hundred dollars;

At the Fort Hall Agency, Idaho, one thousand five hundred dollars;

At the Fort Peck Agency, Montana, one thousand eight hundred dollars;

At the Green Bay Agency, Wisconsin, one thousand eight hundred dollars;

At the Kiowa Agency, Oklahoma Territory, one thousand eight hundred dollars;

At the Klamath Agency, Oregon, one thousand two hundred dollars;

At the La Pointe Agency, Wisconsin, one thousand eight hundred dollars;

At the Leech Lake Agency, Minnesota, one thousand eight hundred dollars;

At the Lemhi Agency, Idaho, one thousand two hundred dollars;

At the Lower Brule Agency, South Dakota, one thousand four hundred dollars;

At the Mission Tule River Agency, California, one thousand six hundred dollars;

At the Navajo Agency, New Mexico, one thousand eight hundred dollars;

At the Neah Bay Agency, Washington, one thousand dollars;

At the Nez Perces Agency, Idaho, one thousand six hundred dollars;

At the New York Agency, New York, one thousand dollars;

At the Omaha and Winnebago Agency, Nebraska, one thousand six hundred dollars;

At the Osage Agency, Oklahoma Territory, one thousand eight hundred dollars;

At the Pima Agency, Arizona, one thousand eight hundred dollars;

At the Pine Ridge Agency, South Dakota, one thousand eight hundred dollars;

At the Pottawatomie and Great Nemaha Agency, Kansas, one thousand five hundred dollars;

At the Ponca, Pawnee, Otoe, and Oakland Agency, Oklahoma Territory, one thousand five hundred dollars;

At the Jicarilla Agency, New Mexico, one thousand five hundred dollars;

At the Rosebud Agency, South Dakota, one thousand eight hundred dollars;

At the Sac and Fox Agency, Iowa, one thousand dollars;

At the Sac and Fox Agency, Oklahoma Territory, one thousand two hundred dollars;

At the San Carlos Agency, Arizona, one thousand eight hundred dollars;

At the Santee Agency, Nebraska, one thousand five hundred dollars;

At the Sisseton Agency, South Dakota, one thousand-five hundred dollars;

At the Shoshone Agency, Wyoming, one thousand five hundred dollars;

At the Southern Ute Agency, Colorado, one thousand four hundred dollars;

At the Standing Rock Agency, North Dakota, one thousand eight hundred dollars;

Pay of agents at
agencies.—Continued.

At the Tongue River Agency, Montana, one thousand five hundred dollars;

At the Uintah and Ouray Agency, Utah (consolidated), one thousand eight hundred dollars;

At the Umatilla Agency, Oregon, one thousand two hundred dollars;
At the Union Agency, Indian Territory, two thousand five hundred dollars;

At the White Earth Agency, Minnesota, one thousand eight hundred dollars;

At the Yakima Agency, Washington, one thousand six hundred dollars;

At the Yankton Agency, South Dakota, one thousand six hundred dollars; in all, seventy-seven thousand six hundred dollars: *Provided,*

Proviso.

Appropriations not
available for army of-
ficers acting as agents.

That the foregoing appropriations shall not take effect nor become available in any case for or during the time in which any officer of the Army of the United States shall be engaged in the performance of the duties of Indian agent at any of the agencies above named: *Pro-
vided further.* That the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may devolve the duties of any Indian agency, or any part thereof, upon the superintendent of the Indian training school located at such agency whenever in his judgment such superintendent can properly perform the duties of such agency. And the superintendent upon whom such duties devolve shall give bond as other Indian agents.

Superintendent of
training school may
act as agent.

Interpreters.

For payment of necessary interpreters, to be distributed in the discretion of the Secretary of the Interior, seven thousand dollars; but no person employed by the United States and paid for any other service shall be paid for interpreting.

Inspectors.

For pay of eight Indian inspectors, one of whom shall be an engineer competent in the location, construction, and maintenance of irrigation works, at two thousand five hundred dollars per annum each; to enable the Secretary of the Interior to investigate and report upon the condition of Indians upon reservations, their degree of civilization, the advisability of reducing the size of their reservations, the propriety of commuting their annuities, and to investigate and report upon the character of reservations, the area used by the Indians and the areas needed for their use, whether the reservation is composed of mineral or agricultural lands, and whether the reservation or any part thereof is better fitted for the purposes of forestry than for agriculture, and how the same shall be administered, and the area of mineral land, five thousand dollars in all; twenty-five thousand dollars, of which sum not exceeding five thousand dollars to be immediately available: *Provided,* That the Indian inspector who may be assigned to duty in the Indian Territory shall be considered as actually employed on duty in the field; and the accounting officers of the Treasury are hereby authorized to allow him per diem pay during the fiscal year nineteen hundred and one, and so long as he shall remain on duty in said Territory.

—duties.

Allowance, inspec-
tor, Indian Territory.

Traveling expenses
of inspectors.

For traveling expenses of eight Indian inspectors, at three dollars per day when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses now authorized by law, and for incidental expenses of inspection and investigation, including telegraphing and expenses of going to and going from the seat of government, and while remaining there under orders and direction of the Secretary of the Interior, for a period not to exceed twenty days, twelve thousand eight hundred dollars.

Superintendent.

For pay of one superintendent of Indian schools, three thousand dollars.

For necessary traveling expenses of one superintendent of Indian schools, including telegraphing and incidental expenses of inspection and investigation, one thousand five hundred dollars: *Provided*, That he shall be allowed three dollars per day for traveling expenses when actually on duty in the field, exclusive of cost of transportation and sleeping-car fare, in lieu of all other expenses now allowed by law: *And provided further*, That he shall perform such other duties as may be imposed upon him by the Commissioner of Indian Affairs, subject to the approval of the Secretary of the Interior.

For buildings and repairs of buildings at agencies and for water supplies at agencies, thirty-five thousand dollars.

For contingencies of the Indian Service, including traveling and incidental expenses of Indian agents and of their offices, and of the Commissioner of Indian Affairs; also traveling and incidental expenses of five special agents, at three dollars per day when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses now authorized by law; and expenses of going to and going from the seat of government, and while remaining there under orders and direction of the Secretary of the Interior, for a period not to exceed twenty days; for pay of employees not otherwise provided for, and for pay of the five special agents, at two thousand dollars per annum each, forty thousand dollars.

For expenses of the commission of citizens, serving without compensation, appointed by the President under the provisions of the Act of April tenth, eighteen hundred and sixty-nine, four thousand dollars, of which sum an amount not to exceed three hundred dollars may be paid for the rent of an office for said commission.

To enable the Secretary of the Interior to employ practical farmers and practical stockmen, subject only to such examination as to qualification as the Secretary of the Interior may prescribe, in addition to the agency farmers now employed, at wages not exceeding sixty-five dollars each per month, to superintend and direct farming and stock raising among such Indians as are making effort for self-support, sixty-five thousand dollars.

For services of officers, at fifteen dollars per month each, and privates, at ten dollars per month each, of Indian police, to be employed in maintaining order and prohibiting illegal traffic in liquor on the several Indian reservations and within the Territory of Alaska, in the discretion of the Secretary of the Interior, for the purchase of equipments, and for the purchase of rations for policemen at nonration agencies, one hundred and thirty-five thousand dollars.

For compensation of judges of Indian courts, twelve thousand five hundred and forty dollars.

To enable the Secretary of the Interior to employ suitable persons as matrons to teach Indian girls in housekeeping and other household duties, at a rate not to exceed sixty dollars per month, and for furnishing necessary equipments, fifteen thousand dollars.

To pay the expense of purchasing goods and supplies for the Indian Service, and pay of necessary employees; advertising, at rates not exceeding regular commercial rates; inspection, and all other expenses connected therewith, including telegraphing, fifty thousand dollars.

For necessary expenses of transportation of such goods, provisions, and other articles for the various tribes of Indians provided for by this Act, including pay and expenses of transportation agents and rent of warehouses, two hundred and fifty thousand dollars.

For pure vaccine matter and vaccination of Indians, five thousand dollars.

—traveling expenses

Proviso.
—per diem allowance in field.

—other duties.

Agency buildings.

Contingent expenses.

Special agents.

Citizens' commission.
Vol. 16, p. 40.

Practical farmers.

Indian police.

Judges of Indian courts.

Matrons to teach housekeeping.

Supplies, etc.

Transportation.

Vaccination.

Fulfilling treaties.

FULFILLING TREATY STIPULATIONS WITH, AND SUPPORT OF, INDIAN TRIBES.

Apaches, Kiowas,
and Comanches fund.

APACHES, KIWAS, AND COMANCHES FUND.

To carry out the agreement with said Indians, approved June sixth, nineteen hundred, as provided in article six of said agreement, one million five hundred thousand dollars.

Chickasaws.

CHICKASAWS.

Payment in full for
permanent annuity.

For permanent annuity, in goods, three thousand dollars: *Provided*, That the Secretary of the Treasury is hereby authorized and directed to place upon the books of the Treasury, to the credit of the Chickasaws, the sum of sixty thousand dollars, being in full for the permanent annuity in money or otherwise, as guaranteed to them by the treaty of July fifteenth, seventeen hundred and ninety-four.

Vol. 1, p. 619.

Chippewas of the
Mississippi.

CHIPPEWAS OF THE MISSISSIPPI.

Vol. 9, p. 904.

For ninth of ten installments of annuity, last series to be paid to Chief Hole in the Day or his heirs, per third article of treaty of August second, eighteen hundred and forty-seven, and fifth article of treaty of March nineteenth, eighteen hundred and sixty-seven, one thousand dollars;

Vol. 16, p. 720.

For support of a school or schools upon said reservation, in accordance with third article of treaty of March nineteenth, eighteen hundred and sixty-seven, four thousand dollars.

Choctaws.

CHOCTAWS.

Vol. 7, p. 99.

For permanent annuity, per second article of treaty of November sixteenth, eighteen hundred and five, and thirteenth article of treaty of June twenty-second, eighteen hundred and fifty-five, three thousand dollars;

Vol. 11, p. 614.

Vol. 7, p. 213.

For permanent annuity for support of light horsemen, per thirteenth article of treaty of October eighteenth, eighteen hundred and twenty, and thirteenth article of treaty of June twenty-second, eighteen hundred and fifty-five, six hundred dollars;

Vol. 11, p. 614.

Vol. 7, pp. 212, 236,
36.

For permanent annuity for support of blacksmith, per sixth article of treaty of October eighteenth, eighteen hundred and twenty, ninth article of treaty of January twentieth, eighteen hundred and twenty-five, and thirteenth article of treaty of June twenty-second, eighteen hundred and fifty-five, six hundred dollars;

For permanent annuity for education, per second and thirteenth articles of last two treaties named above, six thousand dollars;

Vol. 7, p. 236.

Vol. 11, p. 614.

For permanent annuity for iron and steel, per ninth article of treaty of January twentieth, eighteen hundred and twenty-five, and thirteenth article of treaty of June twenty-second, eighteen hundred and fifty-five, three hundred and twenty dollars;

Interest.

For interest on three hundred and ninety thousand two hundred and fifty-seven dollars and ninety-two cents, at five per centum per annum, for education, support of the government, and other beneficial purposes, under the direction of the general council of the Choctaws, in conformity with the provisions contained in the ninth and thirteenth articles of treaty of January twentieth, eighteen hundred and twenty-five, and treaty of June twenty-second, eighteen hundred and fifty-five, nineteen thousand five hundred and twelve dollars and eighty-nine cents; in all, thirty thousand and thirty-two dollars and eighty-nine cents.

Vol. 7, p. 236.

Vol. 11, p. 614.

CHIPPEWAS OF MINNESOTA, REIMBURSABLE.

Chippewas of Minnesota.

Advance interest to the Chippewa Indians in Minnesota, as required by section seven of "An Act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January fourteenth, eighteen hundred and eighty-nine, to be expended under the direction of the Secretary of the Interior, in the manner required by said Act (reimbursable), ninety thousand dollars.

Advance interest.
Vol. 25, p. 645, etc.

To enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to carry out an Act entitled "An Act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January fourteenth, eighteen hundred and eighty-nine, namely, the purchase of material and employment of labor for the erection of houses for Indians; for the purchase of agricultural implements, stock, and seeds, breaking and fencing land; for payment of expenses of delegations of Chippewa Indians, when authorized by the Secretary of the Interior, to visit the White Earth Reservation; for the erection and maintenance of day and industrial schools; for subsistence and for pay of employees; for pay of commissioner and his expenses, and for removal of Indians and for their allotments, to be reimbursed to the United States out of the proceeds of sale of their lands, one hundred and fifty thousand dollars.

Expenses of civilization.

CŒUR D'ALENES.

Cœur d'Alenes.

For tenth of fifteen installments of eight thousand dollars each, to be expended under the direction of the Secretary of the Interior, under the sixth article of agreement of March twenty-sixth, eighteen hundred and eighty-seven, ratified by act of March third, eighteen hundred and ninety-one, eight thousand dollars;

Vol. 26, p. 1026.

For pay of blacksmith, carpenter, and physician, and purchase of medicines, as per the eleventh article of said agreement, three thousand five hundred dollars; in all, eleven thousand five hundred dollars.

CREEKS.

Creeks.

For permanent annuity, in money, per fourth article of treaty of August seventh, seventeen hundred and ninety, and fifth article of treaty of August seventh, eighteen hundred and fifty-six, one thousand five hundred dollars;

Permanent annuities.
Vol. 7, p. 36.
Vol. 11, p. 700.

For permanent annuity, in money, per second article of treaty of June sixteenth, eighteen hundred and two, and fifth article of treaty of August seventh, eighteen hundred and fifty-six, three thousand dollars;

Vol. 7, p. 69.

Vol. 11, p. 700.

For permanent annuity, in money, per fourth article of treaty of January twenty-fourth, eighteen hundred and twenty-six, and fifth article of treaty of August seventh, eighteen hundred and fifty-six, twenty thousand dollars;

Vol. 7, p. 287.

Vol. 11, p. 700.

For permanent annuity for blacksmith and assistant, and for shops and tools, per eighth article of treaty of January twenty-fourth, eighteen hundred and twenty-six, and fifth article of treaty of August seventh, eighteen hundred and fifty-six, eight hundred and forty dollars;

For permanent annuity for iron and steel for shop, per same articles and treaties, two hundred and seventy dollars;

For permanent annuity for the pay of a wheelwright, per same articles of same treaties, six hundred dollars;

For five per centum interest on two hundred thousand dollars, for purposes of education, per sixth article of treaty of August seventh, eighteen hundred and fifty-six, ten thousand dollars;

Interest.
Vol. 11, p. 700.

Vol. 14, p. 787.

For interest on two hundred and seventy-five thousand one hundred and sixty-eight dollars, at the rate of five per centum per annum, to be expended under the direction of the Secretary of the Interior, under provisions of third article of treaty of June fourteenth, eighteen hundred and sixty-six, thirteen thousand seven hundred and fifty-eight dollars and forty cents; in all, forty-nine thousand nine hundred and sixty-eight dollars and forty cents.

Crows.

CROWS.

Vol. 22, p. 43.

For the twentieth of twenty-five installments, as provided in agreement with the Crows, dated June twelfth, eighteen hundred and eighty, to be used by the Secretary of the Interior in such manner as the President may direct, thirty thousand dollars;

Vol. 15, p. 652.

This amount, or so much thereof as may be necessary to furnish such articles of food as from time to time the condition and necessities of the Indians may require, fifteen thousand dollars; in all, forty-five thousand dollars.

Fort Hall Indians.

FORT HALL INDIANS.

Vol. 25, p. 688.

For thirteenth of twenty installments, as provided in agreement with said Indians, approved February twenty-third, eighteen hundred and eighty-nine, to be used by the Secretary of the Interior for the benefit of the Indians in such manner as the President may direct, six thousand dollars;

Auth. p. 671.

To carry out the agreement with said Indians, approved June sixth, nineteen hundred, to be used as provided in article two of said agreement, four hundred and twenty-five thousand dollars; in all, four hundred and thirty-one thousand dollars.

Indians at Blackfeet Agency.

INDIANS AT BLACKFEET AGENCY.

Vol. 29, p. 354.

For fourth of nine installments, to be disposed of as provided in article two of the agreement with the Indians of the Blackfeet Reservation, ratified by Act approved June tenth, eighteen hundred and ninety-six, one hundred and fifty thousand dollars.

Iowas.

IOWAS.

Interest.

Vol. 10, p. 1071.

For interest in lieu of investment on fifty-seven thousand five hundred dollars, balance of one hundred and fifty-seven thousand five hundred dollars, to July first, nineteen hundred and one, at five per centum per annum, for education or other beneficial purposes, under the direction of the President, per ninth article of treaty of May seventeenth, eighteen hundred and fifty-four, two thousand eight hundred and seventy-five dollars.

Kansas.

KANSAS.

Interest.

Vol. 9, p. 842.

For interest in lieu of investment on one hundred and thirty-five thousand dollars, being the amount due the Kansas tribe of Indians, per second article of treaty of January fourteenth, eighteen hundred and forty-six, six thousand seven hundred and fifty dollars.

Kickapoos in Kansas.

KICKAPOOS IN KANSAS.

Interest.

Vol. 10, p. 1079.

For interest on sixty-six thousand five hundred and fifty-four dollars and forty-three cents, at five per centum per annum, for educational and other beneficial purposes, per treaty of May eighteenth, eighteen hundred and fifty-four, three thousand three hundred and twenty-seven dollars and seventy-two cents.

MOELS.

Moles.

For pay of teachers and for manual-labor schools, and for all necessary materials therefor, and for the subsistence of the pupils, per second article of treaty of December twenty-first, eighteen hundred and fifty-five, three thousand dollars.

Schools.

Vol. 12, p. 981.

NORTHERN CHEYENNES AND ARAPAHOES.

Northern Cheyennes
and Arapahoes.

For subsistence and civilization, as per agreement with the Sioux Indians, approved February twenty-eighth, eighteen hundred and seventy-seven, including subsistence and civilization of Northern Cheyennes removed from Pine Ridge Agency to Tongue River, Montana, ninety thousand dollars;

Subsistence.

Vol. 19, p. 256.

For pay of physician, two teachers, two carpenters, one miller, two farmers, a blacksmith, and engineer, per seventh article of the treaty of May tenth, eighteen hundred and sixty-eight, nine thousand dollars; in all, ninety-nine thousand dollars.

OSAGES.

Osages.

For interest on sixty-nine thousand one hundred and twenty dollars, at five per centum per annum, being value of fifty-four sections of land set apart by treaty of June second, eighteen hundred and twenty-five, for educational purposes, per Senate resolution of January ninth, eighteen hundred and thirty-eight, three thousand four hundred and fifty-six dollars.

Interest.

Vol. 7, p. 242.

That the Secretary of the Interior is hereby authorized and directed to examine the accounts of Indian traders with the Osage Indians at the Osage Agency, and to determine the sums equitably due to such traders from such Indians, and to adjust their accounts upon the basis of a fair profit upon the goods which have been sold by such traders to such Indians, and when the amounts due as aforesaid shall have been determined and adjusted, the Secretary of the Interior is hereby authorized to pay, by a disbursing officer selected by the Secretary for that purpose, to the Osage Indians per capita the amount which has been collected as rent of pasture lands, and any accumulated interest other than their regular annuities which has not been heretofore paid to them: *Provided*, That when it shall appear to such disbursing officer that any such Indian, either as an individual or as the head of a family, is indebted to a trader or traders at such agency, as the same shall have been determined and adjusted, in an amount equal to or exceeding said per capita payment, such disbursing officer shall pay the per capita share due to said Indian as an individual or the head of a family, to such trader or traders in discharge of, or to be applied upon such indebtedness to such trader or traders. If such Indian as an individual or head of a family shall be indebted to more than one of such traders, such payment of his per capita share shall be paid to the traders in proportion to the amount of the respective sums due them as determined and adjusted. If the per capita share of any such Indian as an individual or head of a family shall exceed his indebtedness to said trader or traders, then payment shall be made as aforesaid to such trader or traders of the amount due, as aforesaid, and the balance of such per capita payment shall be paid to said Indian: *And provided further*, That it shall be unlawful hereafter for the traders upon the Osage Indian Reservation to give credit to any individual Indian or head of a family to an amount greater than sixty per centum of the next quarterly annuity to which such individual Indian or head of a family will be entitled; and if such traders shall give credit to any individual Indian or head of a family upon such reservation in excess of the

Adjustment of accounts of traders with
Osage Indians authorized.

—basis.

—per capita payment
to Indians, accumulated
interest, etc.*Proviso*,
—payment to trader
of per capita share of
Indian indebted, etc.—limit of credit to
Indians from traders,
etc.

amount herein allowed, no portion of the indebtedness thus created shall be collectible, and the same shall be void and the licenses of such traders shall be revoked.

Further payments
to Indians authorized.

Should the amount of the per capita payment herein authorized and directed be insufficient to fully cancel and discharge the debts found to be due from such Indians to such traders as herein provided, the Secretary of the Interior is hereby authorized and directed to make further per capita payments to said Indians whenever and as often as future pasture moneys and accumulations of interest other than regular annuities shall amount to the sum of one hundred thousand dollars, the same to be paid and applied in the manner hereinbefore provided: *And provided further*, That on and after July first, nineteen hundred and one, any person desiring to trade with the Indians on said reservation shall, upon establishing the fact, to the satisfaction of the Commissioner of Indian Affairs, that he is a proper person to engage in such trade, be permitted to do so under such rules and regulations as the Commissioner of Indian Affairs may prescribe for the protection of said Indians: *And provided further*, That the Secretary of the Interior is hereby directed to report to the next session of Congress showing the amounts due by such Indians to such traders as determined and adjusted as herein provided, and also any payments that may have been made to said Indians or to said trader or traders.

Regulations for
trading with Indians.

Report.

Pawnees.

PAWNEES.

Annuity.

Vol. 11, p. 729.

For perpetual annuity, at least one-half of which is to be paid in goods and such articles as may be deemed necessary for them, per second article of treaty of September twenty-fourth, eighteen hundred and fifty-seven, thirty thousand dollars;

For support of two manual-labor schools, per third article of same treaty, ten thousand dollars;

For pay of two farmers, two blacksmiths and two apprentices, one miller and apprentice, two teachers, one shoemaker, and one carpenter, five thousand four hundred dollars;

For pay of physician and purchase of medicines, one thousand two hundred dollars;

Vol. 11, p. 730.

For purchase of iron and steel and other necessities for the shops, as per fourth article of treaty of September twenty-fourth, eighteen hundred and fifty-seven, five hundred dollars; in all, forty seven thousand one hundred dollars.

Pottawatomies.

POTTAWATOMIES.

Annuities.
Vol. 7, p. 51.

For permanent annuity, in silver, per fourth article of treaty of August third, seventeen hundred and ninety-five, three hundred and fifty-seven dollars and eighty cents;

Vol. 7, p. 114.

For permanent annuity, in silver, per third article of treaty of September thirtieth, eighteen hundred and nine, one hundred and seventy-eight dollars and ninety cents;

Vol. 7, p. 185.

For permanent annuity, in silver, per third article of treaty of October second, eighteen hundred and eighteen, eight hundred and ninety-four dollars and fifty cents;

Vol. 7, p. 314.

For permanent annuity, in money, per second article of treaty of September twentieth, eighteen hundred and twenty-eight, seven hundred and fifteen dollars and sixty cents;

Vol. 7, pp. 320, 317.

For permanent annuity, in specie, per second article of treaty of July twenty-ninth, eighteen hundred and twenty-nine, and second article of treaty of September twentieth, eighteen hundred and twenty-eight, five thousand seven hundred and twenty-four dollars and seventy-seven cents;

Vol. 7, p. 318.

For permanent provision for payment of money in lieu of tobacco,

iron, and steel, per second article of treaty of September twentieth, eighteen hundred and twenty-eight, and tenth article of treaties of June fifth and seventeenth, eighteen hundred and forty-six, one hundred and seven dollars and thirty-four cents;

Vol. 9, p. 855.

For permanent provision for three blacksmiths and assistants, and for iron and steel for shops, per third article of treaty of October sixteenth, eighteen hundred and twenty-six; second article of treaty of September twentieth, eighteen hundred and twenty-eight, and second article of treaty of July twenty-ninth, eighteen hundred and twenty-nine, one thousand and eight dollars and ninety-nine cents;

Vol. 7, pp. 296, etc.

For permanent provision for fifty barrels of salt, per second article of treaty of July twenty-ninth, eighteen hundred and twenty-nine, fifty dollars;

Vol. 7, p. 320.

For interest on two hundred and thirty thousand and sixty-four dollars and twenty cents, at five per centum, in conformity with provisions of article seventh of treaties of June fifth and seventeenth, eighteen hundred and forty-six, eleven thousand five hundred and three dollars and twenty-one cents; in all, twenty thousand five hundred and forty-one dollars and eleven cents.

Interest.

Vol. 9, p. 854.

QUAPAWS.

Quapaws.

For education, per third article of treaty of May thirteenth, eighteen hundred and thirty-three, one thousand dollars; for blacksmith and assistants, and tools, iron, and steel for blacksmith shop, per same article and treaty, five hundred dollars; in all, one thousand five hundred dollars.

Vol. 7, p. 425.

That the act of the general council of the Quapaw tribe or nation of Indians in the Indian Territory, "To set apart and dedicate certain Quapaw lands for the use of schools, and dispose of certain other lands, to pay the indebtedness of the Quapaw Nation," passed and approved on January second, eighteen hundred and ninety-nine, be, and is hereby, ratified and confirmed: *Provided*, That the lands so dedicated and disposed of shall not exceed four hundred acres.

Acts dedicating lands for schools, etc., confirmed.

—limit.

SACS AND FOXES OF THE MISSISSIPPI.

Sacs and Foxes of the Mississippi.

For permanent annuity, in goods or otherwise, per third article of treaty of November third, eighteen hundred and four, one thousand dollars; for interest on two hundred thousand dollars, at five per centum, per second article of treaty of October twenty-first, eighteen hundred and thirty-seven, ten thousand dollars; for interest on eight hundred thousand dollars, at five per centum, per second article of treaty of October eleventh, eighteen hundred and forty-two, forty thousand dollars: *Provided*, That the sum of one thousand five hundred dollars of this amount shall be used for the pay of a physician and for purchase of medicine; in all, fifty-one thousand dollars.

Annuity.

Vol. 7, p. 85.

Interest.

Vol. 7, p. 541.

Physician, etc.

SACS AND FOXES OF THE MISSOURI.

Sacs and Foxes of the Missouri.

For interest on one hundred and fifty-seven thousand four hundred dollars, at five per centum, under the direction of the President, per second article of treaty of October twenty-first, eighteen hundred and thirty-seven, seven thousand eight hundred and seventy dollars;

Interest.

Vol. 7, p. 541.

For support of a school, per fifth article of treaty of March sixth, eighteen hundred and sixty-one, two hundred dollars; in all, eight thousand and seventy dollars.

School.

Vol. 12, p. 1173.

SEMINOLES.

Seminole.

For five per centum interest on two hundred and fifty thousand dollars, to be paid as annuity, per eighth article of treaty of August

Interest.

Vol. 11 p. 72.

seventh, eighteen hundred and fifty-six, twelve thousand five hundred dollars;

Vol. 14, p. 757.

For five per centum interest on two hundred and fifty thousand dollars, to be paid as annuity (they having joined their brethren West), per eighth article of treaty of August seventh, eighteen hundred and fifty-six, twelve thousand five hundred dollars;

For interest on fifty thousand dollars, at the rate of five per centum per annum, to be paid annually for the support of schools, as per third article of treaty of March twenty-first, eighteen hundred and sixty-six, two thousand five hundred dollars;

For interest on twenty thousand dollars, at the rate of five per centum per annum, to be paid annually for the support of the Seminole government, as per same article. same treaty, one thousand dollars; in all, twenty-eight thousand five hundred dollars.

Senecas.

SENECAS.

Annuities.
Vol. 7, p. 161.

For permanent annuity, in specie, per fourth article of treaty of September twenty-ninth, eighteen hundred and seventeen, five hundred dollars;

Vol. 7, p. 179.

For permanent annuity, in specie, per fourth article of treaty of September seventeenth, eighteen hundred and eighteen, five hundred dollars;

Vol. 15, p. 515.

For permanent annuity for blacksmith and miller, per fourth article of treaty of February twenty-eighth, eighteen hundred and thirty-one, to be annually paid to them as a national fund, to be expended by them for such articles and wants and improvements in agriculture as their chiefs (with the consent of their agent) may designate, as stipulated in the seventh article of treaty of February twenty-third, eighteen hundred and sixty-seven, one thousand six hundred and sixty dollars;

Vol. 7, p. 179.

Vol. 15, p. 515.

For permanent annuity, in specie, per fourth article of treaty of September seventeenth, eighteen hundred and eighteen, and fifth article of treaty of February twenty-third, eighteen hundred and sixty-seven, five hundred dollars;

Vol. 7, p. 352.

Vol. 15, p. 515.

For blacksmith and assistants, shops and tools, iron and steel, per fourth article of treaty of July twentieth, eighteen hundred and thirty-one, and fifth article of treaty of February twenty-third, eighteen hundred and sixty-seven, five hundred and thirty dollars; in all, three thousand six hundred and ninety dollars: *Provided*, That the Secretary of the Treasury is hereby authorized and directed to place upon the books of the Treasury, to the credit of the Senecas, the sum of seventy-three thousand eight hundred dollars, being in full for the permanent annuities, in money or otherwise, guaranteed to them by the treaties described above.

Senecas of New York.

SENECAS OF NEW YORK.

Annuity.
Vol. 4, p. 442.

For permanent annuity, in lieu of interest on stock, per Act of February nineteenth, eighteen hundred and thirty-one, six thousand dollars;

Interest.

For interest, in lieu of investment, on seventy-five thousand dollars, at five per centum, per Act of June twenty-seventh, eighteen hundred and forty-six, three thousand seven hundred and fifty dollars;

Vol. 9, p. 35.

For interest, at five per centum, on forty-three thousand and fifty dollars, transferred from the Ontario Bank to the United States Treasury, per Act of June twenty-seventh, eighteen hundred and forty-six, two thousand one hundred and fifty-two dollars and fifty cents; in all, eleven thousand nine hundred and two dollars and fifty cents.

Eastern Shawnees.

EASTERN SHAWNEES.

Annuity.
Vol. 7, p. 179.
Vol. 15, p. 515.

For permanent annuity, in specie, per fourth article of treaty of September seventeenth, eighteen hundred and eighteen, and fifth

article of treaty of February twenty-third, eighteen hundred and sixty-seven, five hundred dollars;

For blacksmith and assistant, shops and tools, iron and steel, per fourth article of treaty of July twentieth, eighteen hundred and thirty-one, and fifth article of treaty of February twenty-third, eighteen hundred and sixty-seven, five hundred and thirty dollars; in all, one thousand and thirty dollars: *Provided*, That the Secretary of the Treasury is hereby authorized and directed to place upon the books of the Treasury to the credit of the Eastern Shawnees the sum of twenty thousand six hundred dollars, being in full for the permanent annuities, in money or otherwise, guaranteed to them by the treaties above described.

Vol. 7, p. 352.

Vol. 15, p. 515.

Payment in full for permanent annuity.

SHOSHONES AND ARAPAHOES.

Shoshones and Arapahoes.

Vol. 30, p. 94.

For fourth of five installments, to be expended as provided in article three of the agreement with the Shoshones and Arapahoes in Wyoming, ratified by Act of June seventh, eighteen hundred and ninety-seven, ten thousand dollars.

SHOSHONES AND BANNOCKS.

Shoshones and Bannocks.

Shoshones.

SHOSHONES: For pay of physician, teacher, carpenter, miller, engineer, farmer, and blacksmith, as per tenth article of treaty of July third, eighteen hundred and sixty-eight, five thousand dollars;

For pay of second blacksmith, and such iron and steel and other materials as may be required, as per eighth article of same treaty, one thousand dollars;

Supplies.

Vol. 15, p. 676.

Bannocks.

BANNOCKS: For pay of physician, teacher, carpenter, miller, engineer, farmer, and blacksmith, as per tenth article of treaty of July third, eighteen hundred and sixty-eight, five thousand dollars; in all, eleven thousand dollars.

SIX NATIONS OF NEW YORK.

Six Nations of New York.

For permanent annuity, in clothing and other useful articles, per sixth article of treaty of November eleventh, seventeen hundred and ninety-four, four thousand five hundred dollars.

Annuity.
Vol. 7, p. 46.

SIoux OF DIFFERENT TRIBES, INCLUDING SANTEE SIOUX OF NEBRASKA.

Sioux of different tribes.

Teachers, etc.

For pay of five teachers, one physician, one carpenter, one miller, one engineer, two farmers, and one blacksmith, per thirteenth article of same treaty, ten thousand four hundred dollars;

For pay of second blacksmith, and furnishing iron, steel, and other material, per eighth article of same treaty, one thousand six hundred dollars;

For pay of additional employees at the several agencies for the Sioux in Nebraska and in North Dakota and South Dakota, eighty-five thousand dollars;

Employees.

For subsistence of the Sioux, and for purposes of their civilization, as per agreement ratified by Act of Congress approved February twenty-eighth, eighteen hundred and seventy-seven, nine hundred thousand dollars: *Provided*, That this sum shall include transportation of supplies from the termination of railroad or steamboat transportation; and in this service Indians shall be employed when practicable: *And provided further*, That the number of rations issued shall not exceed the number of Indians on each reservation, and any excess in the number of rations issued shall be disallowed in the settlement of the agent's account;

Subsistence.

Vol. 19, p. 254.

Provisos.
Transportation.

Limit of rations, etc.

For support and maintenance of day and industrial schools, including purchase, erection, and repairs of school buildings, in accordance

Schools.

Vol. 15, p. 637.

Vol. 25, p. 894.

with article seven of the treaty of April twenty ninth, eighteen hundred and sixty-eight, which article is continued in force for twenty years by section seventeen of the Act of March second, eighteen hundred and eighty-nine, two hundred and twenty-five thousand dollars; in all, one million two hundred and twenty-two thousand dollars.

Sioux, Yankton
tribe.

SIOUX, YANKTON TRIBE.

Vol. 11, p. 744.

For thirteenth of twenty installments (last series), to be paid to them or expended for their benefit, per fourth article of treaty of April nineteenth, eighteen hundred and fifty-eight, fifteen thousand dollars;

Vol. 19, p. 287.

For subsistence and civilization of Yankton Sioux, heretofore provided for in appropriations under "Fulfilling treaty with Sioux of different tribes," and so forth, thirty thousand dollars; in all, forty-five thousand dollars.

Spokanes.

SPOKANES.

Removal to Cœur
d'Alene Reservation.

For last of ten installments, to be expended under the direction of the Secretary of the Interior in the removal of the Spokane Indians to the Cœur d'Alene Reservation, in erecting suitable houses, in assisting them in breaking lands, in furnishing them with cattle, seeds, agricultural implements, saw and grist mills, thrashing machines, mowers, clothing, and provisions; in taking care of the old, sick, and infirm; in affording educational facilities, and in any other manner tending to their civilization and self-support, as per article five of agreement with said Indians dated March eighteenth, eighteen hundred and eighty-seven, ratified by Act of Congress approved July thirteenth, eighteen hundred and ninety-two, five thousand dollars: *Provided*, That any moneys heretofore or hereafter to be appropriated for the removal of said Spokane Indians to the Cœur d'Alene Reservation shall be extended to or expended for such members of the tribe who have removed or shall remove to the Colville, Spokane, or Jocko Reservations;

Vol. 27, p. 139.

For pay of a blacksmith and carpenter to do necessary work and to instruct the said Indians in those trades, one thousand dollars each, per sixth article of said agreement, two thousand dollars;

Chiefs Louis and
Enoch.

For ninth of ten installments of one hundred dollars each to Chiefs Louis and Enoch, as per article nine of said agreement, two hundred dollars; in all, seven thousand two hundred dollars.

Confederated Bands
of Utes.

CONFEDERATED BANDS OF UTES.

Carpenters, etc.

Vol. 13, p. 675.

Vol. 15, p. 622.

For pay of two carpenters, two millers, two farmers, and two blacksmiths, as per tenth article of treaty of October seventh, eighteen hundred and sixty-three, and fifteenth article of treaty of March second, eighteen hundred and sixty-eight, six thousand seven hundred and twenty dollars;

Vol. 15, p. 621.

For pay of two teachers, as per same article of same treaty, one thousand eight hundred dollars;

For purchase of iron and steel and the necessary tools for blacksmith shop, per ninth article of same treaty, two hundred and twenty dollars;

Food.

Vol. 15, p. 622.

For annual amount for the purchase of beef, mutton, wheat, flour, beans, and potatoes, or other necessary articles of food, as per twelfth article of same treaty, thirty thousand dollars;

Employees.

For pay of employees at the several Ute agencies, fifteen thousand dollars; in all, fifty-three thousand seven hundred and forty dollars.

WINNEBAGOES.

Winnebagoes.

For interest on eight hundred and four thousand nine hundred and nine dollars and seventeen cents, at five per centum per annum, per fourth article of treaty of November first, eighteen hundred and thirty-seven, and joint resolution of July seventeenth, eighteen hundred and sixty-two, forty thousand two hundred and forty-five dollars and forty-five cents; and the Secretary of the Interior is hereby directed to expend said interest for the support, education, and civilization of said Indians;

Interest.

Vol. 7, p. 545.

Vol. 12, p. 628.

For interest on seventy-eight thousand three hundred and forty dollars and forty-one cents, at five per centum per annum, to be expended under the direction of the Secretary of the Interior for the erection of houses, improvement of their allotments of land, purchase of stock, agricultural implements, seeds, and other beneficial objects, three thousand nine hundred and seventeen dollars and two cents; in all, forty-four thousand one hundred and sixty-two dollars and forty-seven cents.

Vol. 16, p. 355.

MISCELLANEOUS SUPPORTS.

Miscellaneous supports.

For subsistence and civilization of the Apaches, Kiowas, Comanches, Wichitas, and affiliated bands who have been collected in the reservations set apart for their use and occupation, fifty thousand dollars.

For subsistence and civilization of the Arapahoes and Cheyennes who have been collected on the reservations set apart for their use and occupation, seventy thousand dollars.

For support and civilization of the Chippewas of Lake Superior, Wisconsin, to be expended for agricultural and educational purposes; pay of employees, including pay of physician, at one thousand two hundred dollars; purchase of goods and provisions, and for such other purposes as may be deemed for the best interests of said Indians, seven thousand dollars.

For support and civilization of Turtle Mountain Band of Chippewas, North Dakota, including seeds, thirteen thousand dollars.

For the relief of the Turtle Mountain Indians and those of the Devils Lake Agency, North Dakota, for the purpose of stamping out small-pox and expenses already incurred in respect thereto, twenty thousand dollars, or so much thereof as may be necessary, to be immediately available.

For support and civilization of the confederated tribes and bands in middle Oregon, and for pay of employees, five thousand dollars.

For support and civilization of Digger Indians of California, and for locating them on lands purchased for them, two thousand five hundred dollars.

For support and civilization of the D'Wamish and other allied tribes in Washington, including pay of employees, five thousand dollars.

For support and civilization of Carlos's Band of Flatheads, Montana, including pay of employees, eight thousand dollars.

For support and civilization of the Flatheads and other confederated tribes, Montana, including pay of employees, eight thousand dollars.

For support and civilization of the Apache and other Indians in Arizona and New Mexico who have been or may be collected on reservations in Arizona and New Mexico, two hundred and twenty-five thousand dollars.

For support, civilization, and instruction of the Shoshones and Ban-nocks and other Indians of the Fort Hall Reservation in Idaho, including pay of employees, twenty-five thousand dollars.

For support and education and civilization of the Indians of the Fort Peck Reservation in Montana, including pay of employees, seventy-five thousand dollars.

For support, civilization, and instruction of the Shoshones, Ban-

Miscellaneous sup-
ports—Continued.

nocks, Sheepaters, and other Indians of the Lemhi Agency, Idaho, including pay of employees, thirteen thousand dollars.

For support, civilization, and instruction of the Klamaths, Modocs, and other Indians of the Klamath Agency, Oregon, including pay of employees, five thousand dollars.

For support and civilization of the Kansas Indians, Oklahoma Territory, including agricultural assistance and pay of employees, two thousand five hundred dollars.

For support and civilization of the Kickapoo Indians in Oklahoma Territory, five thousand dollars.

For the purchase of teams, farming implements, seeds, and other necessary articles for the Mexican Kickapoo Indians, known as the "Kicking Kickapoos," in Oklahoma Territory, in the discretion of the Secretary of the Interior, three thousand dollars.

For support and civilization of the Makahs, Washington, including pay of employees, three thousand dollars.

For support and civilization of Indians at the Mission Agency, California, including pay of employees, three thousand dollars.

For support and civilization of the Modoc Indians now residing within the Indian Territory, one thousand dollars.

For purchase of agricultural implements, and support and civilization of Joseph's Band of Nez Perce Indians, four thousand dollars.

For support and civilization of Nez Perce Indians in Idaho, three thousand dollars.

For support and civilization of the Ponca Indians, including pay of employees, fifteen thousand dollars: *Provided*, That this amount shall be divided pro rata among all the members of said tribe in Oklahoma Territory and in Nebraska and Dakota.

For support and civilization of the Qui-nai-elts and Quil-leh-utes, including pay of employees, one thousand dollars.

For support and civilization of the Shebits and Kaibabs in Utah if in the opinion of the Secretary of the Interior the same is necessary, five thousand dollars.

For support and civilization of Shoshone Indians in Wyoming, twenty-five thousand dollars.

For support and civilization of Shoshone Indians in Nevada, including pay of employees, twelve thousand dollars.

For purchase of teams, farming implements, seeds, and other necessary articles for the Big Jim's Band of Absentee Shawnee Indians in Oklahoma Territory, in the discretion of the Secretary of the Interior, five thousand dollars.

For support and civilization of Sioux of Devils Lake, North Dakota, including pay of employees, and for the purchase of seeds; ten thousand dollars.

For support and civilization of Tonkawa Indians, Oklahoma Territory, and for seeds and agricultural implements, one thousand dollars.

To enable the Secretary of the Interior to purchase subsistence and other necessities for the support of the Hualpais in Arizona, five thousand dollars.

For support and civilization of the Walla Walla, Cayuse, and Umatilla tribes, Oregon, including pay of employees, five thousand dollars.

For support and civilization of the Yakimas, and other Indians at said agency, including pay of employees, eight thousand dollars.

Incidental expenses. GENERAL INCIDENTAL EXPENSES OF THE INDIAN SERVICE.

Arizona.

ARIZONA: For general incidental expenses of the Indian Service in Arizona, including traveling expenses of agents, one thousand five hundred dollars.

California.

CALIFORNIA: For general incidental expenses of the Indian Service

in California, including traveling expenses of agents, and support and civilization of Indians at the Round Valley, Hoopa Valley, and Tule River agencies, seven thousand dollars; and pay of employees at same agencies, eight thousand dollars; in all, fifteen thousand dollars.

COLORADO: For general incidental expenses of the Indian Service in Colorado, including traveling expenses of agents, one thousand dollars.

IDAHO: For general incidental expenses of the Indian Service in Idaho, including traveling expenses of agents, one thousand dollars.

INDIAN TERRITORY: For general incidental expenses of the Indian Service in the Indian Territory, including incidental expenses of the Indian inspector's office and for pay of employees, eighteen thousand dollars: *Provided*, That hereafter the clerks of the district courts in the Indian Territory shall account to the United States for all fees earned and collected by them in accordance with such rules and regulations as the Attorney-General shall prescribe. They shall annually pay over to the Treasurer of the United States all such fees collected and earned by them in excess of the necessary expenses incurred and paid by them for attendance on court, record books, stationery, and clerk hire subsequent to May thirty-first, nineteen hundred, such expenses to be allowed and retained by said clerks on accounts approved by the judge of the court when accompanied by proper vouchers. And such clerks shall hereafter be paid the sum of one thousand dollars each per annum for all extra services in addition to their regular salary.

MONTANA: For general incidental expenses of the Indian Service in Montana, including traveling expenses of agents and pay of employees, eight thousand five hundred dollars.

NEVADA: For general incidental expenses of the Indian Service in Nevada, including traveling expenses of agents, and support and civilization of Indians located on the Piute, Walker River, and Pyramid Lake reservations, eight thousand dollars; and pay of employees, including physician at the Walker River Reservation, at nine hundred dollars, four thousand nine hundred dollars; in all, twelve thousand nine hundred dollars.

NEW MEXICO: For general incidental expenses of the Indian Service in New Mexico, including traveling expenses of agents, one thousand five hundred dollars.

NORTH DAKOTA: For general incidental expenses of the Indian Service in North Dakota, including traveling expenses of agents at three agencies, one thousand five hundred dollars.

OREGON: For general incidental expenses of the Indian Service in Oregon, including traveling expenses of agents, and support and civilization of Indians of Grand Ronde and Siletz agencies, six thousand dollars; and pay of employees at the same agencies, four thousand dollars; in all, ten thousand dollars.

SOUTH DAKOTA: For general incidental expenses of the Indian Service in South Dakota, including traveling expenses of agents at seven agencies, three thousand five hundred dollars.

UTAH: For general incidental expenses of the Indian Service in Utah, including traveling expenses of agents, one thousand dollars.

WASHINGTON: For general incidental expenses of the Indian Service in Washington, including traveling expenses of agents, and support and civilization of Indians at Colville and Puyallup agencies, and for pay of employees, seventeen thousand dollars.

WYOMING: For general incidental expenses of the Indian Service in Wyoming, including traveling expenses of agents, one thousand dollars.

Colorado.

Idaho.

Indian Territory.

Proviso.
Clerks of district courts to return fees in excess of necessary expenses.

—annual payment for extra services.

Montana.

Nevada.

New Mexico.

North Dakota.

Oregon.

South Dakota.

Utah.

Washington.

Wyoming.

MISCELLANEOUS.

Miscellaneous.

For salaries of four commissioners, appointed under Acts of Congress approved March third, eighteen hundred and ninety-three, and

Commission to Five Civilized Tribes. Vol. '7, p. 646.

Vol. 28, p. 939.

Provisos.
Number of commis-
sioners.
Special disbursing
agent, etc.

Use of appropria-
tion, etc.

Statement of ex-
penditures.

Temporary clerks,
office Commissioner
Indian Affairs.

Inquiry as to possi-
ble personal tax, In-
dian Territory.

Choctaw orphan
lands.
Disposition of, au-
thorized.

Mills; Pima Agency,
Ariz.

—Klamath Agency,
Oreg.

—Nez Percé Reserva-
tion, Idaho.

Physician, New York
Agency.
Omaha, Nebr.
Warehouse for sup-
plies.
Vol. 30, p. 75.

Turtle Mountain
Band of Chippewas.
Sioux of Devils
Lake, N. Dak.; sup-
port of.

Surveying and al-
lotting lands in sev-
eralty.
Vol. 24, p. 388.

March second, eighteen hundred and ninety-five, to negotiate with the Five Civilized Tribes in the Indian Territory, twenty thousand dollars: *Provided*, That the number of said commissioners is hereby fixed at four. For expenses of commissioners and necessary expenses of employees, and three dollars per diem for expenses of a clerk detailed as special disbursing agent by Interior Department, while on duty with the commission, shall be paid therefrom; for clerical help, including secretary of the commission and interpreters, three hundred thousand dollars; for contingent expenses of the commission, four thousand dollars; in all, three hundred and twenty-four thousand dollars: *Provided further*, That this appropriation may be used by said commission in the prosecution of all work to be done by or under its direction as required by law; and said commissioners shall at once make an itemized statement to the Secretary of the Interior of all their expenditures up to January first, nineteen hundred and one, and annually thereafter: *And provided further*, That not to exceed ten thousand four hundred dollars of the above amount may be used in the temporary employment in the office of the Commissioner of Indian Affairs of three clerks, at the rate of one thousand six hundred dollars per annum, who shall be competent to examine records in disputed citizenship cases and law contests growing out of the work of said commission, and in the temporary employment in said office of three competent stenographers, at the rate of one thousand dollars each per annum, to be immediately available.

To enable the Secretary of the Interior to investigate and report to Congress at its next session whether it is practicable to provide a system of taxation of personal property, occupations, franchises, and so forth, in the Indian Territory sufficient to maintain a system of free schools to all the children of the Indian Territory, five thousand dollars.

That the Commissioner of the General Land Office is hereby authorized and directed to dispose of the Choctaw orphan lands in the State of Mississippi as other public lands are disposed of.

For operating and repairing the flour mill at Pima Agency, Arizona, one thousand five hundred dollars.

For operating one portable sawmill for the Klamath Agency, Oregon, and for necessary repairs to same, one thousand five hundred dollars.

For operating one portable sawmill on the Nez Percé Indian Reservation, Idaho, and for necessary repairs to the same, one thousand five hundred dollars.

For pay of physician, New York Agency, six hundred dollars.

For the purpose of carrying out the provisions of the Act of June seventh, eighteen hundred and ninety-seven, "that the Secretary of the Interior shall, within one year after the passage of this Act, establish and thereafter maintain at the city of Omaha, in the State of Nebraska, a warehouse for Indian supplies, from which distributions shall be made to such Indian tribes of the West and Northwest as the Secretary of the Interior may direct," eight thousand dollars.

For relief and support of the Turtle Mountain Band of Chippewas and the Sioux of Devils Lake, North Dakota, to be expended for their benefit under direction of the Secretary of the Interior in such manner and for such purposes as he may direct, twenty-five thousand dollars, to be immediately available.

To enable the President to cause, under the provisions of the Act of February eighth, eighteen hundred and eighty-seven, entitled "An Act to provide for the allotment of lands in severalty to Indians," such Indian reservations as in his judgment are advantageous for agricultural and grazing purposes to be surveyed or resurveyed, for the

purposes of said Act, and to complete the allotment of the same, including the necessary clerical work incident thereto in the field and in the Office of Indian Affairs, and delivery of trust patents, so far as allotments shall have been selected under said Act, thirty thousand dollars.

For construction of ditches and reservoirs, purchase and use of irrigating tools and appliances, and purchase of water rights on Indian reservations, in the discretion of the Secretary of the Interior and subject to his control, one hundred thousand dollars: *Provided*, That the Secretary of the Interior may employ such number of superintendents of irrigation, who shall be skilled irrigation engineers, not to exceed two, as in his judgment may be necessary to secure the construction of ditches and other irrigation works in a substantial and workmanlike manner; and also one clerk in the Office of Indian Affairs, at a salary of one thousand dollars per annum.

For repairs to the bridge across Wind River, on the Shoshone Reservation in Wyoming, eight hundred and fifty dollars, to be immediately available.

For survey and subdivision of Indian reservations and of lands to be allotted to Indians, and to make allotments in severalty, to be expended by the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, twenty thousand dollars.

For compensation of the commissioner authorized by the Indian appropriation Act approved June seventh, eighteen hundred and ninety-seven, to superintend the sale of land, and so forth, of the Puyallup Indian Reservation, Washington, who shall continue the work as therein provided, two thousand dollars.

For continuing the work of transferring the Indian depredation claims from the Office of Indian Affairs to the Court of Claims and making a record of the same, and for the proper care and custody of the papers and records relating thereto, under the provisions of the Act approved March third, eighteen hundred and ninety-one (Twenty-sixth Statutes at Large, page eight hundred and fifty-one), four thousand six hundred dollars.

To enable the President to cause, under the provisions of the Act of March second, eighteen hundred and eighty-nine, entitled "An Act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder, and for other purposes," to be allotted the land in said separate reservations as provided in said Act, including the necessary resurveys, ten thousand dollars. [Reimbursable.]

For the equipment and maintenance of the asylum for insane Indians at Canton, South Dakota, for incidental and all other expenses necessary for its proper conduct and management, including pay of employees, and for necessary expense of transporting insane Indians to and from said asylum, twelve thousand dollars.

To pay all expenses incident to the survey, platting, and appraisal of town sites in the Choctaw, Chickasaw, Creek, and Cherokee nations, Indian Territory, as required by sections fifteen and twenty-nine of an Act entitled "An Act for the protection of the people of the Indian Territory, and for other purposes," approved June twenty-eighth, eighteen hundred and ninety-eight, and all Acts amendatory thereof or supplemental thereto, one hundred and fifty thousand dollars: *Provided*, That hereafter the Secretary of the Interior may, whenever the chief executive of the Choctaw or Chickasaw Nation fails or refuses to appoint a town-site commissioner for any town, or to fill any vacancy caused by the neglect or refusal of the town-site commissioner appointed by the chief executive of the Choctaw or Chickasaw Nation to qualify or act, in his discretion, appoint a commissioner to fill the vacancy thus created.

Works of irrigation.

Proviso.
—superintendents authorized.

—and clerk.

Shoshone Reservation, Wyo.
Repairs, bridge over Wind River.

Surveys and allotments.

Puyallup Reservation, Wash.
Compensation of commissioner to sell lands.
Vol. 30, p. 87.

Indian depredation claims.
Transfer to Court of Claims.
Vol. 26, p. 851.

Sioux Indian Reservation, Dak.
Appropriation for allotment resurveys, etc.
Vol. 25, p. 888.

Canton, S. Dak., insane asylum.

Choctaw, Chickasaw, etc., nations.
Appropriation for platting town sites, etc.
Vol. 30, pp. 500, 505.

Appointment of town-site commissioner.

Suit of Eastern Band of Cherokee Indians vs. Thomas et al.
 Appropriation for payments under certain agreements of compromise.

EASTERN BAND OF CHEROKEE INDIANS: For this amount, to be expended under the direction of the Attorney-General for the purpose of carrying into effect six agreements of compromise in the suit of the United States against William H. Thomas and others, entered into between A. E. Holton, United States attorney, and George H. Smathers, special assistant to the United States attorney for the western district of North Carolina, representing the United States and the defendants therein and hereinafter named; and an agreement in the two suits, respectively, of the Eastern Band of Cherokee Indians against William H. Thomas and others, and the United States against William H. Thomas and others, entered into between George H. Smathers, special assistant United States attorney, representing the United States and the Eastern Band of Cherokee Indians, as evidenced by an act of the council of said Indians, bearing date December seventeenth, nineteen hundred, both suits pending in the circuit court of the United States for the western district of North Carolina, which agreements of compromise with said defendants and the agreement with said band of Indians are on file in the Department of Justice, and are set forth in detail on pages four and five of a report made by George H. Smathers, special assistant United States attorney, to the Attorney-General, as to the status of this litigation, bearing date January twenty-second, nineteen hundred and one, to settle and quiet the title to certain tracts of land claimed by said Indians that were conveyed in a deed executed by William Johnston and others, to the Commissioner of Indian Affairs as trustee for the Eastern Band of Cherokee Indians, bearing date August fourteenth, eighteen hundred and eighty, known as the "Sibbald deed," and more fully set forth in said agreements of compromise, the sum of eight thousand seven hundred and seventy dollars, the names of the defendants and the amount to be paid to each under said agreements of compromise, and the amount to be paid to said band of Indians, being as follows: To W. N. Cooper, R. L. Cooper, and T. J. Cooper, executors of James W. Cooper, deceased, under agreement of compromise, Exhibit Numbered One, two thousand dollars; to M. A. Hembree and others, defendants, in agreement of compromise, Exhibit Numbered Two, as follows: To M. A. Hembree, Murphy, Cherokee County, North Carolina, three hundred and twenty-five dollars; to Thomas Dockery, Murphy, Cherokee County, North Carolina, five hundred dollars; to James Humphreys, Murphy, Cherokee County, North Carolina, three hundred dollars; to W. R. Graves, Murphy, Cherokee County, North Carolina, one hundred and twenty-five dollars; to John E. Graves, Murphy, Cherokee County, North Carolina, three hundred dollars; to John A. Dockery, Murphy, Cherokee County, North Carolina, thirty dollars; to N. E. Dockery, Murphy, Cherokee County, North Carolina, twenty-five dollars; to John E. Fricks, Murphy, Cherokee County, North Carolina, three hundred and twenty-five dollars; to A. G. Hunsucker, Murphy, Cherokee County, North Carolina, seventy-five dollars; to L. M. Hunsucker, Murphy, Cherokee County, North Carolina, one hundred and twenty-five dollars; to Henry P. McClure, Murphy, Cherokee County, North Carolina, forty dollars; to Irena Warlick, Murphy, Cherokee County, North Carolina, two hundred and fifty dollars; to W. F. Mauney and N. F. Cooper, Robbinsville, Graham County, North Carolina, Exhibit Numbered Three, fifty dollars; to David Watkins and Joseph Watkins, Bryson City, Swain County, North Carolina, Exhibit Numbered Four, two hundred dollars; to J. U. Whiteside, Bryson City, North Carolina, Exhibit Numbered Five, fifty dollars; to Charley Kirkland, Bryson City, North Carolina, Exhibit Numbered Six, fifty dollars; to Eastern Band of Cherokee Indians, Cherokee, Swain County, North Carolina, Exhibit Numbered Seven, four thousand dollars; total, eight thousand seven hundred and seventy dollars.

—*r* ayees designated.

The Secretary of the Interior is hereby authorized, in his discretion, to permit the construction of a free bridge to span the narrows of Devils Lake, in the State of North Dakota, at a point between townships one hundred and fifty-two and one hundred and fifty-three north, range sixty-four west. If said bridge shall abut on an Indian allotment, the consent of the allottee shall first be obtained. The Secretary may also authorize the taking of stone from the shores of the lake on the reservation side in the construction of the said bridge.

Devils Lake, North Dakota.
Construction of bridge at narrows authorized.

To pay Lieutenant-Colonel James F. Randlett, retired from the Army, while serving as agent at the Uintah and Ouray Agency, Utah (as provided in Twenty-seventh United States Statutes, page one hundred and twenty), for six months and twenty-three days, at the rate of one thousand eight hundred dollars per annum, the sum of one thousand and fifteen dollars.

Lieut. Col. James F. Randlett.
Payment to.

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to negotiate, through any United States Indian inspector, agreements with any Indians for the cession to the United States of portions of their respective reservations or surplus unallotted lands, any agreements thus negotiated to be subject to subsequent ratification by Congress.

Secretary of Interior may negotiate with Indians for cession of lands.

To enable the Secretary of the Interior to employ a special attorney for the Pueblo Indians of New Mexico during the remainder of the fiscal year ending June thirtieth, nineteen hundred and one, and to pay for legal services heretofore rendered said Indians during said fiscal year, one thousand five hundred dollars, or so much thereof as may be necessary, to be immediately available.

Pueblo Indians, New Mexico.
Special attorney for.

To enable the Secretary of the Interior to employ a special attorney for the Pueblo Indians of New Mexico during the fiscal year ending June thirtieth, nineteen hundred and two, one thousand five hundred dollars, or so much thereof as may be necessary.

The rolls made by the Commission to the Five Civilized Tribes, when approved by the Secretary of the Interior, shall be final, and the persons whose names are found thereon shall alone constitute the several tribes which they represent; and the Secretary of the Interior is authorized and directed to fix a time by agreement with said tribes or either of them for closing said rolls, but upon failure or refusal of said tribes or any of them to agree thereto, then the Secretary of the Interior shall fix a time for closing said rolls, after which no name shall be added thereto.

Rolls of Commission to Five Civilized Tribes.
Force of, etc.

—time for closing.

That no act, ordinance, or resolution of the Creek or Cherokee tribes, except resolutions for adjournment, shall be of any validity until approved by the President of the United States. When such acts, ordinances, or resolutions passed by the council of either of said tribes shall be approved by the principal chief thereof, then it shall be the duty of the national secretary of said tribe to forward them to the President of the United States, duly certified and sealed, who shall, within thirty days after their reception, approve or disapprove the same. Said acts, ordinances, or resolutions, when so approved, shall be published in at least two newspapers having a bona fide circulation in the tribe to be affected thereby, and when disapproved shall be returned to the tribe enacting the same.

Approval of acts, etc., of Creeks or Cherokees.

—publication of acts, etc.

That the Secretary of the Interior is authorized and directed to withhold from the amount appropriated by the Act of February ninth, nineteen hundred, to pay the judgment of the Court of Claims in favor of the New York Indians, a sum not exceeding ten thousand dollars, and to apply it in the payment of expenses necessary in ascertaining the beneficiaries of said judgment: *Provided*, That out of the amount so appropriated for the payment of said judgment there be first retained and paid by the proper officers to the attorneys engaged in the prosecution of the claim resulting in said judgment such sum or

New York Indians.
Deduction from appropriation to pay judgment of Court of Claims in favor of.

—attorneys' fees.

sums as shall have heretofore been ascertained and approved by the Commissioner of Indian Affairs and the Secretary of the Interior as payable in accordance with contracts with the said Indians heretofore approved by said Commissioner of Indian Affairs and the Secretary of the Interior.

Albert Pike's heirs.
Payment to, of claim
for legal services to
Choctaw Nation.

For payment to the heirs of Albert Pike, deceased, to be paid as hereinafter provided, out of any funds in the Treasury of the United States belonging to the Choctaw Nation, seventy-five thousand dollars; which said sum the Secretary of the Treasury is hereby authorized and directed to pay immediately as follows: Thirty thousand dollars to Yvon Pike, surviving son and heir of Albert Pike; fifteen thousand dollars to Mrs. Lilian Pike Roome, surviving daughter and heir of Albert Pike; and thirty thousand dollars to Yvon Pike as administrator of the estate of Luther H. Pike, deceased, son of Albert Pike, upon execution by each of the said heirs and said administrator of a receipt in full for all their respective claims against the Choctaw Nation for the services of Albert Pike in the collection from the United States of what is commonly known as the "net proceeds claim."

Omaha and Winne-
bago agencies, Ne-
braska.

Repairs to bridges.
Mandan, N. Dak.
Indian industrial
school at, authorized.

For repairs of bridges and approaches on the Omaha and Winnebago Agency, in the State of Nebraska, five thousand dollars.

For erecting, constructing, and completing suitable school buildings for an Indian industrial school at or near the city of Mandan, in the State of North Dakota, upon lands to be donated to the Government for that purpose, of not less than one hundred and sixty acres in extent, and of such character and in such location as shall be deemed by the Secretary of the Interior to be most suitable for the purpose, and upon plans and specifications to be approved by the Secretary of the Interior, fifty thousand dollars.

Sisseton and Wah-
peton bands of Dakota
or Sioux Indians.
Court of Claims to
determine claims of
loyal members since
act of forfeiture, etc.

Vol. 12, pp. 652, 1038.

That full jurisdiction is hereby conferred upon the Court of Claims to hear, ascertain, and report to Congress what members of the Sisseton and Wahpeton bands of Dakota or Sioux Indians remained loyal to the Government of the United States and were not directly or indirectly concerned in the depredations of certain bands of Sioux Indians named in the Act of Congress approved February sixteenth, eighteen hundred and sixty-three, entitled "An Act for the relief of persons for damages sustained by reason of depredations and injuries by certain bands of Sioux Indians," or other Acts upon the subject; and to hear, ascertain, and report to Congress what annuities provided by the treaty with said bands of July twenty-third, eighteen hundred and fifty-one, would now be due the loyal members of said bands if the said Act of Congress had not been passed. The court is further authorized to further consider, ascertain, and report to Congress what lands, appropriations, payments, gratuities, or other provisions have been made to or for said bands or to any of the members thereof since said Act of forfeiture was passed. Proceedings shall be commenced by petition verified by the attorney for said Indians who may appear for and on their behalf, and said case shall have preference and be advanced on the docket of said court; and if said court shall find that said bands preserved their loyalty to the United States, they shall ascertain and state the amount that would be due to said Indians on account of said annuities, had said Act of Congress of February sixteenth, eighteen hundred and sixty-three, not been passed, stating in connection therewith what credits should be charged against said annuities on account of the lands, appropriations, payments, gratuities or other provisions as hereinbefore stated.

—procedure, etc.

Comanche, Kiowa,
and Apache Indians,
Oklahoma.
Appropriation for
allotments available
for surveys, etc.
Ante, p. 727.

It is hereby directed that the money appropriated by the Act of Congress entitled "An Act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June thirtieth, nineteen hundred and one, and for other purposes," and approved January fourth, nineteen hundred and one, "for completing the allot-

ments provided for in the agreement with the Comanche, Kiowa, and Apache Indians in Oklahoma," may be used in accordance with the provisions of said Act by the Secretary of the Interior for making any and all surveys whether original or resurveys found necessary in connection with the making of said allotments, and also for any expenses necessary and incident for the setting apart as grazing lands for said Indians, four hundred and eighty thousand acres of land, as provided in the agreement ratified by the Act approved June sixth, nineteen hundred.

SUPPORT OF SCHOOLS.

Support of schools.

For support of Indian day and industrial schools, and for other educational purposes not hereinafter provided for, one million two hundred and twenty thousand dollars.

Day and industrial

For construction, purchase, lease, and repair of school buildings, and sewerage, water supply, and lighting plants, and purchase of school sites, and improvement of buildings and grounds, two hundred and forty thousand dollars; in all, one million four hundred and sixty thousand dollars.

For support and education of three hundred Indian pupils at Albuquerque, New Mexico, fifty thousand one hundred dollars; for pay of superintendent of said school, one thousand seven hundred dollars; for erection of shops, two thousand dollars; warehouse, one thousand eight hundred dollars; boiler house, boiler, pump, and engine, two thousand five hundred dollars; in all, fifty-eight thousand one hundred dollars.

Support of pupils.
Albuquerque, N.
Mex.

For the support and education of one hundred Indian pupils at Chamberlain, South Dakota, sixteen thousand seven hundred dollars; for pay of superintendent of said school, one thousand five hundred dollars; for general repairs and improvements, three thousand one hundred dollars; for increasing the capacity of school plant to one hundred and fifty pupils by the erection of additional buildings and other improvements, twenty thousand dollars; in all, forty-one thousand three hundred dollars.

Chamberlain, S.
Dak.

For support of one hundred and fifty pupils at the training school at Cherokee, North Carolina, twenty-five thousand and fifty dollars; for pay of superintendent of said school, one thousand three hundred dollars; for general repairs and improvements, one thousand dollars; addition to dormitory, one thousand five hundred dollars; for lighting plant, one thousand five hundred dollars; in all, thirty thousand three hundred and fifty dollars.

Cherokee, N. C.

For support of Indian industrial school at Carlisle, Pennsylvania, for transportation of pupils to and from said school, and for general repairs and improvements, one hundred and forty-nine thousand dollars; for additional salary of any military officer of Carlisle Indian School while acting as superintendent of said school, one thousand dollars; in all, one hundred and fifty thousand dollars.

Carlisle, Pa.

For support and education of two hundred Indian pupils at the Indian school at Carson City, Nevada, thirty-three thousand four hundred dollars; for pay of superintendent at said school, one thousand six hundred dollars; for general repairs and improvements, two thousand five hundred dollars; for installing a complete water system, including the purchase of right of way, if necessary, for pipe line to said school, twelve thousand two hundred dollars; for steam heating plant, three thousand five hundred dollars; in all, fifty-three thousand two hundred dollars.

Carson City, Nev.

For support of four hundred Indian pupils at the Indian school at Chilocco, Oklahoma Territory, sixty-six thousand eight hundred dollars; for pay of superintendent at said school, one thousand eight hundred dollars; for general repairs and improvements, five thousand

Chilocco, Okla.

dollars; for addition to school building, eight thousand dollars; in all, eighty-one thousand six hundred dollars.

Flandreau, S. Dak.

For support and education of three hundred and fifty Indian pupils at The Riggs Institute, Flandreau, South Dakota, fifty-eight thousand four hundred and fifty dollars; for general repairs and improvements, three thousand dollars; for pay of superintendent of said school, one thousand eight hundred dollars; water rent, one thousand five hundred dollars; for erection of warehouse and office building, four thousand dollars; for industrial shops, four thousand dollars; for farm building, one thousand five hundred dollars; to extend water system, including purchase of one acre of land, four thousand dollars; in all, seventy-eight thousand two hundred and fifty dollars.

Fort Mojave, Ariz.

For support and education of one hundred and fifty Indian pupils at the Indian school, Fort Mojave, Arizona, twenty-five thousand and fifty dollars; for pay of superintendent of said school, one thousand five hundred dollars; for general repairs and improvements, two thousand dollars; for erection of new dormitory, fifteen thousand dollars; in all, forty-three thousand five hundred and fifty dollars.

Fort Totten, N. Dak.

For support and education of two hundred and fifty Indian pupils at Indian school, Fort Totten, North Dakota, forty-one thousand seven hundred and fifty dollars; for pay of superintendent at said school, one thousand six hundred dollars; for general repairs and improvements, five thousand dollars; in all, forty-eight thousand three hundred and fifty dollars.

Genoa, Nebr.

For support and education of three hundred Indian pupils at the Indian school, Genoa, Nebraska, fifty thousand one hundred dollars; for general repairs and improvements, one thousand dollars; for pay of superintendent of said school, one thousand seven hundred dollars; in all, fifty-two thousand eight hundred dollars.

Hayward, Wis.

For the support and education of one hundred and twenty-five pupils at the Indian school at Hayward, Wisconsin, twenty thousand eight hundred and seventy-five dollars; pay of superintendent, one thousand three hundred dollars; general repairs and improvements, five hundred dollars; in all, twenty-two thousand six hundred and seventy-five dollars.

Grand Junction,
Colo.

For support and education of one hundred and seventy-five Indian pupils at the Indian school at Grand Junction, Colorado, twenty-nine thousand two hundred and twenty-five dollars; for pay of superintendent at said school, one thousand five hundred dollars; for general repairs and improvements, three thousand five hundred dollars; for construction of warehouse, two thousand five hundred dollars; for lighting plant, three thousand dollars; in all, thirty-nine thousand seven hundred and twenty-five dollars.

Kickapoo Reserva-
tion, Kans.

For support and education of sixty-five Indian pupils at the Indian school, Kickapoo Reservation, Kansas, ten thousand eight hundred and fifty-five dollars; for pay of superintendent, eight hundred and forty dollars; construction of employees' quarters, two thousand five hundred dollars; for new porch, three hundred dollars; in all, fourteen thousand four hundred and ninety-five dollars.

Haskell Institute,
Kans.

For support and education of six hundred Indian pupils at the Indian school, Haskell Institute, Lawrence, Kansas, for transportation of pupils to and from said school, and for general repairs and minor improvements, one hundred and five thousand two hundred dollars; for pay of superintendent at said school, two thousand dollars; for construction of employees' quarters, five thousand dollars; for construction of domestic building, twenty-five thousand dollars; in all, one hundred and thirty-seven thousand two hundred dollars.

Hampton, Va.

For support and education of one hundred and twenty Indian pupils at the school at Hampton, Virginia, twenty thousand and forty dollars.

Morris, Minn.

For the support and education of one hundred and fifty Indian pupils

at Morris, Minnesota, Indian School, twenty-five thousand and fifty dollars; pay of superintendent, one thousand five hundred dollars; erection of hospital, five thousand dollars; for the extension and improvement of the water supply, two thousand dollars; in all, thirty-three thousand five hundred and fifty dollars.

For support and education of three hundred Indian pupils at the Indian school, Mount Pleasant, Michigan, fifty thousand one hundred dollars; for pay of superintendent of said school, one thousand seven hundred dollars; for general repairs and improvements, two thousand seven hundred and fifty dollars; for construction of hospital, four thousand dollars; for additional mess hall, kitchen, and so forth, five thousand dollars; for improvement of the water supply, three thousand five hundred dollars; in all, sixty-seven thousand and fifty dollars.

Mt. Pleasant, Mich.

For support and education of one hundred and fifty Indian pupils at the Indian school at Perris, California, twenty-five thousand and fifty dollars; for pay of superintendent of said school, one thousand five hundred dollars; for general repairs and improvements, five hundred dollars; in all, twenty-seven thousand and fifty dollars.

Perris, Cal.

For support and education of six hundred Indian pupils at the Indian school at Phoenix, Arizona, and for general repairs and improvements, one hundred and five thousand two hundred dollars; for pay of superintendent at said school, two thousand dollars; for construction of hospital, six thousand dollars; purchase of eighty acres of land, with water right, four thousand eight hundred dollars; in all, one hundred and eighteen thousand dollars.

Phoenix, Ariz.

For support and education of one hundred and fifty Indian pupils at Indian industrial school at Pierre, South Dakota, twenty-five thousand and fifty dollars; for pay of superintendent of said school, one thousand five hundred dollars; for general repairs and improvements, two thousand dollars; construction of new sewer, five thousand dollars; construction of lighting plant, two thousand dollars; in all, thirty-five thousand five hundred and fifty dollars.

Pierre, S. Dak.

For support and education of one hundred and fifty pupils at the Indian school at Truxton Canyon, Arizona, twenty-five thousand and fifty dollars; pay of superintendent, one thousand five hundred dollars; general improvements, one thousand dollars; schoolhouse, twelve thousand dollars; in all, thirty-nine thousand five hundred and fifty dollars.

Truxton Canyon, Ariz.

For support and education of one hundred and fifty Indian pupils at the Indian school, Pipestone, Minnesota, twenty-five thousand and fifty dollars; for pay of superintendent at said school, one thousand five hundred dollars; for general repairs and improvements, one thousand five hundred dollars, to be immediately available; for construction of warehouse, two thousand five hundred dollars; for iron bridge and approaches, one thousand five hundred dollars, to be immediately available; barn, three thousand dollars; sewer, two thousand dollars, to be immediately available; water-closets and bath, one thousand five hundred dollars, to be immediately available; in all, thirty-eight thousand five hundred and fifty dollars.

Pipestone, Minn.

For support and education of one hundred Indian pupils, Rapid City, South Dakota, sixteen thousand seven hundred dollars; for pay of superintendent, one thousand five hundred dollars; for general repairs and improvements, seven hundred and fifty dollars; for water plant, three thousand seven hundred and fifty dollars; for increasing the capacity of school plant to one hundred and fifty pupils by the erection of additional buildings and other improvements, twenty thousand dollars; in all, forty-two thousand seven hundred dollars.

Rapid City, S. Dak.

For support and education of three hundred pupils at the Indian school, Riverside, California, fifty thousand one hundred dollars; for additional compensation to the superintendent of the Perris school, act-

Riverside, Cal.

ing as superintendent of this school, three hundred dollars; for increasing the capacity of the school plant from one hundred and fifty pupils to three hundred pupils, by the erection of additional buildings and other improvements, seventy-five thousand dollars, to be immediately available; for the purchase of one hundred acres of land, ten thousand dollars, or so much thereof as may be necessary; in all, one hundred and thirty-five thousand four hundred dollars.

Salem, Oreg.

For support and education of five hundred pupils at the Indian school, Salem, Oregon, eighty-three thousand five hundred dollars; for pay of superintendent at said school, one thousand eight hundred dollars; for erection and equipment of brick laundry, five thousand dollars, to be immediately available; for completion of electric-light and steam-heating plant, eleven thousand dollars, to be immediately available; for general repairs and improvements, five thousand dollars; in all, one hundred and six thousand three hundred dollars.

Sac and Fox Reservation, Iowa.

For the support and education of seventy-five Indian pupils, Sac and Fox Reservation, Iowa, twelve thousand five hundred and twenty-five dollars; for pay of superintendent, one thousand dollars; for general repairs and improvements, six hundred dollars; in all, fourteen thousand one hundred and twenty-five dollars.

Santa Fe, N. Mex.

For support and education of three hundred Indian pupils at the Indian school at Santa Fe, New Mexico, fifty thousand one hundred dollars; for pay of superintendent at said school, one thousand seven hundred dollars; for water supply, one thousand five hundred dollars; for general repairs and improvements, three thousand dollars; for construction of industrial building, six thousand dollars; for construction of employees' quarters, five thousand dollars; in all, sixty-seven thousand three hundred dollars.

Shoshone Reservation, Wyo.

For support and education of one hundred and seventy-five Indian pupils at the Indian school, Shoshone Reservation, Wyoming, twenty-nine thousand two hundred and twenty-five dollars; for pay of superintendent at said school, one thousand four hundred dollars; for general repairs and improvements, one thousand five hundred dollars; for construction of employees' quarters, three thousand five hundred dollars; in all, thirty-five thousand six hundred and twenty-five dollars.

Tomah, Wis.

For the support and education of two hundred and twenty-five Indian pupils at the Indian school, Tomah, Wisconsin, thirty-seven thousand five hundred and seventy-five dollars; for pay of superintendent at said school, one thousand six hundred dollars; for general repairs and improvements, three thousand dollars; in all, forty-two thousand one hundred and seventy-five dollars.

School, southern Utah.

For support and education of fifty pupils at the Indian school in southern Utah, eight thousand three hundred and fifty dollars; salary of superintendent, eight hundred and forty dollars; improvements, five hundred dollars; in all, nine thousand six hundred and ninety dollars.

Transporting pupils.

For collection and transportation of pupils to and from Indian schools, and also for the transportation of Indian pupils from all the Indian schools and placing of them, with the consent of their parents, under the care and control of such suitable white families as may in all respects be qualified to give such pupils moral, industrial, and educational training, under arrangements in which their proper care, support, and education shall be in exchange for their labor, forty thousand dollars.

Expenditures under direction of Commissioner, etc.

That all expenditure of money appropriated for school purposes in this Act shall be at all times under the supervision and direction of the Commissioner of Indian Affairs, and in all respects in conformity with such conditions, rules, and regulations as to the conduct and methods of instruction and expenditure of money as may be from time to time prescribed by him, subject to the supervision of the Secretary

of the Interior: *Provided*, That not more than one hundred and sixty-seven dollars shall be expended for the annual support and education of any one pupil in any school herein specifically appropriated for, except when, by reason of epidemic, accident, or other similar cause, the attendance is so reduced that a larger expenditure is absolutely necessary for the efficient operation of the school affected, when the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may allow a larger per capita expenditure, such expenditure to continue only so long as the said necessity therefor shall exist: *Provided further*, That the total amount appropriated for the support of such school shall not be exceeded: *Provided further*, That this provision shall apply to the fiscal years eighteen hundred and ninety-nine and nineteen hundred.

SEC. 2. That no purchase of supplies for which appropriations are herein made, exceeding in the aggregate five hundred dollars in value at any one time, shall be made without first giving at least three weeks' public notice by advertisement, except in case of exigency, when, in the discretion of the Secretary of the Interior, who shall make official record of the facts constituting the exigency, and shall report the same to Congress at its next session, he may direct that purchases may be made in open market in amount not exceeding three thousand dollars at any one purchase: *Provided*, That supplies may be purchased, contracts let, and labor employed for the construction of artesian wells, ditches, and other works for irrigation, in the discretion of the Secretary of the Interior, without advertising as hereinbefore provided: *Provided further*, That as far as practicable Indian labor shall be employed and purchase in the open market made from Indians, under the direction of the Secretary of the Interior: *Provided further*, That the Secretary of the Interior may, when practicable, arrange for the manufacture, by Indians upon the reservations, or at industrial schools, of shoes, clothing, leather, harness, and wagons, and such other articles as the Secretary of the Interior may deem advisable, and the sum of ten thousand dollars is hereby appropriated to enable the Secretary of the Interior to carry this provision into effect.

SEC. 3. That the Secretary of the Interior is hereby authorized and empowered to grant a right of way, in the nature of an easement, for the construction, operation, and maintenance of telephone and telegraph lines and offices for general telephone and telegraph business through any Indian reservation, through any lands held by an Indian tribe or nation in the Indian Territory, through any lands reserved for an Indian agency or Indian school, or for other purpose in connection with the Indian service, or through any lands which have been allotted in severalty to any individual Indian under any law or treaty, but which have not been conveyed to the allottee with full power of alienation, upon the terms and conditions herein expressed. No such lines shall be constructed across Indian lands, as above mentioned, until authority therefor has first been obtained from the Secretary of the Interior, and the maps of definite location of the lines shall be subject to his approval. The compensation to be paid the tribes in their tribal capacity and the individual allottees for such right of way through their lands shall be determined in such manner as the Secretary of the Interior may direct, and shall be subject to his final approval; and where such lines are not subject to State or Territorial taxation the company or owner of the line shall pay to the Secretary of the Interior, for the use and benefit of the Indians, such annual tax as he may designate, not exceeding five dollars for each ten miles of line so constructed and maintained; and all such lines shall be constructed and maintained under such rules and regulations as said Secretary may prescribe. But nothing herein contained shall be so construed as to exempt the owners of such lines from the payment of any tax that

Provisos.
—limit per capita expenditure.

—increase.

—not to exceed total for school, etc.

Supplies, purchase after advertisement.

—exception.

Provisos.
Works of irrigation.

Purchases from Indians.

Manufactures by Indians.

Secretary of Interior may grant rights of way for telephones, etc., through Indian reservations, etc.

—damages.

Annual tax.

Regulations.

No exemption from State tax.

Regulating tolls reserved.	may be lawfully assessed against them by either State, Territorial, or municipal authority; and Congress hereby expressly reserves the right to regulate the tolls or charges for the transmission of messages over any lines constructed under the provisions of this Act: <i>Provided</i> , That incorporated cities and towns into or through which such telephone or telegraphic lines may be constructed shall have the power to regulate the manner of construction therein, and nothing herein contained shall be so construed as to deny the right of municipal taxation in such towns and cities.
Rights of towns on line of construction.	
Condemnation of lands allotted in severalty authorized.	That lands allotted in severalty to Indians may be condemned for any public purpose under the laws of the State or Territory where located in the same manner as land owned in fee may be condemned, and the money awarded as damages shall be paid to the allottee.
Secretary of Interior may grant permission to open highways through Indian reservations, etc.	SEC. 4. That the Secretary of the Interior is hereby authorized to grant permission, upon compliance with such requirements as he may deem necessary, to the proper State or local authorities for the opening and establishment of public highways, in accordance with the laws of the State or Territory in which the lands are situated, through any Indian reservation or through any lands which have been allotted in severalty to any individual Indians under any laws or treaties but which have not been conveyed to the allottees with full power of alienation.
Diversion of surplus for subsistence.	SEC. 5. That the Secretary of the Interior, under the direction of the President, may use any surplus that may remain in any of the said appropriations herein made for the purchase of subsistence for the several Indian tribes, to an amount not exceeding twenty-five thousand dollars in the aggregate, to supply any subsistence deficiency that may occur: <i>Provided</i> , That any diversions which shall be made under authority of this section shall be reported in detail, and the reason therefor, to Congress at the session of Congress next succeeding such diversion: <i>Provided further</i> , That the Secretary of the Interior, under direction of the President, may use any sums appropriated in this Act for subsistence, and not absolutely necessary for that purpose, for the purchase of stock cattle for the benefit of the tribe for which such appropriation is made, and shall report to Congress, at its next session thereafter, an account of his action under this provision: <i>Provided further</i> , That funds appropriated to fulfill treaty obligations shall not be used.
<i>Provisos.</i> —report.	
Purchase of stock cattle.	
—treaty funds not available.	
Transfer of funds for employees.	SEC. 6. That when not required for the purpose for which appropriated the funds herein provided for the pay of specified employees at any agency may be used by the Secretary of the Interior for the pay of other employees at such agency, but no deficiency shall be thereby created; and, when necessary, specified employees may be detailed for other service when not required for the duty for which they were engaged; and that the several appropriations herein or heretofore made for millers, blacksmiths, engineers, carpenters, physicians, and other persons, and for various articles provided for by treaty stipulation for the several Indian tribes, may be diverted to other uses for the benefit of said tribes, respectively, within the discretion of the President, and with the consent of said tribes, expressed in the usual manner; and that he cause report to be made to Congress, at its next session thereafter, of his action under this provision: <i>Provided</i> , That with the consent of the Crow Indians in Montana, to be obtained in the usual way, the Secretary of the Interior, in his discretion, may use the annuity money due or to become due said Indians to complete the irrigation system heretofore commenced on said Crow Indian Reservation.
Diversions.	
<i>Proviso.</i> Crow Reservation, Mont. Use of annuity money of Indians for irrigation.	
Rejection of bids, —purchases in open market.	SEC. 7. That whenever, after advertising for bids for supplies in accordance with sections three and four of this Act, those received for any article contain conditions detrimental to the interests of the Government they may be rejected and the articles specified in such bids

purchased in open market, at prices not to exceed those of the lowest bidder, and not to exceed the market price of the same, until such time as satisfactory bids can be obtained, for which immediate advertisement shall be made: *Provided*, That so much of the appropriations herein made as may be required to pay for goods and supplies, for expenses incident to their purchase, and for transportation of the same, for the year ending June thirtieth, nineteen hundred and two, shall be immediately available, but no such goods or supplies shall be distributed or delivered to any of said Indians prior to July first, nineteen hundred and one.

Proviso.
Appropriations immediately available.

SEC. 8. That the Commissioner of Indian Affairs shall report annually to Congress, specifically showing the number of employees at each agency, industrial and boarding school, which are supported in whole or in part out of the appropriations in this Act, giving name, when employed, in what capacity employed, male or female, whether white or Indian, amount of compensation paid, and out of what item or fund of the appropriation paid, and whether, in the opinion of such Commissioner, any of such employees are unnecessary.

Annual report of employees.

SEC. 9. That section five of "An Act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," approved February eighth, eighteen hundred and eighty-seven, be amended by adding thereto the following proviso: "*Provided further*, That whenever the Secretary of the Interior shall be satisfied that any of the Indians of the Siletz Indian Reservation, in the State of Oregon, fully capable of managing their own business affairs, and being of the age of twenty-one years or upward, shall, through inheritance or otherwise, become the owner of more than eighty acres of land upon said reservation, he shall cause patents to be issued to such Indian or Indians for all of such lands over and above the eighty acres thereof. Said patent or patents shall be issued for the least valuable portions of said lands, and the same shall be discharged of any trust and free of all charge, incumbrance, or restriction whatsoever; and the Secretary of the Interior is hereby authorized and directed to ascertain, as soon as shall be practicable, whether any of said Indians of the Siletz Reservation should receive patents conveying in fee lands to them under the provisions of this Act."

Siletz Reservation,
Oreg.
Vol. 24, p. 389.

Patents to Indians
for more than 80 acres
of land authorized,
etc.

—inquiry directed.

Approved, March 3, 1901

CHAP. 833.—An Act Granting homesteaders on the abandoned Fort Fetterman Military Reservation in Wyoming the right to purchase one quarter section of public land on said reservation as pasture or grazing land.

March 3, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That each person who has exercised the right of homestead entry on the abandoned Fort Fetterman reservation in the State of Wyoming shall, upon proper proof of settlement and homestead upon land covered by said entry, be entitled to the right to purchase, under such rules and regulations as the Secretary of the Interior may prescribe, at one dollar and twenty-five cents per acre, not exceeding one quarter section of the public lands on said reservation as pasture or grazing land not otherwise disposed of: *Provided*, That land so purchased be unfitted for cultivation and homestead entry by reason of lack of water for irrigating purposes or otherwise: *And provided further*, That said purchase of pasture or grazing land shall not, with the land heretofore entered by the applicant, exceed in the aggregate three hundred and twenty acres.

Fort Fetterman Military Reservation,
Wyo.
Homesteaders may purchase pasture or grazing land.

Provisos.
—land unfitted for cultivation only.
—limit of entry.

Approved, March 3, 1901.

March 3, 1901.

CHAP. 834.—An Act To amend "An Act authorizing certain officers of the Navy and Marine Corps to administer oaths," approved January twenty-fifth, eighteen hundred and ninety-five.

Navy.
Oaths may be administered by certain officers.
Vol. 28, p. 639.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act authorizing certain officers of the Navy and Marine Corps to administer oaths," approved January twenty-fifth, eighteen hundred and ninety-five, be, and is hereby, amended so as to read as follows:

"That judges-advocate of naval general courts-martial and courts of inquiry, and all commanders in chief of naval squadrons, commandants of navy-yards and stations, officers commanding vessels of the Navy, and recruiting officers of the Navy, and the adjutant and inspector, assistant adjutant and inspector, commanding officers, and recruiting officers of the Marine Corps be, and the same are hereby, authorized to administer oaths for the purposes of the administration of naval justice and for other purposes of naval administration."

Approved, March 3, 1901.

March 3, 1901.

CHAP. 835.—An Act Authorizing and empowering the Secretary of War to grant the right of way for and the right to operate and maintain a line of railroad through the Fort Ontario Military Reservation, in the State of New York, to the Oswego and Rome Railroad Company.

Oswego and Rome Railroad granted right of way through Fort Ontario Military Reservation, N. Y.

—width, etc.

Regulations, etc., by Secretary of War.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he hereby is, authorized and empowered to grant to the Oswego and Rome Railroad Company, a corporation organized and existing under the laws of the State of New York, its successors and assigns, the right of way for and the right to operate and maintain a line of railroad through the Fort Ontario Military Reservation, in the State of New York, said right of way to be a strip of land of sufficient width on each side of the center line of the railroad of said Oswego and Rome Railroad Company, as the same is now located and constructed, across the northerly and westerly portions of said military reservation, to enable said company to properly and efficiently operate said line of railroad.

SEC. 2. That the Secretary of War shall have power to impose such terms, conditions, restrictions, and limitations as he shall deem advisable in said grant of right of way, and shall have power from time to time to make and enforce such reasonable and necessary rules and regulations concerning the operation and maintenance of said line of railroad across said military reservation as he may deem necessary for the proper protection of the interests of the United States in the use of said military reservation.

Approved, March 3, 1901.

March 3, 1901.

CHAP. 836.—An Act To amend "An Act granting additional quarantine powers and imposing additional duties upon the Marine-Hospital Service," approved February fifteenth, eighteen hundred and ninety-three.

Quarantine.
Vol. 27, p. 449,
amended.

Quarantine boundaries to be marked.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an Act granting additional quarantine powers and imposing additional duties upon the Marine-Hospital Service, approved February fifteenth, eighteen hundred and ninety-three, be amended by addition of the following sections:

"SEC. 10. That the Supervising Surgeon-General, with the approval of the Secretary of the Treasury, is authorized to designate and mark

the boundaries of the quarantine grounds and quarantine anchorages for vessels which are reserved for use at each United States quarantine station; and any vessel or officer of any vessel or other person, other than State or municipal health or quarantine officers, trespassing or otherwise entering upon such grounds or anchorages in disregard of the quarantine rules and regulations, or without permission of the officer in charge of such station, shall be deemed guilty of a misdemeanor and subject to arrest, and upon conviction thereof be punished by a fine of not more than three hundred dollars or imprisonment for not more than one year, or both, in the discretion of the court. Any master or owner of any vessel, or any person violating any provision of this Act or any rule or regulation made in accordance with this Act, relating to inspection of vessels or relating to the prevention of the introduction of contagious or infectious diseases, or any master, owner, or agent of any vessel making a false statement relative to the sanitary condition of said vessel or its contents or as to the health of any passenger or person thereon, shall be deemed guilty of a misdemeanor and subject to arrest, and upon conviction thereof be punished by a fine of not more than five hundred dollars or imprisonment for not more than one year, or both, in the discretion of the court.

Penalties.
—for trespassing upon.

—for violating contagious diseases regulations, etc.

“SEC. 11. That any vessel sailing from any foreign port without the bill of health required by section two of this Act, and arriving within the limits of any collection district of the United States, and not entering or attempting to enter any port of the United States, shall be subject to such quarantine measures as shall be prescribed by regulations of the Secretary of the Treasury, and the cost of such measures shall be a lien on said vessel, to be recovered by proceedings in the proper district court of the United States and in the manner set forth above as regards vessels from foreign ports without bills of health and entering any port of the United States.

Vessels from foreign ports without bill of health not entering the United States subject to regulations, etc.

“SEC. 12. That the medical officers of the United States, duly clothed with authority to act as quarantine officers at any port or place within the United States, and when performing the said duties, are hereby authorized to take declarations and administer oaths in matters pertaining to the administration of the quarantine laws and regulations of the United States.”

Medical officers acting as quarantine officers may take declarations, etc.

Approved, March 3, 1901.

CHAP. 837.—An Act To extend the privileges of the seventh section of the immediate transportation Act to Fall River, Massachusetts.

March 3, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the privileges of the seventh section of the Act approved June tenth, eighteen hundred and eighty, governing the immediate transportation of dutiable merchandise without appraisement be, and they are hereby, extended to the port of Fall River, Massachusetts.

Fall River, Mass., granted privileges of immediate transportation of dutiable goods. Vol. 21, p. 174.

Approved, March 3, 1901.

CHAP. 838.—An Act To provide an American register for the barkentine J. C. Pfluger, of San Francisco, California.

March 3, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of Navigation is hereby authorized and directed to cause the foreign-built barkentine J. C. Pfluger, of San Francisco, California, purchased and wholly owned by a citizen of the United States and repaired by him, to be registered as a vessel of the United States.

Barkentine, J. C. Pfluger, granted American register.

Approved, March 3, 1901.

March 3, 1901.

CHAP. 839.—An Act To extend the time for the completion of a bridge across the Missouri River.

Time extended to
Dakota Southern Rail-
road to bridge Mis-
souri River at Yank-
ton, S. Dak.
Vol. 30, p. 1366.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section six of the Act approved March third, eighteen hundred and ninety-nine, authorizing the Dakota Southern Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River, at the city of Yankton, South Dakota, be, and is hereby, amended by extending the time for commencing the construction of said bridge to March third, nineteen hundred and two, and by extending the time for completing said bridge to March third, nineteen hundred and four.

Approved, March 3, 1901.

March 3, 1901.

CHAP. 840.—An Act To authorize the Montgomery and Autauga Bridge Company to construct a bridge across the Alabama River near the city of Montgomery, Alabama.

Montgomery and
Autauga Bridge Com-
pany may bridge Ala-
bama River at Mont-
gomery, Ala.

Transit, etc.

Proviso.
Lawful structure
and post route.

Postal telegraph,
etc.

Secretary of War to
approve plans, etc.

Amendment.
Alterations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Montgomery and Autauga Bridge Company, a corporation created and existing under the general laws of the State of Alabama for the purpose of constructing and maintaining the bridge hereinafter mentioned, is hereby authorized to construct and maintain a street-car railway bridge, and the approaches thereto, over and across the Alabama River, in Alabama, at such point as may be selected by them between the city wharf at Montgomery, Alabama, and the bridge of the Louisville and Nashville Railroad Company, subject to approval by the Secretary of War. Said bridge shall be constructed to provide for the passage of electric street cars, and may be used for the passage of wagons and vehicles of all kinds, for transit of animals, and for foot passengers; such bridge to be so constructed as not to obstruct the navigation of said river and to be provided with a suitable draw: *Provided,* That any bridge constructed under this Act and according to its limits shall be a lawful structure, and shall be known and recognized as a post route, upon which also no higher charge shall be made for the transportation over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for transportation of said mails, troops, and munitions over the railroads and public highways leading to said bridge; and the United States shall have the right of way for postal, telegraph, and telephone purposes over said bridge.

SEC. 2. That the bridge authorized to be constructed under this Act shall be located and built under and subject to such regulations for the security of the navigation of said river as the Secretary of War shall prescribe, and to secure that object the said Montgomery and Autauga Bridge Company shall submit to the Secretary of War, for his examination and approval, a design and drawing of the proposed bridge and a map of the location, giving for space of one-fourth mile above and one-fourth mile below the proposed location the topography of the banks of the river, the shore lines at high and low water, and the direction and strength of the currents, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject, and until the said plan and location of the bridge are approved by the Secretary of War no work upon the bridge shall be commenced; and should any change be made in the plan of said bridge during the progress of construction, or after completion, such change shall be subject to the approval of the Secretary of War.

SEC. 3. That Congress reserves the right to alter, amend, or repeal this Act at any time, and that if at any time navigation of said river shall in any manner be obstructed or impaired by the said bridge the

Secretary of War shall have authority, and it shall be his duty, to require the said Montgomery and Autauga Bridge Company to alter and change the said bridge, at their own expense, in such manner as may be proper to secure free and complete navigation without impediment.

SEC. 4. That the draw provided for the bridge herein authorized to be constructed shall be opened promptly upon reasonable signal for the passing of boats; and said Montgomery and Autauga Bridge Company shall maintain at its own expense, from sunset to sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe.

Draw.

Lights.

SEC. 5. That all street-railway companies desiring to use said bridge shall be allowed to do so upon paying a reasonable compensation for such use, and all telephone and telegraph companies shall be granted equal rights and privileges in the construction and operation of their lines across said bridge; and if actual construction of the bridge herein authorized shall not be commenced within one year and be completed within three years from same date the rights and privileges hereby granted shall cease and be determined.

Use by street railways.

Telephone, etc., companies.

Commencement and completion.

SEC. 6. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

Approved, March 3, 1901.

CHAP. 841.—An Act To provide an American register for the steam yacht May.

March 3, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of Navigation be, and he is hereby, authorized and directed to cause the foreign-built steam yacht May, owned by a citizen of the United States, to be registered as a vessel of the United States.

Steam yacht May granted American register.

Approved, March 3, 1901.

CHAP. 842.—An Act Authorizing the Texas and Pacific Railway Company to construct a bridge across Red River, Louisiana.

March 3, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Texas and Pacific Railway Company is hereby authorized and empowered to construct and maintain a bridge across the Red River, Louisiana, at a point suitable to the interests of navigation at or near Turnbolls Island, so as to connect its lines south of Red River with proposed lines on the opposite or north bank of said river.

Texas and Pacific Railway may bridge Red River at Turnbolls Island, La.

SEC. 2. That said bridge shall be so constructed that a reasonable, free, and unobstructed passageway may be secured and maintained by proper draws to all water craft navigating said river at the point aforesaid, and that said draw or draws shall be opened promptly upon reasonable signal for the passage of boats and vessels. The owners thereof shall maintain at their own expense from sunset to sunrise such lights or other signals thereon as the Light-House Board shall prescribe.

Aids to navigation.

Lights.

SEC. 3. That said bridge shall not be built or commenced until the plans and location of the same shall have been submitted to and approved by the Secretary of War; that no change shall be made in this construction, and no alteration of it after its construction, unless such change or alterations shall in like manner receive the approval of the Secretary of War: *Provided*, That if said bridge shall at any time, substantially or materially, obstruct the free navigation of said river,

Secretary of War to approve plans, etc.

—changes.

or shall, in the opinion of the Secretary of War, obstruct such navigation, he is hereby authorized to cause such change or alteration of said bridge to be made as will effectually obviate such obstruction; and such alteration shall be made and all such obstructions be removed at the expense of the owner or owners of said bridge.

—notification of approval, etc.

SEC. 4. That the Secretary of War upon receiving the designs, drawings, and specifications of said bridge, and a map of the location, and such other information as he may call for, and upon being satisfied that the bridge, when built according to such designs and drawings, will be in accordance with the requirements of this Act and will not unreasonably obstruct the navigation of said river, be, and, is hereby, authorized and directed to approve said designs, drawings, and specifications, and to so notify the said railway company, and upon receipt of such notification the said railway company may proceed to construct said bridge, conforming strictly to the approved designs, drawings, and specifications.

Commencement and completion.

SEC. 5. This Act shall be null and void if the actual construction of the bridge herein authorized be not commenced within one year from the date of approval of this Act, and so forth, and completed within three years from the date thereafter.

Lawful structure and post route.

SEC. 6. That said bridge built under this Act and subject to its limitations shall be a lawful structure and shall be recognized and known as a post route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and munitions of war of the United States than the rate per mile paid for the transportation over the railroad or public highways leading to the said bridge, and shall enjoy the rights and privileges of other post roads in the United States; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies, and the United States shall have the right of way across said bridge and its approaches for postal telegraph and telephone purposes.

Telegraph, etc., companies.

Rights of railroads to use.

SEC. 7. That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains over the same and the approaches thereto upon payment of a reasonable compensation for such use; or, in case of disagreement, upon such terms and conditions as shall be prescribed by the Secretary of War upon hearing the allegations and proofs of the parties in interest.

Amendment.

SEC. 8. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, March 3, 1901.

March 3, 1901.

CHAP. 843.—An Act Authorizing the board of supervisors of Pima County, Arizona Territory, to issue fifty-year four per centum bonds of Pima County, Arizona Territory, to redeem certain bonded indebtedness of said county.

Pima County, Ariz., may issue bonds to redeem certain existing bonds.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the board of supervisors of Pima County, Arizona Territory, be, and they are hereby, authorized to prepare, execute, sell, and deliver, from time to time, bonds of the said Pima County, in accordance with the provisions of title thirty-one, chapter two, county indebtedness, of the revised statutes of Arizona, approved March second, eighteen hundred and eighty-seven, bearing interest not exceeding four per centum per annum, both principal and interest payable only in gold coin of the United States of America of present standard, the proceeds to be used only for the redemption of the one hundred and forty-seven negotiable coupon bonds, each in the sum of one thousand dollars, and dated June thirtieth, eighteen hundred and eighty-seven, issued by the supervisors of Pima

County, Arizona Territory, and numbered one hundred and four to two hundred and fifty, both inclusive. The total amount of the bonds hereby authorized to be issued shall not exceed one hundred and forty-seven thousand dollars, and no bonds shall be issued under the provisions of this Act except when it is necessary so to do in order to refund the aforesaid indebtedness of Pima County, and then only in amounts sufficient to refund such indebtedness as it falls due as hereinbefore set out. None of said bonds shall be sold or exchanged for less than their par value and any interest that may be due thereon, and this Act shall be printed on the back of all bonds issued under the provisions of this Act.

SEC. 2. That this Act take effect and be in force from and after its passage. Effect.

Approved, March 3, 1901.

CHAP. 844.—An Act To amend the Acts for the protection of birds, game, and fish in the District of Columbia.

March 3, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections one and three of an Act entitled "An Act for the protection of birds, preservation of game, and for the prevention of its sale during certain closed seasons, in the District of Columbia," approved March third, eighteen hundred and ninety-nine, be, and they are hereby, amended to read as follows:

District of Columbia.
Protection of birds
and preservation of
game.
Vol. 30, p. 1012,
amended.

"That no person shall kill, expose for sale, or have in his or her possession, either dead or alive, any partridge, otherwise quail, between the fifteenth day of March and the first day of November, under a penalty of five dollars for each partridge, otherwise quail, killed, exposed for sale, or had in his or her possession, either dead or alive, and in default thereof to be imprisoned in the workhouse for a period not less than thirty days nor more than six months.

Closed seasons.
Birds.

"That no person shall kill, expose for sale, or have in his or her possession, either dead or alive, any woodcock between the first day of January and the first day of July, under a penalty of five dollars for each woodcock killed, exposed for sale, or had in his or her possession, either dead or alive, and in default thereof to be imprisoned in the workhouse for a period not less than thirty days nor more than six months.

"That no person shall expose for sale or have in his or her possession, either dead or alive, any prairie chicken, otherwise pinnated grouse, between the fifteenth day of March and the first day of September, under a penalty of five dollars for each prairie chicken, otherwise pinnated grouse, exposed for sale, or had in his or her possession, either dead or alive, and in default thereof to be imprisoned in the workhouse for a period not less than thirty days nor more than six months.

"That no person shall kill, expose for sale, or have in his or her possession, either dead or alive, any wild turkey or ruffed grouse, otherwise known as pheasant, between the twenty-sixth day of December and the first day of November, except the English, ring-neck, or other pheasants of foreign origin hatched and raised in farm poultry inclosures, under a penalty of five dollars for each wild turkey or ruffed grouse, otherwise known as pheasant, killed, exposed for sale, or had in his or her possession, either dead or alive, and in default thereof to be imprisoned in the workhouse for a period not less than thirty days nor more than six months.

"That no person shall kill, expose for sale, or have in his or her possession, either dead or alive, any squirrel or rabbit except the species

—squirrels or rabbits,
etc.

known as the English rabbit, Belgian hare, between the first day of February and the first day of November, under a penalty of two dollars for each squirrel or rabbit killed, exposed for sale, or had in his or her possession, either dead or alive, and in default thereof to be imprisoned in the workhouse for a period not less than fifteen days nor more than three months.

—wild ducks, snipe, plover, etc.

“That no person shall kill, expose for sale, or have in his or her possession, either dead or alive, any wild duck, wild goose, brant, snipe, or plover between the first day of April and the first day of September, under a penalty of five dollars for each wild duck, wild goose, brant, snipe, or plover killed, exposed for sale, or had in his or her possession, either dead or alive, and in default thereof to be imprisoned in the workhouse for a period not less than thirty days nor more than six months.

“That no person shall kill, expose for sale, or have in his or her possession, either dead or alive, any water rail or ortolan, reed bird or rice bird, marsh blackbird, or other game bird not previously mentioned, between the first day of February and the first day of September, under a penalty of two dollars for each water rail or ortolan, reed bird or rice bird, marsh blackbird, or other game bird not previously mentioned, killed, exposed for sale, or had in his or her possession, either dead or alive, and in default thereof to be imprisoned in the workhouse for a period not less than fifteen days nor more than six months.

Game birds defined.

“SEC. 3. That for the purposes of this Act the following only shall be considered game birds: The Anatidæ, commonly known as swans, geese, brant, river and sea ducks; the Rallidæ, commonly known as rails, coots, mud hens, and gallinules; the Limicolæ, commonly known as shore birds, plovers, surf birds, snipe, woodcock, sandpipers, tattlers, and curlews; the Gallinæ, commonly known as wild turkeys, grouse, prairie chickens, pheasants, partridges, and quails, and the species of Icteridæ, commonly known as marsh blackbirds and reed birds or rice birds.

Other birds protected.

“That no person shall kill, catch, expose for sale, or have in his or her possession, living or dead, any wild bird other than a game bird, English sparrow, crow, Cooper’s hawk, sharpshinned hawk, or great horned owl; nor rob the nest of any such wild bird of eggs or young; nor destroy such nest except in the clearing of land of trees or brush, under a penalty of five dollars for every such bird killed, caught, exposed for sale, or had in his or her possession, either dead or alive, and for each nest destroyed, and in default thereof to be imprisoned in the workhouse for a period not exceeding thirty days: *Provided*, That this section shall not apply to birds or eggs collected for scientific purposes under permits issued by the superintendent of police of the District of Columbia in accordance with such instructions as the secretary of the Smithsonian Institution may prescribe, such permits to be in force for one year from date of issue and nontransferable.

Proviso.
Exemption of scientific collections.

Penalty for trapping.

“That no person shall trap, net, or ensnare any waterfowl or other wild bird (except the English sparrow), or have in his or her possession any trap, snare, net, or illuminating device for the purpose of killing or capturing any such bird, under a penalty of five dollars for each waterfowl or other wild bird (except the English sparrow) killed or captured, and in default thereof to be imprisoned in the workhouse not exceeding thirty days: *Provided*, That this Act shall not apply to birds or animals heretofore stuffed or to birds or animals hereafter killed in open season and subsequently stuffed.”

Proviso.
—exception.

Protection of fish.
Vol. 30, p. 416,
amended.

SEC. 2. That section eight of an Act for the protection of fish in the District of Columbia, for the maintenance of a permanent spawning ground in the Potomac River in said District, and for other purposes, is hereby amended so as to read:

"SEC. 8. That all nets, boats, or other contrivances, the property of any person or persons convicted under the provisions of this Act, shall be confiscated to the District of Columbia, and the same shall be sold at public auction to the highest bidder, by the property clerk of said District, and the proceeds therefrom be deposited with the collector of taxes, as are other District revenues."

Disposition of nets, etc., taken.

SEC. 3. That section two of "An Act for the protection of fish in the District of Columbia, for the maintenance of a permanent spawning ground in the Potomac River in said District, and for other purposes," approved May seventeenth, eighteen hundred and ninety-eight, be, and is hereby, amended to read as follows:

Bass.

"SEC. 2. That no person shall catch or kill in the waters of the Potomac River or its tributaries within the District of Columbia any black bass (otherwise known as green bass and chub), crappie (otherwise known as calico bass and strawberry bass), between the first day of April and the twenty-ninth day of May of each year, nor have in possession nor expose for sale any of said species between the dates aforesaid, nor catch or kill any of said species of fish at any other time during the year except by angling, nor catch nor kill any of the aforesaid species by what are known as out lines or trot lines, having a succession of hooks or devices."

Closed season.

Approved March 3, 1901.

CHAP. 845.—An Act Supplementary to an Act entitled "An Act to prohibit the coming of Chinese persons into the United States," approved May fifth, eighteen hundred and ninety-two, and fixing the compensation of commissioners in such cases.

March 3, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be lawful for the district attorney of the district in which any Chinese person may be arrested for being found unlawfully within the United States, or having unlawfully entered the United States, to designate the United States commissioner within such district before whom such Chinese person shall be taken for hearing.

Chinese exclusion. Vol. 27, p. 25. Designation of United States commissioner to hear question of illegal entry.

SEC. 2. That a United States commissioner shall be entitled to receive a fee of five dollars for hearing and deciding a case arising under the Chinese-exclusion laws.

—fees of.

SEC. 3. That no warrant of arrest for violations of the Chinese-exclusion laws shall be issued by United States commissioners excepting upon the sworn complaint of a United States district attorney, assistant United States district attorney, collector, deputy collector, or inspector of customs, immigration inspector, United States marshal, or deputy United States marshal, or Chinese inspector, unless the issuing of such warrant of arrest shall first be approved or requested in writing by the United States district attorney of the district in which issued.

Warrants of arrest; on whose complaint issued.

SEC. 4. That this Act shall take effect immediately.

Effect.

Approved, March 3, 1901.

CHAP. 846.—An Act To supplement existing laws relating to the disposition of lands, and so forth.

March 3, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, SECTION 1. That before the time for opening to settlement or entry of any of the lands in the Territory of Oklahoma, respectively ceded to the United States by the Wichita and affiliated bands of Indians, and the Comanche, Kiowa, and Apache tribes of Indians, under agreements respectively ratified

Oklahoma. Ceded lands of Wichita, etc., Indians to be surveyed, subdivided, etc., prior to opening for settlement. Vol. 23, p. 894.

Ante, p. 676.

Proviso.
Lands may be attached to adjoining county.

President's proclamation opening lands.

by the Acts of March second, eighteen hundred and ninety-five, and June sixth, nineteen hundred, it shall be the duty of the Secretary of the Interior to subdivide the same into such number of counties as will, for the time being, best subserve the public interests, and to designate the place for the county seat of each county, and to set aside and reserve at such county seat, for disposition as herein provided, three hundred and twenty acres of land: *Provided*, That the Secretary of the Interior may attach any part of said lands to any adjoining county in said Territory.

The lands to be opened to settlement and entry under the Acts of Congress ratifying said agreements respectively shall be so opened by proclamation of the President, and to avoid the contests and conflicting claims which have heretofore resulted from opening similar public lands to settlement and entry, the President's proclamation shall prescribe the manner in which these lands may be settled upon, occupied and entered by persons entitled thereto under the Acts ratifying said agreements, respectively; and no person shall be permitted to settle upon, occupy or enter any of said lands except as prescribed in such proclamation until after the expiration of sixty days from the time when the same are opened to settlement and entry.

Surveys, etc.

The lands so set apart and designated shall, in advance of the opening, be surveyed, subdivided, and platted, under the direction of the Secretary of the Interior, into appropriate lots, blocks, streets, alleys, and sites for parks or public buildings, so as to make a town site thereof:

Proviso.
Limit of purchase business lots, etc.

Provided, That no person shall purchase more than one business and one residence lot. Such town lots shall be offered and sold at public auction to the highest bidder, under the direction of the Secretary of the Interior, at sales to be had at the opening and subsequent thereto.

Disposition of proceeds of sales.

The receipts from the sale of these lots in the respective county seats shall, after deducting the expenses incident to the surveying, subdividing, platting, and selling of the same, be disposed of under the direction of the Secretary of the Interior in the following manner: A court-house shall be erected therewith at such county seat at a cost of not exceeding ten thousand dollars and the residue shall be applied to the construction of bridges, roads, and such other public improvements as the Secretary of the Interior shall deem appropriate, including the payment of all expenses actually necessary to the maintenance of the county government until the time for collecting county taxes in the calendar year next succeeding the time of the opening. No indebtedness of any character shall be contracted or incurred by any of said counties prior to the time for collecting county taxes in the calendar year next succeeding the opening, excepting where the same shall have been authorized by the Secretary of the Interior.

County indebtedness.

County officials

SEC. 2. The governor of the Territory shall appoint and commission for each county all county and township officers made necessary by the laws of the Territory of Oklahoma, who shall hold their respective offices until the officers elected by the people at the general election next following the opening shall have qualified.

Additional land offices, etc., authorized.

SEC. 3. The President is hereby authorized to establish two additional United States land districts and land offices in the Territory of Oklahoma, which districts shall include the lands so ceded by the Wichita and affiliated bands of Indians, one of the land offices shall be located at El Reno, in the county of Canadian; and the other shall be located at the county seat nearest Fort Sill. These land districts shall be respectively established at the time of proclaiming the lands aforesaid open to settlement and entry.

Approved, March 3, 1901.

CHAP. 847.—An Act To enlarge the powers of the courts of the District of Columbia in cases involving delinquent children, and for other purposes.

March 8, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the judges of the criminal and police courts of the District of Columbia are hereby authorized and empowered, at their discretion, to commit to the custody and care of the Board of Children's Guardians of the District of Columbia children under seventeen years of age who shall be convicted of petty crimes or misdemeanors which may be punishable with fine or imprisonment; and said Board of Children's Guardians shall place, under contract, such children in such suitable homes, institutions, or training schools for the care of children as it may deem wise and proper.

District of Columbia.
Board of Children's
Guardians to have cus-
tody of children under
17 years committing
minor offenses.

—disposition of chil-
dren.

SEC. 2. That no court shall commit a child under seventeen years of age, charged with or convicted of a petty crime or misdemeanor punishable by a fine or imprisonment, to a jail, workhouse, or police station, but if such child be unable to give bail or pay a fine, it may be committed to the Board of Children's Guardians temporarily or permanently, in the discretion of the court, and said board shall make some suitable provision for said child outside the inclosure of any jail, workhouse, or police station, or said court may commit such child to the Reform School under the laws now providing for such commitment.

No jail commit-
ments, etc.

SEC. 3. That for the purpose of aiding the court in a proper disposition of cases referred to in section one the Board of Children's Guardians is hereby authorized and directed to designate one of its employees as a probation officer, whose duty shall be to make such investigation in cases involving children under seventeen years of age as the court may direct, to be present in court in order to represent the interests of the child when the case is heard, to furnish the court such information and assistance as the judge may require, and to take charge of any child before and after trial as may be directed by the court.

Probation officer,
duties, etc.

SEC. 4. That any person within the District of Columbia, of sufficient financial ability, who shall refuse or neglect to provide for any child under the age of fourteen years, of which he or she shall be the parent or guardian, such food, clothing, and shelter as will prevent the suffering and secure the safety of such child, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to punishment by a fine of not more than one hundred dollars, or by imprisonment in the workhouse of the District of Columbia for not more than three months, or both such fine and imprisonment.

* Nonsupport by par-
ent, etc.

—penalty.

SEC. 5. That whenever petition or information shall have been filed in any court of the District of Columbia authorized to commit children to the care, custody, and guardianship of the Board of Children's Guardians for such commitment of any child, and upon the hearing of the same before said court it shall appear to the satisfaction of the court that such child is entitled to be committed as aforesaid under or by virtue of any of the provisions of the Act of Congress approved July twenty-sixth, eighteen hundred and ninety-two, entitled "An Act to provide for the care of dependent children in the District of Columbia and to create a Board of Children's Guardians," and if said evidence tends to show that such child has a father or a mother, either of whom is able to contribute to the support of such child, either by reason of having means or property or having an income consisting of wages or salary due for personal services or labor or otherwise, but fails or neglects so to do, then the proper prosecuting officer shall file in the police court of the District of Columbia an information charging said father or mother, or both, with such failure or neglect, and upon conviction thereof the said court shall require the father or the mother of such child, or both such father and mother, to contribute by stated

* Order for contribu-
tion for maintenance
against parent, etc.

Vol. 27, p. 268.

payments, to be made to said Board of Children's Guardians, toward the support of such child such sum or sums, monthly, weekly, or otherwise, as in the judgment of said court either or both such father and mother should and may be able to pay; and the courts aforesaid may at any time hear and determine any petition for an order for contribution toward maintenance of any child who has heretofore been or who may hereafter be committed to the guardianship of the Board of Children's Guardians, or for modifying or suspending the operation of any such order previously made.

Penalty for neglect
to pay for maintenance.

—additional imprisonment for continued neglect.

Proviso.
Suspension of sentence on filing bond, etc.

SEC. 6. That any person against whom an order for contribution toward maintenance may have been made, as provided for in this Act, who shall refuse or neglect to make such payments as ordered, shall be deemed guilty of contempt, and upon conviction thereof shall be sentenced to suffer imprisonment in the workhouse of the District of Columbia for not less than three months nor more than one year; and such imprisonment shall not exempt such person from additional imprisonment for further neglect or refusal to make contribution as aforesaid: *Provided, however,* That if, after such conviction, any such parent shall appear before the court before which such conviction shall have taken place and shall show to the satisfaction of the court that the amount due under such order, up to the time of conviction, has been paid, and further, with good and sufficient surety, to be approved by said court, shall enter into bond to the United States in the penal sum of five hundred dollars, conditioned that he will thereafter pay such sums as may have been ordered or that may thereafter be ordered to be paid by said court until such order shall be revoked, the said court may suspend sentence therein during the continuance of such bond.

Disbursing officer of board.
Payments, etc., by.

SEC. 7. That the disbursing officer of the Board of Children's Guardians shall receive and shall be responsible under his bond for all moneys paid to said board under the provisions of this Act, and shall pay the amounts so received by him into the Treasury of the United States within twenty days after the close of each fiscal quarter.

Repeal.

Effect.

SEC. 8. That all Acts and portions of Acts inconsistent with the provisions mentioned above are hereby repealed, and the terms of the provisions in the above sections shall become law on and after the date of approval.

Approved, March 3, 1901.

* March 3, 1901.

CHAP. 848.—An Act Authorizing and directing the Secretary of the Treasury to deliver to the mayor and city council of Baltimore, Maryland, Ionic columns.

Baltimore, Md.
Delivery to, authorized of certain relics of old custom-house.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to deliver to the mayor and city council of Baltimore, in the State of Maryland, the twelve columns now in the custom-house of said city, in order that said columns may be placed in one of the public parks or places of said Baltimore City as a relic or remembrance of said custom-house, which is to be torn down and removed to make way for a new building to be erected.

Approved, March 3, 1901.

CHAP. 849.—An Act Increasing the limit of cost of certain public buildings, and for other purposes.

March 3, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to enable the Secretary of the Treasury of the United States to give effect to and execute the provisions of existing legislation authorizing the purchase of sites and the erection thereon of public buildings in the several cities hereinafter enumerated, the limit of cost heretofore fixed by Congress therefor be, and the same is hereby, increased, respectively, as follows, and the Secretary of the Treasury is hereby authorized to enter into contracts for the completion of each of said buildings within its respective limit of cost, including site, hereby fixed:

Limit of cost of certain public buildings increased.

United States post-office and court-house at Aberdeen, South Dakota, from eighty-seven thousand dollars to one hundred thousand dollars.

Aberdeen, S. Dak.

United States post-office and court-house at Abilene, Texas, from seventy-five thousand dollars to one hundred thousand dollars.

Abilene, Tex.

United States post-office and court-house at Boise, Idaho, from two hundred thousand dollars to two hundred and fifty thousand dollars.

Boise, Idaho.

United States post-office and custom-house at Brunswick, Georgia, from fifty thousand dollars to one hundred thousand dollars.

Brunswick, Ga.

United States post-office and court-house at Cheyenne, Wyoming, from two hundred and fifty thousand dollars to three hundred and twenty-five thousand dollars.

Cheyenne, Wyo.

United States post-office and court-house at Cumberland, Maryland, from seventy-five thousand dollars to one hundred thousand dollars.

Cumberland, Md.

United States post-office and court-house at Butte, Montana, from two hundred thousand dollars to two hundred and twenty-five thousand dollars.

Butte, Mont.

United States post-office and court-house at Eau Claire, Wisconsin, from fifty thousand dollars to one hundred and ten thousand dollars; and the limit of cost of site is hereby fixed at ten thousand dollars.

Eau Claire, Wis.

United States post-office and court-house at Elmira, New York, from one hundred and eighty-five thousand dollars to two hundred and thirty-two thousand dollars; and the Secretary of the Treasury is hereby authorized, in his discretion, to expend not to exceed seven thousand dollars for the acquisition of additional land for the enlargement of the site heretofore acquired.

Elmira, N. Y.

United States post-office and court-house at Creston, Iowa, from fifty thousand dollars to one hundred thousand dollars.

Creston, Iowa.

United States post-office and court-house at Elizabeth City, North Carolina, from fifty thousand dollars to one hundred thousand dollars.

Elizabeth City, N. C.

United States post-office and court-house at Fergus Falls, Minnesota, from seventy-five thousand dollars to one hundred thousand dollars.

Fergus Falls, Minn.

United States post-office at Fitchburg, Massachusetts, from one hundred thousand dollars to one hundred and twenty-five thousand dollars.

Fitchburg, Mass.

United States post-office at Freeport, Illinois, from seventy-five thousand dollars to eighty-five thousand dollars.

Freeport, Ill.

United States post-office and court-house at Helena, Montana, from three hundred thousand dollars to three hundred and fifty thousand dollars.

Helena, Mont.

United States post-office and court-house at Jamestown, New York, from seventy-five thousand dollars to one hundred and fifteen thousand dollars.

Jamestown, N. Y.

United States post-office at Janesville, Wisconsin, from fifty thousand dollars to seventy-five thousand dollars.

Janesville, Wis.

United States post-office at Joliet, Illinois, from one hundred thousand dollars to one hundred and thirty thousand dollars.

Joliet, Ill.

Joplin, Mo.	United States post-office and court-house at Joplin, Missouri, from fifty thousand dollars to one hundred thousand dollars.
Hot Springs, Ark.	United States post-office at Hot Springs, Arkansas, from seventy-eight thousand dollars to one hundred thousand dollars.
Lawrence, Mass.	United States post-office at Lawrence, Massachusetts, from one hundred thousand dollars to one hundred and thirty-five thousand dollars; and the limit of cost of site is hereby fixed at forty thousand dollars.
Leadville, Colo.	United States post-office at Leadville, Colorado, from fifty thousand dollars to seventy-five thousand dollars.
Lockport, N. Y.	United States post-office and court-house at Lockport, New York, from fifty thousand dollars to one hundred and five thousand dollars.
Newport, Vt.	United States post-office and custom-house at Newport, Vermont, from fifty thousand dollars to one hundred thousand dollars.
Newport News, Va.	United States post-office and custom-house at Newport News, Virginia, from one hundred thousand dollars to two hundred thousand dollars.
Norwich, Conn.	United States post-office at Norwich, Connecticut, from one hundred thousand dollars to one hundred and ten thousand dollars; and the limit of cost of site is hereby fixed at thirty-five thousand dollars.
Rome, N. Y.	United States post-office at Rome, New York, from fifty thousand dollars to seventy thousand dollars.
St. Cloud, Minn.	United States post-office at Saint Cloud, Minnesota, from fifty thousand dollars to sixty-eight thousand dollars.
St. Paul, Minn.	United States post-office, court-house, and custom-house at Saint Paul, Minnesota, from one million and fifty thousand dollars to one million one hundred and fifty thousand dollars.
Salt Lake City, Utah.	United States post-office, custom-house, and court-house at Salt Lake City, Utah, from three hundred thousand dollars to five hundred thousand dollars.
Seattle, Wash.	United States post-office, court-house, and custom-house at Seattle, Washington, from three hundred thousand dollars to seven hundred and fifty thousand dollars; and the limit of cost of site is hereby fixed at two hundred thousand dollars.
Tampa, Fla.	United States post-office, court-house, and custom-house at Tampa, Florida, from two hundred and fifty thousand dollars to three hundred and twenty-five thousand dollars.
Wilkesbarre, Pa.	United States post-office at Wilkesbarre, Pennsylvania, from one hundred and twenty-five thousand dollars to one hundred and fifty thousand dollars; and the limit of cost of site is hereby fixed at forty thousand dollars.
Winston, N. C.	United States post-office at Winston, North Carolina, from fifty thousand dollars to sixty thousand dollars.
Oskaloosa, Iowa.	United States post-office at Oskaloosa, Iowa, from fifty thousand dollars to sixty-six thousand dollars.
Bristol, Tenn.	United States post-office at Bristol, Tennessee, from fifty thousand dollars to fifty-five thousand dollars.
Carrollton, Ky.	United States post-office at Carrollton, Kentucky, from twenty-five thousand to thirty thousand dollars.
Columbus, Ga.	United States post-office and court-house at Columbus, Georgia, from one hundred and fifty-six thousand dollars to one hundred and fifty-nine thousand dollars.
Dubuque, Iowa.	United States court-house, post-office, and custom-house at Dubuque, Iowa, increasing limit of cost and improving and enlarging building as authorized by Act of March second, eighteen hundred and ninety-nine, from one hundred thousand dollars to one hundred and ten thousand dollars.
Indianapolis, Ind.	United States post-office, court-house, and custom-house at Indianapolis, Indiana, from one million nine hundred thousand one hundred dollars to two million two hundred thousand one hundred dollars.

Approved, March 3, 1901.

CHAP. 850.—An Act For the reward of enlisted men of the Navy or Marine Corps.

March 3, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any enlisted man of the Navy or Marine Corps who shall have distinguished himself in battle or displayed extraordinary heroism in the line of his profession shall, upon the recommendation of his commanding officer, approved by the flag-officer and the Secretary of the Navy, receive a gratuity and medal of honor as provided for seamen in section fourteen hundred and seven of the Revised Statutes.

Approved, March 3, 1901.

Navy, etc.
Medals, etc., authorized to enlisted men for heroism, etc.
R. S., sec. 1407, p. 249.

CHAP. 851.—An Act Making appropriations for the service of the Post-Office Department for the fiscal year ending June thirtieth, nineteen hundred and two.

March 3, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated for the service of the Post-Office Department, in conformity with the Act of July second, eighteen hundred and thirty-six, as follows:

Postal Service appropriations.
Vol. 5, p. 80.

OFFICE OF THE POSTMASTER-GENERAL.

Postmaster-General.

For advertising, seven thousand dollars.

Advertising.

For miscellaneous items in the office of the Postmaster-General, one thousand dollars.

Miscellaneous.

For postal service in the Philippine Islands or territory held by military occupation, and for additional transportation to and from said territory, also including postal service for military camps or stations, to be used in the discretion of the Postmaster-General, fifty thousand dollars.

Philippine Islands, etc.

OFFICE OF THE FIRST ASSISTANT POSTMASTER-GENERAL.

First Assistant Postmaster-General.

For compensation to postmasters, twenty million dollars. Any portion thereof saved by the consolidation of post-offices under existing law shall be transferred to the appropriation for compensation to clerks in post-offices and made available for the payment of the salaries of superintendents and clerks at stations established in lieu of the post-offices thus discontinued.

Postmasters.
Division for clerks, etc.
Consolidated offices.

SALARY AND ALLOWANCE DIVISION: For compensation to assistant postmasters at first and second class post-offices: One at three thousand five hundred dollars, sixteen at three thousand dollars each, one at two thousand five hundred dollars, three at two thousand dollars each, six at one thousand nine hundred dollars each, nineteen at one thousand eight hundred dollars each, twenty-six at one thousand seven hundred dollars each, seventy-two at one thousand six hundred dollars each, seventy-four at one thousand five hundred dollars each, sixty-one at one thousand four hundred dollars each, one hundred and twenty-four at one thousand three hundred dollars each, two hundred and sixty-one at one thousand two hundred dollars each, two hundred and sixty-five at one thousand one hundred dollars each, and three hundred and thirty-two at one thousand dollars each; in all, for assistant postmasters, one million five hundred and fifty-nine thousand three hundred dollars.

Salary and Allowance Division.
Assistant postmasters.

For compensation to clerks in post-offices:

Clerks.

One thousand clerks in charge of stations and substations, at one hundred dollars each, one hundred thousand dollars;

—at \$100 each.

Three hundred clerks in charge of stations and substations, at two hundred dollars each, sixty thousand dollars;

—at \$200 each.

—at \$300 each.

Two hundred clerks in charge of stations and substations, janitors, messengers, porters, watchmen, and stampers, at three hundred dollars each, sixty thousand dollars;

—at \$400 each.

One hundred clerks in charge of stations and substations, janitors, messengers, porters, watchmen, stampers, carpenters, firemen, laborers, pressmen, waste-paper examiners, mail messengers, and general utility clerks, at four hundred dollars each, forty thousand dollars;

—at \$500 each.

One thousand six hundred clerks in charge of stations and substations, janitors, messengers, porters, watchmen, stampers, carpenters, firemen, laborers, pressmen, waste-paper examiners, mail messengers, and general utility clerks, at five hundred dollars each, eight hundred thousand dollars;

—at \$600 each.

Two thousand eight hundred clerks in charge of stations and substations, janitors, messengers, porters, watchmen, stampers, carpenters, firemen, laborers, pressmen, waste-paper examiners, mail messengers, general utility clerks, sorters, general-delivery clerks, inquiry clerks, paper distributors, raters of third and fourth class matter, record clerks, separators, special-delivery clerks, stock clerks, supply clerks, timekeepers, weighers of second-class matter, directory clerks, dispatchers, letter distributors, mailing clerks, money-order clerks, nixie clerks, registry clerks, and stamp clerks, at six hundred dollars each, one million six hundred and eighty thousand dollars;

—at \$700 each.

One thousand clerks in charge of stations and substations, janitors, messengers, porters, watchmen, stampers, carpenters, firemen, laborers, pressmen, waste-paper examiners, mail messengers, general utility clerks, sorters, general-delivery clerks, inquiry clerks, paper distributors, raters of third and fourth class matter, record clerks, separators, special-delivery clerks, stock clerks, supply clerks, timekeepers, weighers of second-class matter, directory clerks, dispatchers, letter distributors, mailing clerks, money-order clerks, nixie clerks, registry clerks, and stamp clerks, at seven hundred dollars each, seven hundred thousand dollars;

—at \$800 each.

Three thousand nine hundred clerks in charge of stations and substations, stampers, mail messengers, general utility clerks, sorters, general-delivery clerks, inquiry clerks, paper distributors, raters of third and fourth class matter, record clerks, separators, special-delivery clerks, stock clerks, supply clerks, timekeepers, weighers of second-class matter, directory clerks, dispatchers, letter distributors, mailing clerks, money-order clerks, nixie clerks, registry clerks, stamp clerks, and assistant superintendents money-order division, at eight hundred dollars each, three million one hundred and twenty thousand dollars;

—at \$900 each.

One thousand nine hundred clerks in charge of stations and substations, general utility clerks, sorters, general-delivery clerks, inquiry clerks, paper distributors, raters of third and fourth class matter, record clerks, separators, special-delivery clerks, stock clerks, supply clerks, timekeepers, weighers of second-class matter, directory clerks, dispatchers, letter distributors, mailing clerks, money-order clerks, nixie clerks, registry clerks, stamp clerks, assistant superintendents money-order division, printers, and foremen of crews, at nine hundred dollars each, one million seven hundred and ten thousand dollars;

—at \$1,000 each.

One thousand five hundred sorters, general-delivery clerks, inquiry clerks, paper distributors, raters of third and fourth class matter, record clerks, separators, special-delivery clerks, stock clerks, supply clerks, timekeepers, weighers of second-class matter, directory clerks, dispatchers, letter distributors, mailing clerks, money-order clerks, nixie clerks, registry clerks, stamp clerks, assistant superintendents money-order division, printers, foremen of crews, assistant superintendents of registry, superintendents money-order division, superintendents of registry, and superintendents of stations, at one thousand dollars each, one million five hundred thousand dollars;

Seven hundred assorters, general-delivery clerks, inquiry clerks, paper distributors, raters of third and fourth class matter, record clerks, separators, special-delivery clerks, stock clerks, supply clerks, timekeepers, weighers of second-class matter, directory clerks, dispatchers, letter distributors, mailing clerks, money-order clerks, nixie clerks, registry clerks, stamp clerks, assistant superintendents money-order division, printers, foremen of crews, assistant superintendents of registry, superintendents money-order division, superintendents of registry, and superintendents of stations, at one thousand one hundred dollars each, seven hundred and seventy thousand dollars; —at \$1,100 each.

Eight hundred assorters, general-delivery clerks, inquiry clerks, paper distributors, raters of third and fourth class matter, record clerks, separators, special-delivery clerks, stock clerks, supply clerks, timekeepers, weighers of second-class matter, directory clerks, dispatchers, letter distributors, mailing clerks, money-order clerks, nixie clerks, registry clerks, stamp clerks, assistant superintendents money-order division, printers, foremen of crews, assistant superintendents of registry, superintendents money-order division, superintendents of registry, superintendents of stations, assistant cashiers, assistant superintendents of delivery, assistant superintendents of mails, bookkeepers, draftsman New York, finance clerks and secretaries and stenographers, at one thousand two hundred dollars each, nine hundred and sixty thousand dollars; —at \$1,200 each.

Two hundred and twenty-five dispatchers, letter distributors, mailing clerks, money-order clerks, nixie clerks, registry clerks, stamp clerks, assistant superintendents money-order division, foremen of crews, assistant superintendents of registry, superintendents money-order division, superintendents of registry, superintendents of stations, assistant cashiers, assistant superintendents of delivery, assistant superintendents of mails, bookkeepers, finance clerks, secretaries and stenographers, superintendents of delivery, and superintendents of mails, at one thousand three hundred dollars each, two hundred and ninety-two thousand five hundred dollars; —at \$1,300 each.

Two hundred dispatchers, letter distributors, mailing clerks, money-order clerks, nixie clerks, registry clerks, stamp clerks, assistant superintendents money-order division, foremen of crews, assistant superintendents of registry, superintendents money-order division, superintendents of registry, superintendents of stations, assistant cashiers, assistant superintendents of delivery, assistant superintendents of mails, bookkeepers, finance clerks, secretaries and stenographers, superintendents of delivery, and superintendents of mails, at one thousand four hundred dollars each, two hundred and eighty thousand dollars; —at \$1,400 each.

Ninety stamp clerks, assistant superintendents money-order division, assistant superintendents of registry, superintendents money-order division, superintendents of registry, superintendents of stations, bookkeepers, finance clerks, secretaries and stenographers, superintendents of delivery, and superintendents of mails, at one thousand five hundred dollars each, one hundred and thirty-five thousand dollars; —at \$1,500 each.

One hundred stamp clerks, assistant superintendents money-order division, superintendents money-order division, superintendents of registry, superintendents of stations, bookkeepers, finance clerks, secretaries and stenographers, superintendents of delivery, and superintendents of mails, at one thousand six hundred dollars each, one hundred and sixty thousand dollars; —at \$1,600 each.

One hundred and eighteen stamp clerks, assistant superintendents money-order division, superintendents money-order division, superintendents of registry, superintendents of stations, bookkeepers, finance clerks, superintendents of delivery, and superintendents of mails, at one thousand seven hundred dollars each, two hundred thousand six hundred dollars; —at \$1,700 each.

Superintendents, etc.	Sixty assistant superintendents money-order division, assistant superintendent of registry, superintendents money-order division, superintendents of registry, superintendents of stations, bookkeepers, superintendents of delivery, superintendents of mails, and cashiers, at one thousand eight hundred dollars each, one hundred and eight thousand dollars;
—at \$1,800 each.	
—at \$1,900 each.	One superintendent of delivery and one superintendent money-order division, at one thousand nine hundred dollars each, three thousand eight hundred dollars;
—at \$2,000 each.	Sixty superintendents money-order division, superintendents of registry, superintendents of stations, superintendents of delivery, superintendents of mails, and cashiers, at two thousand dollars each, one hundred and twenty thousand dollars;
—at \$2,100 each.	Seven superintendents of money-order division, superintendents of registry, superintendents of delivery, and superintendents of mails, at two thousand one hundred dollars each, fourteen thousand seven hundred dollars;
—at \$2,200 each.	Twenty-nine superintendents money-order division, superintendents of registry, superintendents of stations, superintendents of delivery, superintendents of mails, and cashiers, at two thousand two hundred dollars each, sixty-three thousand eight hundred dollars;
—at \$2,400 each.	Twenty-two assistant superintendents money-order division, assistant superintendents of registry, superintendents money-order division, superintendents of registry, superintendents of delivery, superintendents of mails, and cashiers, at two thousand four hundred dollars each, fifty-two thousand eight hundred dollars;
—at \$2,500 each.	Seven superintendents of stations, superintendents of delivery, and superintendents of mails, at two thousand five hundred dollars each, seventeen thousand five hundred dollars;
—at \$2,600 each.	Seventeen superintendents of delivery, superintendents of mails, and cashiers, at two thousand six hundred dollars each, forty-four thousand two hundred dollars;
—at \$2,700 each.	Ten superintendents of delivery, and superintendents of mails, at two thousand seven hundred dollars each, twenty-seven thousand dollars;
Auditors, New York. Chicago.	One auditor, New York, three thousand dollars;
Superintendents at \$3,200.	One auditor, Chicago, three thousand dollars;
	One superintendent of money-order division, one superintendent of registry, one superintendent of mails, and one superintendent of delivery, at three thousand two hundred dollars each, twelve thousand eight hundred dollars;
Substitutes for clerks on vacation.	For compensation to substitutes for clerks of first and second class post-offices on vacation, one hundred and fifty thousand dollars;
Temporary clerks.	For temporary clerk hire, one hundred and twenty-five thousand dollars;
Separating mails.	For separating mails at third and fourth class post-offices, one million and fifty thousand dollars;
Amount.	In all, for clerk hire in post-offices, fourteen million three hundred and sixty-three thousand seven hundred dollars: <i>Provided</i> , That the Postmaster-General may, in the disbursement of this appropriation, allow postmasters at first-class offices to employ temporary clerks at the rate of twenty-five cents an hour during the rush or busy hours of the day.
<i>Proviso.</i> Temporary clerks, during busy hours.	For rent, light, and fuel for first, second, and third class post-offices, two million one hundred thousand dollars: <i>Provided</i> , That there shall not be allowed for the use of any third-class post-office for rent a sum in excess of four hundred dollars, nor more than sixty dollars for fuel and light in any one year: <i>And provided further</i> , That the Postmaster-General may, in the disbursement of this appropriation, apply a part thereof to the purpose of leasing premises for the use of post-offices of
Rent, light, and fuel.	
<i>Proviso.</i> —limit, rent, third- class offices.	
Leases.	

the first, second, and third classes at a reasonable annual rental, to be paid quarterly, for a term not exceeding ten years.

For necessary miscellaneous and incidental items directly connected with first and second class post-offices, including furniture, cleaning, and all other matters not specifically provided for in other appropriations, two hundred and fifty thousand dollars: *Provided*, That the Postmaster-General, in his discretion, under such regulations as he shall prescribe, may authorize any of the postmasters of said offices to expend the funds he may allow them for such purposes without the written consent of the Postmaster-General.

Miscellaneous.

Proviso.
Expenditures without written consent.

For advertising and purchase of newspapers containing official advertisements, contracted for under this appropriation at first and second class post-offices, twenty-five thousand dollars. For rental or purchase of canceling machines and motors, and power therefor, one hundred and ninety thousand dollars:

Advertising.

Provided, That five per centum of the foregoing appropriations for the salary and allowance division of the First Assistant Postmaster-General's Bureau may be available interchangeably for expenditures on the objects named, but no one item of the appropriations shall thereby be increased more than five per centum.

Proviso.
Interchangeable expenditures.

For compensation to five assistant superintendents salary and allowance division, at the rate of two thousand dollars per annum; and for per diem allowance for same when actually traveling on business of the Post-Office Department, at a rate to be fixed by the Postmaster-General, not to exceed four dollars per day, seventeen thousand three hundred dollars.

Assistant superintendents, salary and allowance division.

FREE-DELIVERY SERVICE: For pay of letter carriers in offices already established, and for substitute letter carriers, and for temporary carriers at summer resorts, holiday, election, and emergency service, sixteen million eighty thousand and nine hundred dollars.

Free delivery.
Letter carriers.

For pay of letter carriers in new offices entitled to free-delivery service under existing law, seventy-five thousand dollars.

—new offices.

For horse-hire allowance, five hundred and ten thousand dollars.

Horse hire, etc.

For car fare and bicycle allowance, two hundred and fifty-five thousand dollars.

Incidentals.

For incidental expenses, including letter boxes, package boxes, posts, furniture, satchels, straps, marine service at Detroit, Michigan, fifteen mechanics, to be employed exclusively in erecting and painting letter boxes in cities containing post-offices of the first-class, where they are most needed, and the per diem allowance and other necessary official expenses of assistant superintendents of free-delivery service, two hundred and twenty thousand dollars; in all, seventeen million one hundred and forty thousand and nine hundred dollars: *Provided*, That ten per centum of the foregoing amounts for free-delivery service may be available interchangeably for expenditure on the objects named, but no one item of appropriation shall thereby be increased more than ten per centum.

Proviso.
Interchangeable expenditures.

For experimental rural free delivery, including pay of carriers, horse-hire allowance, supplies, and mechanical appliances, three million five hundred thousand dollars.

Rural free delivery.

SUPPLY DIVISION: For stationery for postal service, seventy thousand dollars.

Supply division.
Stationery.

For wrapping twine, or tying devices, one hundred and sixty-five thousand dollars.

Twine.

For wrapping paper, thirty thousand dollars.

Paper.

For letter balances, scales, and test weights, and repairs to same, twelve thousand five hundred dollars.

Scales, etc.

For postmarking and rating stamps, and repairs to same, and ink and pads for stamping and canceling purposes, thirty-seven thousand five hundred dollars.

Stamps, cancelings, etc.

Rubber stamps.	For rubber stamps and type, metal-bodied rubber type, dates, figures, and holders, and ink and pads for rubber stamps, five thousand dollars.
Packing boxes.	For packing boxes, sawdust, paste, and hardware, one thousand two hundred and fifty dollars.
Printing.	For printing facing slips and cutting same, card slide labels, blanks, and books of an urgent nature for the postal service, thirty thousand dollars.
Blank books, etc.	Blanks, blank books, printed matter, metal advertising signs, twine, carbon paper, and articles pertaining to its use in the issue and payment of money orders, one hundred and twenty-five thousand dollars:
<i>Proviso.</i> Interchangeable expenditures.	<i>Provided</i> , That five per centum of the foregoing amount for blanks, blank books, and so forth, may be available interchangeably for expenditure on the three following items, but no one of such items shall thereby be increased more than five per centum:
Money-order service.	Rubber and metal stamps and repairs thereto; ribbons, pads, and racks for the money-order service, eight thousand dollars.
	Copying presses and typewriting machines and repairs thereto, for use of the money-order service, ten thousand dollars.
	Exchange on drafts, stationery, and necessary miscellaneous expenses of the money-order service, fifteen thousand dollars.

Second Assistant Postmaster-General.

OFFICE OF THE SECOND ASSISTANT POSTMASTER-GENERAL.

Inland mail transportation.
Star routes.
Proviso.
Alaska service.

INLAND MAIL TRANSPORTATION: For inland transportation by star routes, including temporary service to newly established offices, five million five hundred and eighty thousand dollars: *Provided*, That out of this appropriation the Postmaster-General is authorized to provide difficult or emergency mail service in Alaska, including the establishment and equipment of relay stations, in such manner as he may think advisable, without advertising therefor.

Steamboat routes.

For inland transportation by steamboat routes, five hundred and eighty-six thousand dollars.

Messenger service.

For mail-messenger service, one million and thirty-eight thousand dollars.

Inquiry as to telegraph and telephone system

The Postmaster-General is directed, if he has sufficient available information to enable him to do so, to report to Congress the probable cost of connecting a telegraph and telephone system with the postal service by some feasible plan.

Wagon, etc., service.

For regulation, screen, or other wagon service, eight hundred thousand dollars.

Bags, catchers, etc.

For mail bags, cord fasteners, label cases, and for labor and material necessary for repairing equipment, two hundred and seventy-five thousand dollars.

Locks, keys, etc.

For mail locks and keys, chains, tools, and machinery, and for labor and material necessary for repairing same, forty-three thousand dollars.

Repair shop.

For rent of building for a mail-bag repair shop and lock-repair shop, and for fuel, gas, watchmen and charwomen, oil and repair of machinery for said shops, eight thousand five hundred dollars.

Railroad routes.

For inland transportation by railroad routes, of which a sum not exceeding sixty thousand dollars may be employed to pay freight on postal cards, stamped envelopes, stamped paper, mail equipment, and other supplies from the manufactories or depositories to the post-offices and depots of distribution, thirty-four million seven hundred thousand dollars.

Post-office cars.

For railway post-office car service, four million eight hundred and sixteen thousand dollars.

Railway Mail Service.
Superintendents, clerks, etc.

RAILWAY MAIL SERVICE: One General Superintendent, at three thousand five hundred dollars; one Assistant General Superintendent, at three thousand dollars; one chief clerk, office of General Superintendent, two thousand dollars; eleven division superintendents, at two thousand seven hundred dollars each; eleven assistant division super-

intendents, at one thousand eight hundred dollars each; twenty-two assistant superintendents, at one thousand six hundred dollars each; ninety-five chief clerks, at one thousand six hundred dollars each; twelve hundred and fifty-one clerks, class five, at one thousand four hundred dollars each; one thousand seven hundred and fifty-two clerks of class four, at one thousand two hundred dollars each; three thousand nine hundred and twenty-nine clerks, class three, at one thousand dollars each; two thousand and ninety-eight clerks, class two, at not exceeding nine hundred dollars each; five hundred and fifty-nine clerks, class one, at not exceeding eight hundred dollars each.

For substitutes for clerks on vacation, fifty thousand dollars: *Provided*, That the Postmaster-General may allow railway postal clerks whose duties require them to work six days or more per week, fifty-two weeks per year, an annual vacation of fifteen days, with pay.

Substitutes for clerks on vacation.
Proviso.
Vacation allowed.

For acting clerks in place of clerks injured while on duty, thirty-five thousand dollars.

Clerks acting for injured clerks.

For actual and necessary expenses of General Superintendent, Assistant General Superintendent, chief clerk office General Superintendent, division superintendents, assistant division superintendents, chief clerks, and railway postal clerks, while actually traveling on business of the Department and away from their several designated headquarters, twenty-six thousand dollars.

Traveling expenses.

For rent, light, fuel, telegraph, and miscellaneous office expenses, schedules of mail trains, telephone service, typewriting machines, and badges for railway postal clerks, forty thousand dollars.

Rent, light, and fuel.

For per diem allowance of assistant superintendents, thirty thousand dollars: *Provided*, That assistant superintendents may receive a per diem allowance in lieu of actual and necessary traveling expenses at the rate of four dollars per day while actually traveling on business of the Department away from their several designated headquarters.

Per diem, assistant superintendents.
Proviso.
—in lieu of traveling expenses.

In all, for railway mail service, ten million three hundred and seventy-four thousand seven hundred dollars. And the appointment and assignment of clerks hereunder shall be so made during the fiscal year as not to involve a greater aggregate expenditure than this sum.

Amount.

For inland transportation of mail by electric and cable cars, four hundred thousand dollars: *Provided*, That the rate of compensation to be paid per mile shall not exceed the rate now paid to companies performing said service.

Electric and cable car service.
Proviso.
—limit per mile.

For necessary and special facilities on trunk lines from New York and Washington to Atlanta and New Orleans, one hundred and seventy-one thousand two hundred and thirty-eight dollars and seventy-five cents: *Provided*, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

Special facilities.

For continuing necessary and special facilities on trunk lines from Kansas City, Missouri, to Newton, Kansas, twenty-five thousand dollars, or so much thereof as may be necessary: *Provided*, That no part of this appropriation shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

Proviso.
—consent of Postmaster-General.

For miscellaneous items, including railway guides, city directories, and other books and periodicals necessary in connection with mail transportation, one thousand dollars.

Miscellaneous.

For transportation of foreign mails, two million five hundred and forty-nine thousand dollars, including additional compensation to the Oceanic Steamship Company for transporting the mails by its steamers sailing from San Francisco to Tahiti; all mails made up in the United States destined for the island of Tahiti, forty-five thousand dollars: *Provided*, That the sum paid the said Oceanic Steamship Company shall not exceed one dollar per mile, as authorized by Act of March

Foreign mails.
Oceanic Steamship Company.

Proviso.
—limit per mile.

Vol. 26, p. 832.

Clerks on steamers.

Transfers at New York.

Balances due foreign countries.

Third Assistant Postmaster-General.

Stamps.

Postal cards.

Envelopes.

Ship, etc., letters.

Indemnity for loss of registered matter..

Car fare, etc.

Special-delivery messengers.—fees available for other employees.

—amount.

Miscellaneous.

Fourth Assistant Postmaster-General.

Mail depredations.

third, eighteen hundred and ninety-one, entitled "An Act to provide for ocean mail service between the United States and foreign ports, and to promote commerce:" *And provided further*, That hereafter the Postmaster-General shall be authorized to expend such sums as may be necessary, not exceeding fifty-five thousand dollars, to cover one-half of the cost of transportation, compensation, and expense of clerks to be employed in assorting and pouching mails in transit on steamships between the United States and other postal administrations in the International Postal Union, and not exceeding forty thousand dollars for transferring the foreign mail from incoming steamships in New York Bay to the several steamship and railway piers, and between the steamship piers in New York City and Jersey City and the post-office and railroad stations, and for transferring the foreign mail from incoming steamships in San Francisco Bay to the piers.

For balances due foreign countries, one hundred and fifty-five thousand dollars.

OFFICE OF THE THIRD ASSISTANT POSTMASTER-GENERAL.

For manufacture of adhesive postage and special-delivery stamps, two hundred and eighty-seven thousand dollars.

For pay of agent and assistants to distribute stamps, and expenses of agency, twelve thousand dollars.

For manufacture of stamped envelopes and newspaper wrappers, six hundred and forty-eight thousand dollars.

For pay of agent and assistants to distribute stamped envelopes and newspaper wrappers, and expenses of agency, twenty thousand dollars.

For manufacture of postal cards, one hundred and sixty-five thousand dollars.

For pay of agent and assistants to distribute postal cards, and expenses of agency, seven thousand eight hundred dollars.

For registered-package, tag, official, and dead-letter envelopes, one hundred and twenty-eight thousand dollars.

For ship, steamboat, and way letters, one thousand dollars.

For payment of limited indemnity for the loss of pieces of first-class registered matter, six thousand dollars.

For car fares for special-delivery messengers in urgent cases, ten thousand dollars.

For fees to special-delivery messengers (who may be postmasters, salaried employees of post-offices, or other suitable persons) as provided for in the Act of Congress approved March third, eighteen hundred and eighty-five, entitled "An Act making appropriations for the service of the Post-Office Department for the fiscal year ending June thirtieth, eighteen hundred and eighty-six, and for other purposes," as extended and amended by the Acts of Congress approved August fourth, eighteen hundred and eighty-six, January sixteenth, eighteen hundred and eighty-nine, and March first, eighteen hundred and ninety-nine, six hundred and sixty-five thousand dollars.

For blanks, books, and printed matter of urgent and special character, including the preparation, publication, and free distribution to the public of a pamphlet containing general postal information, and for metallic advertising signs, intaglio seals, and other miscellaneous items of immediate necessity for the registry system, twenty thousand dollars.

For miscellaneous items, one thousand dollars.

OFFICE OF THE FOURTH ASSISTANT POSTMASTER-GENERAL.

For mail depredations and post-office inspectors, including salaries of fifteen inspectors in charge of divisions at two thousand five hundred dollars per annum without per diem, and fifteen inspectors at

two thousand two hundred and fifty dollars per annum without per diem, and fifteen inspectors at two thousand dollars per annum without per diem, and for salaries of post-office inspectors and clerks; and for per diem allowance of inspectors in the field while actually traveling on business for the Department, five hundred and fifty thousand dollars: *Provided*, That the Postmaster-General may, in his discretion, allow post-office inspectors per diem while temporarily located at any place on duty away from home, or their designated domicile, for a period not exceeding twenty consecutive days at any one place, and may make rules and regulations governing the foregoing provisions relating to per diem: *And provided further*, That, of the amount herein appropriated, not to exceed two thousand dollars may be expended, in the discretion of the Postmaster-General, for the purpose of securing information concerning violations of the postal laws, and for services and information looking toward the apprehension of criminals.

Provisos.
Per diem to inspectors.

Securing evidence,
etc.

For payment of rewards for the detection, arrest, and conviction of post-office burglars, robbers, and highway mail robbers, twenty-five thousand dollars.

Rewards.

For miscellaneous items, one thousand dollars.

Miscellaneous.

When any publication has been accorded second-class mail privileges, the same shall not be suspended or annulled until a hearing shall have been granted to the parties interested.

Second-class mail
privileges annulled
only after hearing.

SEC. 2. That the appropriations herein made for the officers, clerks, and persons employed in the postal service shall not be available for the compensation of any persons permanently incapacitated for performing such service. The establishment of a civil pension roll or an honorable service roll, or the exemption of any of the officers, clerks, and persons in the postal service from the existing laws respecting employment in such service, is hereby prohibited.

Appropriations un-
available for incapac-
itated employees.

SEC. 3. That if the revenues of the Post-Office Department shall be insufficient to meet the appropriations made by this Act, a sum equal to such deficiency of the revenues of said Department is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to supply said deficiencies in the revenues for the Post-Office Department for the year ending June thirtieth, nineteen hundred and two.

Appropriation for
deficiencies in reve-
nues.

Approved, March 3, 1901.

CHAP. 852.—An Act Making appropriations for the naval service for the fiscal year ending June thirtieth, nineteen hundred and two, and for other purposes.

March 3, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the naval service of the Government for the year ending June thirtieth, nineteen hundred and two, and for other purposes.

Naval service appro-
priations.

PAY OF THE NAVY.

Pay and allowances prescribed by law of officers on sea duty; officers on shore and other duty; officers on waiting orders; officers on the retired list; clerks to commandants of yards and stations; clerks to paymasters at yards and stations; general storekeepers, receiving ships and other vessels; commutation of quarters for officers on shore not occupying public quarters, including boatswains, gunners, carpenters, sailmakers, warrant machinists, pharmacists, and mates, who shall hereafter receive the same commutation for quarters as second lieuten-

Pay of the Navy.

ants of the Marine Corps; pay of enlisted men on the retired list; extra pay to men reenlisting under honorable discharge; interest on deposits by men; pay of petty officers, seamen, landsmen, and apprentice boys, including men in the engineers' force, and for the Fish Commission, twenty-two thousand five hundred men, fifty additional warrant machinists, and two thousand five hundred apprentices under training at training stations and on board training ships, and for men detailed for duty with naval militia, at the pay prescribed by law, fifteen million two hundred thousand two hundred and eighty-four dollars, of which sum fifty thousand dollars is hereby made immediately available for pay of additional men and warrant machinists: *Provided*, That officers of the Navy, and officers and enlisted men of the Marine Corps, who have been detailed, or may hereafter be detailed, for shore duty in Alaska, the Philippine Islands, Guam, or elsewhere beyond the continental limits of the United States, shall be considered as having been detailed for "shore duty beyond seas," and shall receive pay accordingly, with such additional pay as may be provided by law for service in island possessions of the United States.

"Shore duty beyond seas" defined.

Advancement for service Spanish war not to interfere with regular promotions. R. S., secs. 1506, etc., p. 259.

Officers advanced to be additional numbers of grade, etc.

Proviso.
No promotions to fill such vacancies.

That the advancement in rank of officers of the Navy and Marine Corps, whensoever made, for service rendered during the war with Spain, pursuant, respectively, to the provisions of sections fifteen hundred and six and sixteen hundred and five of the Revised Statutes, shall not interfere with the regular promotion of officers otherwise entitled to promotion, but officers so advanced, by reason of war service, shall, after they are promoted to higher grades, be carried thereafter as additional to the numbers of each grade to which they may at any time be promoted; and each such officer shall hereafter be promoted in due course, contemporaneously with and to take rank next after the officer immediately above him; and all advancements made by reason of war service shall be appropriately so designated upon the official Navy list: *Provided, however*, That no promotion shall be made to fill a vacancy occasioned by the promotion, retirement, death, resignation, or dismissal of any officer who, at the time of such promotion, retirement, death, resignation, or dismissal, is an additional member of his grade under the foregoing provisions.

PAY, MISCELLANEOUS.

Pay, miscellaneous.

For commissions and interest; transportation of funds; exchange; mileage to officers while traveling under orders in the United States, and for actual personal expenses of officers while traveling abroad under orders, and for traveling expenses of civilian employees, and for actual and necessary traveling expenses of naval cadets while proceeding from their homes to the Naval Academy for examination and appointment as cadets; for rent and furniture of buildings and offices not in navy-yards; expenses of courts-martial, prisoners and prisons, and courts of inquiry, boards of inspection, examining boards, with clerks' and witnesses' fees, and traveling expenses and costs; stationery and recording; expenses of purchasing-paymasters' offices of the various cities, including clerks, furniture, fuel, stationery, and incidental expenses; newspapers and advertising; foreign postage; telegraphing, foreign and domestic; telephones; copying; care of library, including the purchase of books, photographs, prints, manuscripts, and periodicals; ferriage, tolls, and express fees; costs of suits; commissions, warrants, diplomas, and discharges; relief of vessels in distress; canal tolls and pilotage; recovery of valuables from shipwrecks; quarantine expenses; reports; professional investigation; cost of special instruction, at home or abroad, in maintenance of students and attachés and information from abroad, and the collection and classification thereof, and other necessary and incidental expenses, six hundred

thousand dollars: *Provided*, That in cases where orders are given to officers of the Navy or Marine Corps for travel to be performed repeatedly between two or more places in such vicinity as in the discretion of the Secretary of the Navy is appropriate, he may direct that actual and necessary expenses only be allowed.

Provido.
Travel expenses.

CONTINGENT, NAVY: For all emergencies and extraordinary expenses arising at home or abroad, but impossible to be anticipated or classified, exclusive of personal services in the Navy Department or any of its subordinate bureaus or offices at Washington, District of Columbia, ten thousand dollars.

Contingent expenses.

EMERGENCY FUND, NAVY DEPARTMENT.

To meet unforeseen contingencies for the maintenance of the Navy constantly arising, to be expended at the discretion of the President, two hundred and fifty thousand dollars, of which fifty thousand dollars shall be immediately available.

Emergency fund.

BUREAU OF NAVIGATION.

TRANSPORTATION, RECRUITING, AND CONTINGENT: Expenses of recruiting for the naval service; rent of rendezvous and expenses of maintaining the same; advertising for men and boys, and all other expenses attending the recruiting for the naval service, and for the transportation of enlisted men and boys at home and abroad, and of officers accompanying them; for heating apparatus for receiving and training ships, and extra expenses thereof; for freight, telegraphing on public business, postage on letters sent abroad, ferriage, ice, apprehension of deserters and stragglers, continuous-service certificates, discharges, good-conduct badges and medals for boys, schoolbooks for training apprentices, packing boxes and materials, and other contingent expenses and emergencies arising under cognizance of the Bureau of Navigation, unforeseen and impossible to classify, one hundred and eighty thousand dollars.

Bureau of Navigation.

Transportation, recruiting, and contingent.

GUNNERY EXERCISES: Prizes for excellence in gunnery exercises and target practice; diagrams and reports of target practice; for the establishment and maintenance of targets and ranges; for hiring established ranges, and for transportation to and from ranges, twelve thousand dollars.

Gunnery exercises.

OUTFITS FOR NAVAL APPRENTICES: Outfits for two thousand five hundred naval apprentices and one hundred hospital apprentices, at forty-five dollars each, one hundred and seventeen thousand dollars.

Apprentices, bounties.

OUTFITS FOR LANDSMEN: Outfits for five thousand landmen under training for seamen, at forty-five dollars each, two hundred and twenty-five thousand dollars.

—landsmen.

NAVAL TRAINING STATION, CALIFORNIA: Maintenance of naval apprentice training station, Yerba Buena Island, California, namely: Labor and material; buildings and wharves; general care, repairs, and improvements of grounds, buildings; and wharves; wharfage, ferriage, and street-car fare; purchase and maintenance of live stock, and attendance on same; wagons, carts, implements, and tools, and repairs to same; fire engines and extinguishers; boats and gymnastic implements; models and other articles needed in instruction of apprentices; printing outfit and materials, and maintenance of same; heating, lighting, and furniture; stationery, books, and periodicals; fresh water, ice, and washing; freight and expressage; packing boxes and materials; postage and telegraphing; telephones, and all other contingent expenses, thirty thousand dollars.

Naval training stations.
Yerba Buena Island, Cal.

To reimburse the appropriation "Naval training station, California, nineteen hundred and one," for the cost of securing a supply of fresh water from Oakland, California, six thousand four hundred and fifty-nine dollars and thirty-two cents, to be immediately available.

Coasters Harbor
Island, R. I.

NAVAL TRAINING STATION, RHODE ISLAND: Maintenance of naval apprentice training station, Coasters Harbor Island, Rhode Island, namely: Labor and material; buildings and wharves; dredging channels; extending sea wall; repairs to causeway and sea wall; general care, repairs, and improvements of grounds, buildings, and wharves; wharfage, ferriage, and street-car fare; purchase and maintenance of live stock, and attendance on same; wagons, carts, implements, and tools, and repairs to same; fire engines and extinguishers; boats and gymnastic implements; models and other articles needed in instruction of apprentices; printing outfit and materials, and maintenance of same; heating, lighting, and furniture; stationery, books, and periodicals; fresh water, ice, and washing; freight and expressage; packing boxes and materials; postage and telegraphing; telephones; and all other contingent expenses, forty-five thousand dollars.

Naval War College.

NAVAL WAR COLLEGE, COASTERS HARBOR ISLAND, RHODE ISLAND: For maintenance of the Naval War College on Coasters Harbor Island, and care of grounds for same, including one draftsman, at one thousand two hundred dollars per year; in all, nine thousand two hundred dollars.

For the services of a lecturer on international law, one thousand dollars; for the services of civilian lecturers from universities and colleges rendered at the War College, six hundred dollars, and for the purchase of books of reference, four hundred dollars; in all, two thousand dollars.

Naval Home, Philadelphia.

NAVAL HOME, PHILADELPHIA, PENNSYLVANIA: One superintendent of grounds, at six hundred dollars; one steward, at four hundred and eighty dollars; one matron, at three hundred and sixty dollars; one chief cook, at three hundred and sixty dollars; one assistant cook, at two hundred and forty dollars; one assistant cook, at one hundred and eighty dollars; one chief laundress, at one hundred and ninety-two dollars; five laundresses, at one hundred and sixty-eight dollars each; four scrubbers, at one hundred and sixty-eight dollars each; one head waitress, at one hundred and ninety-two dollars; eight waitresses, at one hundred and sixty-eight dollars each; one kitchen servant, at two hundred dollars; eight laborers, at two hundred and forty dollars each; one stable keeper and driver, at three hundred and sixty dollars; one master at arms, at four hundred and eighty dollars; two house corporals, at three hundred dollars each; one barber, at three hundred and sixty dollars; one carpenter, at eight hundred and forty-five dollars; one painter, at eight hundred and forty-five dollars; one engineer for elevator and machinery, six hundred dollars; three laborers, at three hundred and sixty dollars each; three laborers, at three hundred dollars each; water rent and lighting, two thousand one hundred dollars; cemetery, burial expenses, and headstones, three hundred and fifty dollars; improvement of grounds, nine hundred dollars; repairs to buildings, boilers, furnaces, furniture, eight thousand dollars; music in chapel, six hundred dollars; transportation of indigent and destitute beneficiaries to the Naval Home, one hundred dollars; support of beneficiaries, fifty thousand seven hundred and twenty-five dollars; in all, for Naval Home, seventy-six thousand four hundred and twenty-five dollars, which sum shall be paid out of the income from the naval pension fund.

Bureau of Ordnance.

BUREAU OF ORDNANCE.

Ordnance and stores.

ORDNANCE AND ORDNANCE STORES: For procuring, producing, preserving, and handling ordnance material; for the armament of ships; for fuel, material, and labor to be used in the general work of the Ordnance Department; for watchmen at magazines, powder factories, and powder depots; for furniture in ordnance buildings at navy-yards

and stations; for maintenance of the proving ground and powder factory; and for target practice, five hundred thousand dollars.

Reserve supply of ammunition, five hundred thousand dollars.

Reserve supply of
ammunition.
Rapid-fire guns.

Conversion of ordinary six-inch guns to rapid fire, twenty-five thousand dollars.

Purchase and manufacture of smokeless powder, five hundred thousand dollars.

Smokeless powder.

New and improved machinery for existing shops of the naval gun factory at the Washington Navy-Yard, fifty thousand dollars.

Washington Navy-
Yard.

For new and improved machinery for the proposed new workshop at the Washington Navy-Yard, estimated for by the Bureau of Yards and Docks, one hundred thousand dollars.

For automatic coal-conveying machinery and apparatus complete for the boiler-house stokers at the naval gun factory, nine thousand eight hundred and forty-nine dollars.

For equipment of the forge shop at the naval gun factory after extension and remodeling, as estimated for by the Bureau of Yards and Docks, including twenty-five ton crane and runways, steam hammer, small hammers, piping, wiring, and motors, forty thousand dollars.

Tools, machinery, and motive power for ordnance workshops and gun-carriage buildings at the navy-yard, Mare Island, California, twenty-four thousand dollars.

Mare Island, Cal.

For new and improved battery for the Baltimore, one hundred and seventy-five thousand dollars.

"Baltimore," new
battery for.

RESERVE GUNS FOR AUXILIARY CRUISERS: Toward the armament of modern guns for auxiliary cruisers mentioned in the Act approved March third, eighteen hundred and ninety-one, and in section four of the Act approved May tenth, eighteen hundred and ninety-two, two hundred and fifty thousand dollars: *Provided*, That the Secretary of the Navy may, in his discretion, purchase by contract all or any part of such guns.

Reserve guns for
auxiliary cruisers.
Vol. 26, p. 831.
Vol. 27, p. 27.

Provido.
Contracts

TORPEDO STATION, NEWPORT, RHODE ISLAND: For labor, material, freight, and express charges; general care of and repairs to grounds, buildings, and wharves; boats, instruction, instruments, tools, furniture, experiments, and general torpedo outfits, sixty-five thousand dollars.

Torpedo station,
Newport, R. I.

ARMING AND EQUIPPING NAVAL MILITIA: For arms, accouterments, signal outfits, boats and their equipment, and the printing or purchase of the necessary books of instruction for the Naval Militia of the various States, under such regulations as the Secretary of the Navy may prescribe, sixty thousand dollars.

Arming, etc., Naval
Militia.

ARMS AND EQUIPMENT OF UNITED STATES MARINE CORPS: For small arms, machine and rapid-fire guns, accouterments, and ammunition therefor, for use of the United States Marine Corps, one hundred thousand dollars.

Arms, etc., Marine
Corps.

NAVAL PROVING GROUND: For the purchase of additional land for the naval proving ground at Indian Head, twenty-five thousand dollars.

Naval proving
ground, Indian Head.

NAVAL STATION, PUGET SOUND, WASHINGTON: For purchase of an ammunition lighter for ordnance purposes at the naval station, Puget Sound, eighteen thousand dollars.

Naval station, Puget
Sound.

REPAIRS, BUREAU OF ORDNANCE: For necessary repairs to ordnance buildings, magazines, gun parks, boats, lighters, wharves, machinery, and other items of like character, thirty thousand dollars.

Bureau of Ordnance
—repairs.

MISCELLANEOUS, BUREAU OF ORDNANCE: For miscellaneous items, namely: Freight to foreign and home stations, advertising, cartage and express charges, repairs to fire engines, gas and water pipes, gas and water tax at magazines, tolls, ferriage, foreign postage, and telegrams to and from the Bureau, technical books, and incidental expenses attending inspection of ordnance material, seventy-five thousand dollars.

—miscellaneous.

Civil establishment. CIVIL ESTABLISHMENT, BUREAU OF ORDNANCE: Navy-yard, Portsmouth, New Hampshire: For one writer, at one thousand dollars;
 Navy-yard, Boston, Massachusetts: For one writer, at one thousand dollars;
 Navy-yard, New York, New York: For one clerk, at one thousand four hundred dollars;
 Navy-yard, League Island, Pennsylvania: For one clerk, at one thousand two hundred dollars;
 District of Columbia. Navy-yard, Washington, District of Columbia: For one chemist, at two thousand five hundred dollars; one chief clerk, at one thousand six hundred dollars; one clerk, at one thousand four hundred dollars; one clerk, at one thousand two hundred dollars; one clerk, at one thousand one hundred dollars; three writers, at one thousand and seventeen dollars and twenty-five cents each; one draftsman, at one thousand eight hundred dollars; three draftsmen, at one thousand and eighty-one dollars each; one assistant draftsman, at seven hundred and seventy-two dollars; two copyists, at seven hundred and twenty dollars each; one telegraph operator and copyist, at one thousand dollars; in all, nineteen thousand one hundred and six dollars and seventy-five cents.
 Smokeless-powder factory. Smokeless-powder factory: For one chemist, at two thousand five hundred dollars; one assistant chemist, at one thousand six hundred dollars; in all, four thousand one hundred dollars;
 Navy-yard, Norfolk, Virginia: For one clerk, at one thousand two hundred dollars;
 Navy-yard, Mare Island, California: For one writer, at one thousand two hundred dollars;
 Naval proving ground, Indian Head, Maryland: For one writer, at one thousand two hundred dollars;
 Naval torpedo station, Newport, Rhode Island: For one chemist, at two thousand five hundred dollars; one clerk, at one thousand two hundred dollars; one draftsman, at one thousand five hundred dollars: in all, five thousand two hundred dollars;
 In all, civil establishment, Bureau of Ordnance, thirty-six thousand six hundred and six dollars and seventy-five cents; and no other fund appropriated by this Act shall be used in payment for such service.

Bureau of Equipment.

BUREAU OF EQUIPMENT.

Coal and transportation.

COAL AND TRANSPORTATION: For purchase of coal for steamers' and ships' use, including expenses of transportation, storage, and handling the same, two million dollars.

Equipment of vessels.

EQUIPMENT OF VESSELS: For hemp, wire, iron, and other materials for the manufacture of cordage, anchors, cables, galleys, and chains; canvas for the manufacture of sails, awnings, hammocks, and other work; water for all purposes on board naval vessels, including the expenses of transportation and storage of the same; stationery for commanding and navigating officers of ships, equipment officers on shore and afloat, and for the use of courts-martial on board ship; the removal and transportation of ashes from ships of war; interior appliances and tools for equipment buildings in navy-yards and naval stations, and for the purchase of all other articles of equipment at home and abroad, and for the payment of labor in equipping vessels and manufacture of equipment articles in the several navy-yards; foreign and local pilotage and towage of ships of war; services and materials in repairing, correcting, adjusting, and testing compasses on shore and on board ship; nautical and astronomical instruments, and repairs to same; libraries for ships of war; professional books and papers, and drawings and engravings for signal books; naval signals and apparatus, namely, signals, lights, lanterns, rockets, and running lights, compass fittings, including binnacles, tripods, and other appendages of ships' compasses; logs and other appliances for measuring the ship's way, and

leads and other appliances for sounding; lanterns and lamps, and their appendages for general use on board ship for illuminating purposes, and oil and candles used in connection therewith; hunting and other materials for making and repairing flags of all kinds; photographs, photographic instruments, and materials; musical instruments and music; installing, maintaining, and repairing interior and exterior signal communications and all electrical appliances of whatsoever nature on board naval vessels, except range finders, battle order and range transmitters and indicators, and motors and their controlling apparatus used to operate the machinery belonging to other bureaus, one million five hundred thousand dollars.

OCEAN AND LAKE SURVEYS: For hydrographic surveys, and for the purchase of nautical books, charts, and sailing directions, and freight and express charges on the same, one hundred thousand dollars. Ocean and lake surveys.

DEPOTS FOR COAL: To enable the Secretary of the Navy to execute the provisions of section fifteen hundred and fifty-two of the Revised Statutes, authorizing the Secretary of the Navy to establish, at such places as he may deem necessary, suitable depots for coal and other fuel, for the supply of steamships of war, six hundred thousand dollars; and to enable him to acquire land for a naval station and harbor and channel defense at Pearl Harbor, Hawaii, one hundred and fifty thousand dollars; in all, eight hundred and fifty thousand dollars. Depots for coal.
R. S., sec. 1562, p. 264.

MAINTENANCE OF COLLIERS, NINETEEN HUNDRED AND TWO: For pay, transportation, shipping, and subsistence of civilian officers and crews of naval colliers, and all expenses connected with naval colliers employed in emergencies which can not be paid from other appropriations, three hundred and fifty thousand dollars. Colliers, maintenance.

CONTINGENT, BUREAU OF EQUIPMENT: For freight and transportation of equipment stores, packing boxes and materials, printing, advertising, telegraphing, books, and models; stationery for the Bureau; furniture for equipment offices in navy-yard; postage on letters sent abroad; ferriage, ice, and emergencies arising under cognizance of the Bureau of Equipment unforeseen and impossible to classify, thirty-five thousand dollars. Contingent expenses.

CIVIL ESTABLISHMENT, BUREAU OF EQUIPMENT: Navy-yard, Portsmouth, New Hampshire: For one clerk, at one thousand dollars; one writer, nine hundred and fifty dollars; in all, one thousand nine hundred and fifty dollars; Civil establishment

Navy-yard, Boston, Massachusetts: For one superintendent of rope-walk, at one thousand eight hundred and seventy-five dollars; one clerk, at one thousand four hundred dollars; one clerk, at one thousand three hundred dollars; one writer, at nine hundred and fifty dollars; one writer, at nine hundred and fifty dollars; in all, six thousand four hundred and seventy-five dollars;

Navy-yard, New York, New York: For one clerk, at one thousand four hundred dollars; one clerk, at one thousand two hundred dollars; one writer, at nine hundred and fifty dollars; one writer, at nine hundred and fifty dollars; in all, four thousand five hundred dollars;

Navy-yard, League Island, Pennsylvania: For one clerk, at one thousand two hundred dollars; one clerk, at one thousand dollars; in all, two thousand two hundred dollars;

Navy-yard, Norfolk, Virginia: For two clerks, at one thousand two hundred dollars each; one writer, at nine hundred and fifty dollars; in all, three thousand three hundred and fifty dollars;

Navy-yard, Mare Island, California: For one clerk, at one thousand two hundred dollars; one clerk, at one thousand dollars; one writer, at nine hundred and fifty dollars; in all, three thousand one hundred and fifty dollars;

Navy-yard, Washington, District of Columbia: For one clerk, who shall also perform the clerical duties for the board of labor employment at said navy-yard, one thousand six hundred dollars;

Cavite, Philippine Islands: For one electrician, at five dollars and four cents per diem; one clerk at one thousand dollars; in all, two thousand five hundred and seventy-seven dollars and fifty-two cents;

Navy-yard, Pensacola, Florida: One clerk, one thousand dollars;

Naval station, Port Royal, South Carolina: One clerk, one thousand dollars;

Naval station, Key West, Florida: One clerk, one thousand dollars;

Naval station, Bremerton, Washington: One clerk, one thousand dollars;

In all, civil establishment, Bureau of Equipment, twenty-nine thousand eight hundred and two dollars and fifty-two cents.

Bureau of Yards and
Docks.

BUREAU OF YARDS AND DOCKS.

Maintenance.

MAINTENANCE OF YARDS AND DOCKS: For general maintenance of yards and docks, namely: For freight, transportation of materials and stores; books, maps, models, and drawing; purchase and repair of fire engines; fire apparatus and plants; machinery; purchase and maintenance of oxen, horses, and driving teams; carts, timber wheels, and all vehicles for use in the navy-yards; tools and repairs of the same; postage on letters and other mailable matter on public service sent to foreign countries, and telegrams; stationery; furniture for Government houses and offices in navy-yards and for the Bureau of Yards and Docks; coal and other fuel, candles, oil, and gas; attendance on light and power plants; cleaning and clearing up yards and care of buildings; attendance on fires, lights, fire engines and fire apparatus and plants; incidental labor at navy-yards; water tax, tolls, and ferriage; pay of watchmen in navy-yards; awnings and packing boxes, and advertising for yards and docks and other purposes; and for rent of wharf and storehouse at Erie, Pennsylvania, for use and accommodation of United States steamer Michigan, five hundred thousand dollars.

Contingent expenses

CONTINGENT, BUREAU OF YARDS AND DOCKS: For contingent expenses that may arise at navy-yards and stations, fifty thousand dollars.

Civil establishment

CIVIL ESTABLISHMENT, BUREAU OF YARDS AND DOCKS: Navy-yard, Portsmouth, New Hampshire: For one clerk, at one thousand four hundred dollars; one mail messenger, at two dollars per diem, including Sundays; one messenger, at six hundred dollars; one foreman laborer and head teamster, at four dollars per diem, including Sundays; one janitor, at six hundred dollars; one pilot, at three dollars per diem, including Sundays; one draftsman, at four dollars per diem; one electrician, one thousand two hundred dollars; in all, eight thousand three hundred and thirty-seven dollars.

Navy-yard, Boston, Massachusetts: For one clerk, at one thousand four hundred dollars; one foreman laborer, at four dollars per diem; one messenger to commandant, at two dollars per diem; one messenger, at two dollars per diem; one mail messenger, at two dollars per diem, including Sundays; one writer, at one thousand and seventeen dollars and twenty-five cents; one draftsman, at five dollars per diem; one master of tugs, at one thousand two hundred dollars; one electrician, at one thousand four hundred dollars; in all, nine thousand eight hundred and sixteen dollars and twenty-five cents.

Navy-yard, New York, New York: For one clerk, at one thousand four hundred dollars; one writer, at one thousand and seventeen dollars and twenty-five cents; one yard pilot, two thousand dollars; two masters of tugs, at one thousand five hundred dollars each; two writers, at nine hundred dollars each; one foreman laborer, at four dollars and fifty cents per diem; one mail messenger, at two dollars per diem, including Sundays; two messengers, at two dollars and twenty-five cents per diem each; one draftsman, at five dollars per diem; one

quarterman, at three dollars per diem; one superintendent of teams, or quarterman, at four dollars per diem; one messenger to commandant, at two dollars and twenty-five cents per diem, including Sundays; one messenger, yards and docks, at two dollars and twenty-five cents per diem; one stenographer and typewriter, at three dollars and twenty-six cents per diem; one electrician, at one thousand four hundred dollars; one bookkeeper, or accountant, at one thousand two hundred dollars; in all, twenty-one thousand six hundred and sixty-six dollars and thirteen cents.

Naval station, Sacketts Harbor, New York: For one ship keeper, at three hundred and sixty-five dollars per annum.

Navy-yard, League Island, Pennsylvania: For one clerk, at one thousand four hundred dollars; one writer and telegraph operator, at one thousand dollars; one messenger, at two dollars per diem; one foreman laborer, at four dollars per diem; one master of tugs, at one thousand two hundred dollars; one draftsman, at five dollars per diem; one electrician, at one thousand two hundred dollars; one mail messenger, at two dollars per diem, including Sundays; one master of tugs, at one thousand dollars; in all, nine thousand nine hundred and seventy-three dollars.

Navy-yard, Washington, District of Columbia: For one clerk, at one thousand four hundred dollars; one messenger, at two dollars per diem; one foreman laborer, at four dollars per diem; one electrician, at one thousand four hundred dollars; one writer, at one thousand and seventeen dollars and twenty-five cents; in all, five thousand six hundred and ninety-five dollars and twenty-five cents.

Navy-yard, Norfolk, Virginia: For one clerk, at one thousand four hundred dollars; one writer, at one thousand and seventeen dollars and twenty-five cents; one writer, at one thousand dollars; one foreman laborer, at four dollars per diem; one electrician, at one thousand two hundred dollars; one mail messenger, at two dollars per diem, including Sundays; two messengers, at two dollars per diem each; one pilot, at two dollars and twenty-six cents per diem; one master of tugs, at one thousand two hundred dollars; one draftsman, one thousand five hundred dollars; one bookkeeper, one thousand two hundred dollars; in all, twelve thousand four hundred and fifty-eight dollars and sixty-three cents.

Naval station, Port Royal, South Carolina: One clerk, at one thousand two hundred dollars; one rodman and inspector, at three dollars per diem; one messenger and janitor, at one dollar and fifty cents per diem, including Sundays; one master of tugs, one thousand two hundred dollars; one mail messenger, at two dollars per diem, including Sundays; one telegraph operator, at two dollars per diem, including Sundays; one electrician, at one thousand two hundred dollars; in all, six thousand five hundred and forty-six dollars and fifty cents.

Navy-yard, Pensacola, Florida: For one clerk, at one thousand two hundred dollars; one mail messenger, at two dollars per diem, including Sundays; in all, one thousand nine hundred and thirty dollars.

Naval station, Key West, Florida: For one mail messenger, at six hundred dollars.

Navy-yard, Mare Island, California: For one clerk, at one thousand four hundred dollars; one writer, at one thousand and seventeen dollars and twenty-five cents; one foreman mason, at six dollars per diem; one foreman laborer, at five dollars and fifty cents per diem; one pilot, at one thousand five hundred dollars per annum; one draftsman, at five dollars per diem; one mail messenger, at two dollars per diem, including Sundays; one messenger, at two dollars per diem; one electrician, at one thousand four hundred dollars; one quarterman joiner, at four dollars and fifty-six cents per diem; one telegraph operator, at three dollars and twenty-eight cents per diem; in all,

Civil establishment—Continued.

fourteen thousand two hundred and ninety-one dollars and sixty-seven cents.

Naval station, Puget Sound, Washington: One clerk, at one thousand two hundred dollars; one draftsman, at five dollars per diem; one messenger and janitor, at one dollar and seventy-six cents per diem, including Sundays; one master of tugs, at one thousand two hundred dollars; one copyist, at nine hundred dollars; one electrician, at one thousand two hundred dollars; in all, six thousand seven hundred and seven dollars and forty cents.

Naval station, San Juan, Porto Rico: One clerk, one thousand two hundred dollars; one writer, commandant's office, nine hundred and sixty dollars; one mail messenger, four hundred and twenty dollars; in all, two thousand five hundred and eighty dollars.

Naval station, Hawaii: One writer, at three dollars and twenty-five cents per diem; one messenger, at two dollars per diem, including Sundays; in all, one thousand seven hundred and forty-seven dollars and twenty-five cents.

Naval station, Cavite, Philippine Islands: One clerk, one thousand two hundred dollars; one time clerk, three hundred and seventy-five dollars; one writer, two hundred and fifty-five dollars; one messenger, one hundred and eighty-five dollars; one messenger, one hundred and fifty dollars; in all, two thousand one hundred and sixty-five dollars.

In all, civil establishment, Bureau of Yards and Docks, one hundred and four thousand six hundred and seventy-nine dollars and eight cents; and no other fund appropriated by this Act shall be used in payment for such service.

Public works.

PUBLIC WORKS, BUREAU OF YARDS AND DOCKS, NAVY-YARDS AND STATIONS, NAVAL ACADEMY, AND NEW NAVAL OBSERVATORY.

Portsmouth, N. H.

NAVY-YARD, PORTSMOUTH, NEW HAMPSHIRE: Quay wall, to extend, fifty thousand dollars; grading, to continue, twenty-five thousand dollars; railroad and rolling stock, additions, ten thousand dollars; sewer systems, extensions, nine thousand dollars; water systems, extensions, six thousand dollars; latrines, two thousand dollars; extension of office building for construction and repair, and for fireproof construction, twenty thousand dollars; floating derrick, twenty thousand dollars; coal storage at electric and dry dock plants, ten thousand dollars; repairing reservoir and cleaning ponds, two thousand dollars; reconstructing building numbered sixty for boat shop and storage, seventy thousand dollars; improvements to ship-fitters' shop, numbered forty-five, twenty thousand dollars; coal storage near building numbered forty-six, eight thousand five hundred dollars; storehouse for general supplies (to cost not more than one hundred and fifty thousand dollars, for which contract is hereby authorized), seventy-five thousand dollars; office building for steam engineering, fifteen thousand dollars; elevators in storehouses numbered one and two, eight thousand dollars; improvements to ordnance building numbered twenty-two, ten thousand eight hundred and fifty dollars; tools for yards and docks, two thousand dollars; elevator, shelves, and so forth, for yard dispensary, five hundred dollars; to enable the Secretary of the Navy to prepare specifications and obtain proposals from responsible contractors for removing Henderson's Point, so as to improve the approach to the navy-yard at Portsmouth, New Hampshire, to a depth of not exceeding thirty-five feet below mean low water for a distance of not exceeding three hundred and fifty feet, the proposals to be submitted to Congress at its next session, one thousand dollars; in all, three hundred and sixty-four thousand eight hundred and fifty dollars.

Boston, Mass.

NAVY-YARD, BOSTON, MASSACHUSETTS: Ship-fitters' shop, toward completion, fifty thousand dollars; metal workers' shop, toward com-

pletion, fifty thousand dollars; refitting and improving machine shop numbered one, building forty-two, to complete, fifty thousand dollars; new piers and wharves, twenty-five thousand dollars; paving, twenty-five thousand dollars; dredging, twenty-five thousand dollars; electric elevators, ten thousand dollars; smithery for construction and repair, toward completion, fifty thousand dollars; fire-protection system, fifty-two thousand dollars; sawmill and spar shed (to cost not more than two hundred thousand dollars, for which contract is hereby authorized), seventy-five thousand dollars; repairs to large chimney, building numbered forty-two, eight thousand dollars; water-closets for building numbered forty-two, two thousand five hundred dollars; coal storage for steam engineering, five thousand dollars; central heating system, thirty-five thousand dollars; water system, extensions, ten thousand dollars; sewer system, extensions, five thousand dollars; electric-light plant, extensions, six thousand dollars; railroad system, extensions, six thousand dollars; coal-storage and coal-handling plant, extensions, thirty-five thousand dollars; extension of naval prison, to be immediately available, twenty-six thousand five hundred dollars; in all, navy-yard, Boston, five hundred and fifty-one thousand dollars.

NAVY-YARD, NEW YORK, NEW YORK: Reconstructing building numbered twenty-one for boathouse, to complete, to be immediately available, eighty-five thousand dollars; paving and grading, twenty thousand dollars; granite and concrete dry dock, to continue, three hundred thousand dollars; fire-protection system, sixty thousand dollars; dredging, twenty-five thousand dollars; coal-storage and coal-handling plant, one hundred thousand dollars; railroad system, extensions, fifteen thousand dollars; piers on Cob Dock, eighty-eight thousand dollars; ordnance storehouse on Cob Dock, ninety thousand dollars; slip for ordnance, Cob Dock, fifty thousand dollars; elevator and stair railings, oil storehouse numbered one hundred and twenty, three thousand five hundred dollars; electric motors for building numbered two, two thousand five hundred dollars; extending building numbered twenty-three, thirty thousand dollars; reconstructing building numbered nineteen (to cost not more than one hundred and eighty-five thousand dollars, for which contract is hereby authorized), one hundred thousand dollars; quay wall, Cob Dock, extension, forty thousand dollars; in all, navy-yard, New York, New York, one million and nine thousand dollars.

New York, N. Y.

NAVY-YARD, LEAGUE ISLAND, PENNSYLVANIA: Extension of reserve basin, to continue dredging, fifty thousand dollars; electrical workshop and storehouse for equipment, to complete, to be immediately available, thirty-three thousand dollars; to continue retaining wall about reserve basin, fifty thousand dollars; grading and paving, fifteen thousand dollars; machine shop for steam engineering, to complete, seventy-five thousand dollars; foundry and coppersmith shop for steam engineering, to complete, fifty-eight thousand dollars; boiler and blacksmith shop for steam engineering, to complete fifty-eight thousand dollars; plumbers and coppersmiths' shop and foundry for construction and repair, to complete, forty-three thousand eight hundred and eighty dollars; block, cooper, and spar shops for construction and repair, to complete, fifty-three thousand four hundred dollars; extension of pier numbered two, fifty-nine thousand dollars; storehouse for naval supplies (to cost not more than two hundred and twenty-four thousand and six hundred and forty dollars, for which contract is hereby authorized), seventy-five thousand dollars; workshop and boiler house for ordnance, to extend, forty-two thousand dollars; equipment for railroad, ten thousand dollars; sewers, eight thousand five hundred dollars; roadway and retaining wall at yard entrance, twenty-five thousand dollars; heating apparatus for building numbered eight, four thousand eight hundred dollars; railroad-track scales, three thousand four hundred dollars; extension of sea wall, eleven thousand dollars;

League Island, Pa.

parapet in front of officers' quarters, three thousand dollars; electric elevators, seven thousand two hundred and fifty dollars; outbuildings and fences, officers' quarters, two thousand dollars; garbage-incinerating plant, eight thousand dollars; in all, navy-yard, League Island, six hundred and ninety-five thousand two hundred and thirty dollars.

District of Columbia.

NAVY-YARD, WASHINGTON, DISTRICT OF COLUMBIA: Paving, twenty-five thousand dollars; underground conduit system, to complete, twenty-two thousand dollars; electric-light plant, to extend, twenty thousand dollars; miscellaneous shop for ordnance, eighty-six thousand three hundred dollars; seamen gunners' shop, forty thousand dollars; alterations and new roof, ordnance boiler house, forty-two thousand six hundred dollars; fireproof storage for fuses, acids, paints, and so forth, nine thousand dollars; extension and remodeling of forge shop, seventy-three thousand three hundred and ten dollars; in all, navy-yard, Washington, three hundred and eighteen thousand two hundred and ten dollars.

Norfolk, Va.

NAVY-YARD, NORFOLK, VIRGINIA: Concrete and granite dry dock, to continue, three hundred thousand dollars; paving and grading, to continue, fifteen thousand dollars; sewers, five thousand dollars; quay wall for fitting-out basin, to continue, seventy-five thousand dollars, to be immediately available; mooring slips at Saint Helena, forty thousand dollars; locomotive crane track, renewing, fifteen thousand dollars; railroad tracks, ten thousand dollars; alterations in plumbers' shop, building numbered nine, ten thousand dollars; machinery and tools for yards and docks, two thousand dollars; railroad rolling stock, three thousand dollars; telephone system, one thousand dollars; pattern shop and storehouse, thirty thousand dollars; bridge between buildings numbered thirty-two and thirty-three, seven hundred and sixty dollars; fireproof shed for painting and storage of canvass, five thousand dollars; shops and storehouse for equipment, eighty thousand dollars; anchor park, two thousand five hundred dollars; in all, navy-yard, Norfolk, Virginia, five hundred and ninety-four thousand two hundred and sixty dollars.

Key West, Fla.

NAVAL STATION, KEY WEST, FLORIDA: Storehouse for supplies and accounts, sixty thousand dollars; storehouse for oils, turpentine, and so forth, five thousand dollars; smith shop, for steam engineering, eight thousand dollars; elevated tank for storing fresh water, six thousand dollars; filling, grading, and fencing, ten thousand dollars; quay wall, fifty thousand dollars; fire-protection system, five thousand dollars; in all, naval station, Key West, one hundred and forty-four thousand dollars.

Mare Island, Cal.

NAVY-YARD, MARE ISLAND, CALIFORNIA: Joiner shop for construction and repair to complete, fifty thousand dollars; to continue quay wall, fifty thousand dollars; to continue dredging, fifty thousand dollars; paving, twenty-five thousand dollars; sewers and closets, five thousand dollars; storage shed for yards and docks, extension, five thousand dollars; storehouse for supplies and accounts, extension, forty thousand dollars; extension and renewal of railroad, five thousand dollars; offices for yards and docks, two thousand dollars; fire-protection system, forty-two thousand dollars; floor for building numbered fifty-two, five thousand dollars; improvements to forty-ton crane, three thousand dollars; drill room at receiving ship, nine thousand dollars; fence at northern end of yard, three thousand five hundred dollars; shelter roof for boats, improvements to, three thousand one hundred dollars; laboratory in building numbered fifty-one, one thousand five hundred dollars; new floor for building numbered fifty-three, two thousand dollars; improvements to building numbered sixty-nine, one thousand and fifty dollars; improvements to building numbered seventy-one, three thousand eight hundred and sixty dollars; testing room for construction and repair,

six hundred and fifty dollars; pumping and fire boat, twenty-five thousand dollars; in all, navy-yard, Mare Island, three hundred and thirty-one thousand six hundred and sixty dollars.

NAVAL STATION, PUGET SOUND, WASHINGTON: Sewers, extensions, four thousand dollars; to continue grading, twenty thousand dollars; coal shed and appliances, seventy-five thousand dollars; sick quarters, seven thousand dollars; carpenter and joiner shop for yards and docks, ten thousand dollars; machinery for carpenter and joiner shop, three thousand dollars; extension of dry dock boiler plant, twenty thousand dollars; stable and tool shed, six thousand five hundred dollars; fire-protection system, ten thousand dollars; electric-light plant, extensions, five thousand dollars; telephone system, extensions, three thousand dollars; railroad and equipment, extensions, two thousand dollars; clearing and stumping, five thousand dollars; roadway about dry dock, six thousand dollars; dolphins, one thousand dollars; new skylight for construction and repair shop, four thousand dollars; joiner shop for construction and repair, seventy thousand dollars; water-closets and wash room for steam engineering, two thousand dollars; floor for steam-engineering shop, ten thousand dollars; storehouse for high explosives, ordnance, five thousand dollars; wharf crane for ordnance, one thousand five hundred dollars; quarters for gunner, three thousand dollars; in all, naval station, Puget Sound, Washington, two hundred and seventy-three thousand dollars.

Puget Sound, Wash.

NAVAL STATION, SAN JUAN, PORTO RICO: Coaling facilities, extensions, forty thousand dollars.

San Juan, Porto Rico.

NAVY-YARD, PENSACOLA, FLORIDA: Motor for building numbered nine, one thousand five hundred dollars; extension of permanent wharf, fifteen thousand dollars; coal-storage plant, increase, twenty-five thousand dollars; in all, navy-yard, Pensacola, forty-one thousand five hundred dollars.

Pensacola, Fla.

NAVAL STATION, ALGIERS, LOUISIANA: Shops and offices for equipment, eighty thousand dollars; coal-storage plant, one hundred and fifty thousand dollars; for purchase of land, one hundred thousand dollars; in all, naval station, Algiers, three hundred and thirty thousand dollars: *Provided*, That the Secretary of the Navy may, if he deems it for the best interests of the United States, proceed and acquire title to the land herein authorized to be purchased by condemnation thereof, by judicial proceedings to be commenced in the appropriate circuit court of the United States, which court shall, for the purpose of ascertaining the true value of the said land and buildings, appoint three commissioners, who shall be competent and disinterested appraisers, and all the proceedings for the condemnation aforesaid shall be in accordance, except as herein provided, with the Act of Congress of August first, eighteen hundred and eighty-eight, entitled "An Act to authorize condemnation of land for sites of public buildings, and for other purposes."

Algiers, La.

Purchase of land.

Provido.
—condemnation.

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DREDGING, DRY TORTUGAS, FLORIDA: Dredging channel, one hundred thousand dollars.

Dry Tortugas, Fla.

FOUR DRY DOCKS: Toward completion of dry docks at navy-yards: Portsmouth, New Hampshire; Boston, Massachusetts; League Island, Pennsylvania, and Mare Island, California, one million dollars.

Four dry docks.

NAVAL STATION, HAWAII: Machine shop, fifty thousand dollars; smithery and foundry, twenty-five thousand dollars; commandant's house and stables, fifteen thousand dollars; extending office building, three thousand dollars; cottage for watchman, two thousand five hundred dollars; grading and fencing, ten thousand dollars; ten-ton wharf crane, eight hundred dollars; water-pipe system, one thousand dollars; in all, naval station, Hawaii, one hundred and seven thousand three hundred dollars.

Hawaii, naval station.

Tutuila, naval station.

NAVAL STATION, TUTUILA: Coal-storage plant, extensions, two hundred thousand dollars; grading, twenty-five thousand dollars; in all, naval station, Tutuila, two hundred and twenty-five thousand dollars.

Charleston, S. C., naval station. Dry dock authorized.

NAVAL STATION, CHARLESTON, SOUTH CAROLINA: Dry dock, authorized by Act of June seventh, nineteen hundred, which shall be of concrete and stone, to cost not more than one million two hundred and fifty thousand dollars, for which contract is hereby authorized, one hundred and fifty thousand dollars; and all appropriations for public works at the naval station, Port Royal, made prior to the Act of June seventh, nineteen hundred, which have not been expended are hereby authorized to be expended for the transfer of such station to and the construction of public works at the naval station, Charleston, South Carolina, in the discretion of the Secretary of the Navy.

Appropriations for Port Royal available for: transfer of station, etc.

Repairs and preservation.

REPAIRS AND PRESERVATION AT NAVY-YARDS AND STATIONS: For repairs and preservation at navy-yards and stations, five hundred thousand dollars.

In all, public works, six million seven hundred and seventy-five thousand and ten dollars.

Employment of additional draftsmen, etc.

The Secretary of the Navy may employ and pay out of appropriations for "Public Works, Navy-Yards, and Stations," such additional expert aids, draftsmen writers, and copyists as may be necessary for the preparation of plans and specifications.

Inquiry, etc., on establishing naval stations in Porto Rico.

The Secretary of the Navy is hereby directed to have the coast and the waters of the island of Porto Rico examined into and to report to the next Congress upon the advisability of establishing a United States naval station on said coast; the most suitable place for the same, considering, among other things, the topographical and strategic situation of this island with reference to the United States and the proposed Nicaragua Canal, and the estimated immediate cost of the same.

—Philippine Islands.

The Secretary of the Navy is hereby directed to have the coast and the waters of the Philippine Islands examined into and to report to the next Congress upon the advisability of establishing a United States naval station on said coast and the most suitable place for the same.

Blythe Island, Ga. Boundary line to be established, etc.

For establishing and marking the boundary line of the property of the Government on Blythe Island, in the State of Georgia, to lay out a rifle range upon the same, and construct a boat landing, two thousand dollars; and the Secretary of the Navy is hereby directed to report to the next Congress as to the condition and extent of any Government property at said Blythe Island, Georgia; whether the title to the same is good, and whether it is adapted to the necessary wants of the Navy Department.

—report on.

Bureau of Navigation.

PUBLIC WORKS—BUREAU OF NAVIGATION.

Naval Academy. Buildings and improvements.

NAVAL ACADEMY: Buildings and grounds, Naval Academy: Toward the construction of buildings, and for other necessary improvements, at the Naval Academy, Annapolis, Maryland, as authorized by the Act of Congress approved June seventh, nineteen hundred, and in accordance with the plans approved by the Secretary of the Navy, nineteen hundred, three million dollars.

Ante, p. 696.

Appraisers.

Provided, That the Secretary of the Navy may, if he deems it for the best interests of the United States, proceed and acquire title to the land and buildings authorized to be purchased under the Act of Congress approved June seventh, nineteen hundred, by condemnation thereof by judicial proceedings to be commenced in the appropriate circuit court of the United States, which court shall, for the purpose of ascertaining the true value of the said land and buildings, appoint three commissioners, who shall be competent and disinterested appraisers, and all the proceedings for the condemnation aforesaid shall be in

accordance, except as herein provided, with the Act of Congress of August first, eighteen hundred and eighty-eight, entitled "An Act to authorize condemnation of land for sites of public buildings, and for other purposes."

NAVAL TRAINING STATION, CALIFORNIA (BUILDINGS): Swimming tank, four thousand five hundred dollars; revetting main road, one thousand five hundred dollars; in all, six thousand dollars.

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Naval training stations.
California.

Rhode Island.

NAVAL TRAINING STATION, RHODE ISLAND (BUILDINGS): Extending and completing breakwater and sea wall, and filling in in front of new barracks, to be immediately available, nineteen thousand five hundred dollars; making roads and sidewalks, and paving approaches to new barracks, four thousand seven hundred dollars; coal shed and coal-handling appliances, three thousand five hundred dollars; reclaiming bay at south end of island, building sea wall, and repairing sea wall, and repairing and extending wharf, seven thousand nine hundred dollars; for erection of a house and necessary appurtenances over swimming tank, now under construction for apprentices, to be immediately available, three thousand five hundred dollars; for extending capacity of storehouse to include fireproof oil rooms fitted with steel storage tanks, and to outfit building with lighting, plumbing, and heating systems and fireproof shelving, partitions, and lockers, to be immediately available, nine thousand eight hundred and seventy dollars; reclaiming two stagnant water basins and leveling bank near the hospital, three thousand two hundred dollars; in all, naval training station, Rhode Island, fifty-two thousand one hundred and seventy dollars.

In all, "Public Works, Bureau of Navigation," three million fifty-eight thousand one hundred and seventy dollars.

PUBLIC WORKS—BUREAU OF ORDNANCE.

Bureau of Ordnance.

NAVAL MAGAZINE, IONA ISLAND, NEW YORK: For additional buildings, extension of railroad to northwestern end of island, grading, sea wall, and general improvements, one hundred thousand dollars.

Naval magazines,
etc.
Iona Island, N. Y.

Naval magazine, Dover, New Jersey: Improvements at the naval magazine, Dover, New Jersey, including a fixed-ammunition house, a shell house, clearing and grading land, road building, and general improvements, including a compressed-air plant and air locomotive, sixty-five thousand dollars.

Dover, N. J.

Naval magazine, Fort Mifflin, Pennsylvania: For one magazine and one shell house at the naval magazine, Fort Mifflin, Pennsylvania, with track connections, lightning conductors, and the necessary appurtenances, fifty-six thousand dollars.

Fort Mifflin, Pa.

Naval magazine, Norfolk, Virginia: For improvements at the naval magazine, Saint Juliens Creek, near Norfolk, Virginia, namely: Shell house, store or issuing house, wharf, derrick, lightning conductors, cistern, railroad extension, grading, concreting, and other necessary objects to properly complete the work, sixty thousand five hundred dollars.

Norfolk, Va.

Naval torpedo station, Newport, Rhode Island: One administration building for use in instruction of classes of enlisted men and officers, to contain offices, lecture rooms, overhauling room, and storeroom for torpedoes, to be immediately available, twenty-five thousand dollars; in all, naval torpedo station, Newport, Rhode Island, twenty-five thousand dollars.

Newport, R. I.

Naval proving ground, Indian Head, Maryland: One building for chronograph and record office, four thousand dollars; one building for surgeon's office and dispensary, and equipment of same, seven thousand six hundred dollars; in all, naval proving ground, Indian Head, eleven thousand six hundred dollars.

Indian Head, Md.

In all, public works, Bureau of Ordnance, three hundred and eighty-two thousand one hundred dollars.

Naval Observatory.

NAVAL OBSERVATORY.

Grounds, etc.	<p>NAVAL OBSERVATORY: For grounds and roads: Continuing grading, extending roads and paths, clearing and improving grounds, ten thousand dollars; for the purchase of lands lying within the Observatory circle, as established by the joint resolution of August first, eighteen hundred and ninety-four, one hundred and forty-nine thousand five hundred and seventy-one dollars and eight cents; and the Secretary of the Navy is authorized to sell, at such time and in such manner as may be most advantageous, but at prices not less than those fixed in eighteen hundred and ninety-four, by the board of appraisers of which John W. Ross was chairman, such lands of the Naval Observatory reservation as are situated without the limits of said circle.</p>
Purchase of lands within circle, etc.	
—without sale.	
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Board of visitors authorized.	<p>For the expenses of the board of visitors to the Naval Observatory, two thousand dollars. There shall be appointed by the President, by and with the advice and consent of the Senate, from persons not officers of the United States a board of six visitors to the Naval Observatory, four to be astronomers of high professional standing and two to be eminent citizens of the United States. Appointments to this board shall be made for periods of three years, but provision shall be made by initial appointments for shorter terms so that two members shall retire in each year. Members of this board shall serve without compensation, but the Secretary of the Navy shall pay the actual expenses necessarily incurred by members of the board in the discharge of such duties as are assigned to them by the Secretary of the Navy or are otherwise imposed upon them. The board of visitors shall make an annual visitation to the Observatory at a date to be determined by the Secretary of the Navy, and may make such other visitations not exceeding two in number annually by the full board or by a duly appointed committee as may be deemed needful or expedient by a majority of the board. The board of visitors shall report to the Secretary of the Navy at least once in each year the result of its examinations of the Naval Observatory as respects the condition of buildings, instruments, and apparatus, and the efficiency with which its scientific work is prosecuted, and shall also report as respects the expenditures in the administration of the Observatory. The board of visitors shall prepare and submit to the Secretary of the Navy regulations prescribing the scope of the astronomical and other researches of the Observatory and the duties of its staff with reference thereto. When an appointment or detail is to be made to the office of astronomical director, director of the Nautical Almanac, astronomer, or assistant astronomer, the board of visitors may recommend to the Secretary of the Navy a suitable person to fill such office, but such recommendation shall be determined only by a majority vote of the members present at a regularly called meeting of the board held in the city of Washington. The Superintendent of the Naval Observatory shall be, until further legislation by Congress, a line officer of the Navy of a rank not below that of captain.</p>
—appointments, etc.	
—expenses.	
—annual visit.	
—report.	
—regulations, etc.	
Rank of Superintendent of Naval Observatory prescribed.	

Bureau of Medicine and Surgery.

BUREAU OF MEDICINE AND SURGERY.

Surgeons' necessities.	<p>MEDICAL DEPARTMENT: For surgeons' necessities for vessels in commission, navy-yards, naval stations, Marine Corps, and Coast Survey, and for the civil establishment at the several naval hospitals, navy-yards, naval laboratory, and department of instruction, museum of hygiene, and Naval Academy, ninety-five thousand dollars.</p>
Hospital fund.	
Contingent expenses.	<p>NAVAL HOSPITAL FUND: For maintenance of the naval hospitals at the various navy-yards and stations, and for care and maintenance of patients in other hospitals at home and abroad, forty thousand dollars.</p> <p>CONTINGENT, BUREAU OF MEDICINE AND SURGERY: For freight, expressage on medical stores, tolls, ferriages, transportation of sick to</p>

hospital, transportation of insane patients; care, transportation, and burial of the dead; advertising; telegraphing; rent of telephones; purchase of books and stationery; binding of medical records, unbound books and pamphlets; postage and purchase of stamps for foreign service; expenses attending the medical board of examiners; rent of rooms for naval dispensary; hygienic and sanitary investigation and illustration; sanitary and hygienic instruction; purchase and repairs of wagons and harness; purchase of and feed for horses and cows; trees, plants, garden tools, and seeds; furniture and incidental articles for the museum of hygiene, naval dispensary, Washington; naval laboratory, sick quarters at Naval Academy and marine barracks, surgeons' offices and dispensaries at navy-yards and naval stations; washing for medical department at museum of hygiene, naval dispensary, Washington; naval laboratory and department of instruction, sick quarters at Naval Academy and marine barracks, dispensaries at navy-yards and naval stations and ships and rendezvous, and for minor repairs on buildings and grounds of the United States Naval Museum of Hygiene, for the care, maintenance, and treatment of the insane of the Navy and Marine Corps on the Pacific coast, and all other necessary contingent expenses, thirty-five thousand dollars.

REPAIRS, BUREAU OF MEDICINE AND SURGERY: For necessary repairs of naval laboratory and department of instruction, naval hospitals and appendages, including roads, wharfs, outhouses, sidewalks, fences, gardens, farms, and cemeteries, twenty thousand dollars.

NAVAL HOSPITAL, NEWPORT, RHODE ISLAND: Filling pond, grading grounds, and additional appropriation for addition to naval hospital at naval-training station, Newport, Rhode Island, twenty thousand dollars, to be immediately available.

Repairs.

Naval hospital,
Newport, R. I.

SUPPLIES AND ACCOUNTS.

Bureau of Supplies
and Accounts.

PROVISIONS, NAVY: For provisions and commuted rations for the seamen and marines, which commuted rations may be paid to caterers, of messes, in cases of death or desertion, upon orders of the commanding officer; commuted rations for officers on sea duty (other than commissioned officers of the line, medical and pay corps and chief boat-swains, chief gunners, chief sailmakers, chief carpenters) and naval cadets, and commuted rations stopped on account of sick in hospital and credited to the naval hospital fund; subsistence of officers and men unavoidably detained or absent from vessels to which attached under orders (during which subsistence rations to be stopped on board ship and no credit for commutation therefor to be given); labor in general storehouses and paymasters' offices in navy-yards, including naval stations maintained in island possessions under the control of the United States, and expenses in handling stores purchased under the naval-supply fund; one chemist, at two thousand five hundred dollars per annum, and two chemists, at two thousand dollars each per annum, three million two hundred and fifty thousand dollars.

Provisions.

CONTINGENT, BUREAU OF SUPPLIES AND ACCOUNTS: For freight and express charges, fuel, books and blanks, stationery, advertising, furniture for general storehouses and pay offices in navy-yards; expenses of naval clothing factory and machinery for same, postage, telegrams, telephones, tolls, ferriages, yeoman's stores, safes, newspapers, ice, transportation of stores purchased under the naval-supply fund, and other incidental expenses, two hundred thousand dollars.

Contingent expenses.

CIVIL ESTABLISHMENT, BUREAU OF SUPPLIES AND ACCOUNTS: Navy-yard, Portsmouth, New Hampshire: In general storehouses: Two bookkeepers, at one thousand two hundred dollars each; one assistant bookkeeper, at seven hundred and twenty dollars; one bill clerk, at one thousand dollars; one assistant clerk, at seven hundred and twenty

Civil establishment.

Civil establish-
ment—Continued.

dollars; one shipping and receiving clerk, at one thousand dollars; in all, five thousand eight hundred and forty dollars.

Navy-yard, Boston, Massachusetts: In general storehouses: One bookkeeper, at one thousand and seventeen dollars and twenty-five cents; one shipping clerk, at one thousand dollars; one receiving clerk, at one thousand dollars; one bookkeeper, at one thousand two hundred dollars. In yard pay office: One writer, at one thousand and seventeen dollars and twenty-five cents; in all, five thousand two hundred and thirty-four dollars and fifty cents.

Navy-yard, New York, New York: In office of board of inspection: One writer, nine hundred dollars. In general storehouses: Three bookkeepers, at one thousand two hundred dollars each; one assistant bookkeeper, at one thousand dollars; one assistant bookkeeper, at seven hundred and twenty dollars; three receiving clerks, at four dollars each per diem; one assistant receiving clerk, at one thousand and ninety-nine dollars; three shipping clerks, at one thousand dollars each; one bill clerk, at one thousand dollars; one assistant bill clerk, at seven hundred and twenty dollars; two leading men, at two dollars and fifty cents each per diem; five pressmen, at two dollars and seventy-six cents each per diem; one superintendent of coffee mills, at three dollars per diem; one box maker, at three dollars per diem; one engine tender, at three dollars and twenty-six cents per diem; one coffee roaster, at two dollars and fifty cents per diem; one fireman, at two dollars per diem; one messenger, at two dollars and twenty-five cents per diem; one writer, one thousand dollars; one storeman, nine hundred dollars. In yard pay office: One writer, at one thousand and seventeen dollars and twenty-five cents; one messenger, at two dollars and twenty-five cents per diem; in all, thirty thousand three hundred and twelve dollars and three cents.

Navy-yard, League Island, Pennsylvania: In general storehouse: One bookkeeper, at one thousand two hundred dollars; one assistant bookkeeper, at seven hundred and twenty dollars; one bookkeeper, at one thousand two hundred dollars; one bill clerk, at one thousand dollars; one receiving clerk, at one thousand dollars; one shipping clerk, at one thousand dollars. In yard pay office: One writer, at one thousand and seventeen dollars and twenty-five cents; in all, seven thousand one hundred and thirty-seven dollars and twenty-five cents.

Navy-yard, District of Columbia: In general storehouse: One bookkeeper, at one thousand two hundred dollars; one clerk, at one thousand two hundred dollars; one receiving clerk, at one thousand dollars; one bill clerk, at one thousand dollars; one shipping clerk, at one thousand dollars. In yard pay office: One writer, at one thousand and seventeen dollars and twenty-five cents; in all, six thousand four hundred and seventeen dollars and twenty-five cents.

Naval Academy, Annapolis, Maryland: In general storehouse: One bookkeeper, at one thousand and seventeen dollars and twenty-five cents; one receiving and shipping clerk, at one thousand dollars; in all, two thousand and seventeen dollars and twenty-five cents.

Naval station, Newport, Rhode Island: In general storehouse: One clerk, at one thousand two hundred dollars. In general storehouse (torpedo station): One clerk, at one thousand two hundred dollars; in all, two thousand four hundred dollars.

Navy-yard, Mare Island, California: In general storehouses: Two bookkeepers, at one thousand two hundred dollars each; two assistant bookkeepers, at seven hundred and twenty dollars each; one receiving clerk, at one thousand dollars; one shipping clerk, at one thousand dollars; one bill clerk, at one thousand dollars; one clerk, at one thousand dollars; one assistant clerk, at one thousand dollars. In yard pay office: One writer, at one thousand and seventeen dollars and twenty-five cents; in all, nine thousand eight hundred and fifty-seven dollars and twenty-five cents.

Navy-yard, Norfolk, Virginia: In general storehouses: Two bookkeepers, at one thousand two hundred dollars each; two assistant bookkeepers, at one thousand and seventeen dollars and twenty-five cents each; one bill clerk, at one thousand dollars; one assistant bill clerk, at seven hundred and twenty dollars; one receiving clerk, at nine hundred and forty-two dollars; one assistant receiving clerk, at seven hundred and twenty dollars. In yard pay office: One writer, at one thousand and seventeen dollars and twenty-five cents; in all, eight thousand eight hundred and thirty-three dollars and seventy-five cents.

Civil establishment—Continued.

Naval station, Cavite, Philippine Islands: In general storehouses: One clerk, at one thousand six hundred dollars; one bookkeeper, at one thousand four hundred dollars; three assistant bookkeepers, at one thousand two hundred dollars each, three thousand six hundred dollars; one shipping and bill clerk, at one thousand two hundred dollars; three storekeepers, at one thousand dollars each, three thousand dollars; one receiving clerk, at one thousand two hundred dollars; one shipping clerk, at one thousand dollars; one assistant clerk, at one thousand dollars; two storemen, at nine hundred dollars each; in all, fifteen thousand eight hundred dollars.

In all, civil establishment, Bureau of Supplies and Accounts, ninety-three thousand eight hundred and forty-nine dollars and twenty-eight cents; and no other fund appropriated by this Act shall be used in payment for such service.

BUREAU OF CONSTRUCTION AND REPAIR.

Bureau of Construction and Repair.

CONSTRUCTION AND REPAIR OF VESSELS: For preservation and completion of vessels on the stocks and in ordinary; purchase of materials and stores of all kinds; steam steerers, pneumatic steerers, steam capstans, steam windlasses, and all other auxiliaries; labor in navy-yards and on foreign stations; purchase of machinery and tools for use in shops; carrying on work of experimental model tank; designing naval vessels; wear, tear, and repair of vessels afloat; general care, increase, and protection of the Navy in the line of construction and repair; incidental expenses, such as advertising, freight, foreign postage, telegrams, telephone service, photographing, books, professional magazines, plans, stationery, and instruments for drafting room, seven million dollars: *Provided*, That no part of this sum shall be applied to the repair of any wooden ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed ten per centum of the estimated cost, appraised in like manner, of a new ship of the same size and like material.

Preservation, repairs, etc., of vessels.

Proviso.
—limit wooden vessels.

The Secretary of the Navy is hereby directed to have the coast and the waters of the Philippine Islands examined into and to report to the next Congress upon the advisability of establishing a United States naval station on said coast and the most suitable place for the same.

Philippine Islands.
Inquiry as to establishing naval station in.

IMPROVEMENT OF CONSTRUCTION PLANTS: Repairs to and improvement of plant at navy-yard, Portsmouth, New Hampshire, fifty thousand dollars.

Improvement of construction plants.

Construction plant, navy-yard, Boston, Massachusetts: Repair to and improvement of construction plant at navy-yard, Boston, Massachusetts, fifty thousand dollars.

Construction plant, navy-yard, New York, New York: Repairs to and improvement of construction plant at navy-yard, New York, New York, twenty-five thousand dollars.

Construction plant, navy-yard, League Island, Pennsylvania: Repairs to and improvement of construction plant at navy-yard, League Island, Pennsylvania, fifty thousand dollars.

Construction plant, navy-yard, Norfolk, Virginia: Repairs to and improvement of construction plant at navy-yard, Norfolk, Virginia, fifty thousand dollars.

Construction plant, navy-yard, Pensacola, Florida: Repairs to and improvement of construction plant at navy-yard, Pensacola, Florida, fifteen thousand dollars.

Repairs to and improvement of construction plant at navy-yard, Mare Island, California, fifty thousand dollars.

Construction plant, naval station, Puget Sound, Washington: Repairs to and improvement of construction plant at Puget Sound Naval Station, Washington, thirty thousand dollars.

Construction plant, naval station, Algiers, Louisiana: Construction plant at naval station, Algiers, Louisiana, fifteen thousand dollars.

Civil establishment.

CIVIL ESTABLISHMENT, BUREAU OF CONSTRUCTION AND REPAIR: Navy-yard, Portsmouth, New Hampshire: One clerk to naval constructor, at one thousand four hundred dollars; two writers, at one thousand and seventeen dollars and twenty-five cents each; in all, three thousand four hundred and thirty-four dollars and fifty cents.

Navy-yard, Boston, Massachusetts: One clerk to naval constructor, at one thousand four hundred dollars; two writers, at one thousand and seventeen dollars and twenty-five cents each; in all, three thousand four hundred and thirty-four dollars and fifty cents.

Navy-yard, New York, New York: One clerk to naval constructor, at one thousand four hundred dollars; three writers, at one thousand and seventeen dollars and twenty-five cents each; in all, four thousand four hundred and fifty-one dollars and seventy-five cents.

Navy-yard, League Island, Pennsylvania: One clerk to naval constructor, at one thousand four hundred dollars; one writer, at one thousand and seventeen dollars and twenty-five cents; in all, two thousand four hundred and seventeen dollars and twenty-five cents.

Navy-yard, Washington, District of Columbia: One clerk to naval constructor, at one thousand four hundred dollars.

Navy-yard, Norfolk, Virginia: One clerk to naval constructor, at one thousand four hundred dollars; two writers, at one thousand and seventeen dollars and twenty-five cents each; in all, three thousand four hundred and thirty-four dollars and fifty cents.

Navy-yard, Pensacola, Florida: One writer, at one thousand and seventeen dollars and twenty-five cents.

Naval station, Port Royal, South Carolina: One clerk to naval constructor, at one thousand four hundred dollars.

Navy-yard, Mare Island, California: One clerk to naval constructor, at one thousand four hundred dollars; two writers, at one thousand and seventeen dollars and twenty-five cents each; in all, three thousand four hundred and thirty-four dollars and fifty cents.

Puget Sound Naval Station, Washington: One clerk to naval constructor, one thousand four hundred dollars.

In all, civil establishment, Bureau of Construction and Repair, twenty-five thousand eight hundred and twenty-four dollars and twenty-five cents; and no other fund appropriated by this Act shall be used in payment for such service.

Bureau of Steam Engineering.

STEAM ENGINEERING.

Machinery.

STEAM MACHINERY: For completion, repairing, and preservation of machinery and boilers of naval vessels, including cost of new boilers; distilling, refrigerating, and auxiliary machinery; preservation of and small repairs to machinery and boilers in vessels in ordinary, receiving and training vessels, repair and care of machinery of yard tugs and launches, two million one hundred and twenty thousand dollars: *Provided*, That no part of the said sum shall be applied to the engines, boilers, and machinery of wooden ships where the estimated cost of such repairs shall exceed ten per centum of the estimated cost of new engines and machinery of the same character and power, nor shall new boilers be constructed for wooden ships.

Proviso.
—limit wooden ships.

For purchase, handling, and preservation of all material and stores, purchase, fitting, repair, and preservation of machinery and tools in navy-yards and stations, and running yard engines, one million one hundred and ten thousand dollars.

Materials.

For incidental expenses for navy vessels, yards, and the Bureau, such as foreign postage, telegrams, advertising, freight, photographing, books, stationery, office furnishings, and instruments, fifteen thousand dollars.

Incidentals.

In all, steam machinery, three million two hundred and forty-five thousand dollars.

CONTINGENT, BUREAU OF STEAM ENGINEERING: For contingencies, drawing materials, and instruments for the drafting room, one thousand dollars.

Contingent expenses.

MACHINERY PLANT: Navy-yard, League Island Pennsylvania: To equip the entire new system of steam engineering shops, being constructed under appropriation made to the Bureau of Yards and Docks, for building and repairing modern marine machinery, including the power plant and necessary machine tools, cranes, and appliances for handling work, to cost not more than two hundred and thirty thousand dollars, one hundred thousand dollars.

Machinery plants,
navy-yards.

MACHINERY PLANT: Navy-yard, Mare Island, California: To equip the entire new system of steam engineering shops being constructed under appropriation made to the Bureau of Yards and Docks, for building and repairing modern marine machinery, including the power plant and necessary machine tools, cranes, and appliances for handling work, to cost not more than one hundred and eighty thousand dollars, one hundred thousand dollars.

CIVIL ESTABLISHMENT, BUREAU OF STEAM ENGINEERING: Navy-yard, Portsmouth, New Hampshire: One clerk to department, at one thousand two hundred dollars; one messenger, at six hundred dollars; in all, one thousand eight hundred dollars;

Civil establishment.

Navy-yard, Boston, Massachusetts: One clerk to department, one thousand four hundred dollars;

Navy-yard, New York, New York: One clerk to department, at one thousand four hundred dollars; one writer, at one thousand dollars; one messenger, at six hundred dollars; in all, three thousand dollars;

Navy-yard, League Island, Pennsylvania: One clerk to department, at one thousand two hundred dollars;

Navy-yard, Norfolk, Virginia: One clerk to department, at one thousand three hundred dollars; one messenger, at six hundred dollars; in all, one thousand nine hundred dollars;

Navy-yard, Pensacola, Florida: One writer, at one thousand dollars;

Navy-yard, Mare Island, California: One clerk to department, at one thousand four hundred dollars; one writer, at one thousand dollars; one messenger, at six hundred dollars; in all, three thousand dollars;

Naval station, Port Royal, South Carolina: One clerk to department, one thousand two hundred dollars;

Naval station, Puget Sound, Washington: One clerk to department, one thousand two hundred dollars;

Navy-yard, Washington, District of Columbia: One clerk to department, one thousand two hundred dollars;

In all, civil establishment, Bureau of Steam Engineering, sixteen thousand nine hundred dollars; and no other fund appropriated by this Act shall be used in payment for such service.

NAVAL ACADEMY.

Naval Academy.

PAY OF PROFESSORS AND OTHERS, NAVAL ACADEMY: One professor of mathematics, one of chemistry, one of physics, and one of English, at two thousand five hundred dollars each; four professors, namely,

Pay of professors,
etc.

one of English, two of French, and one of drawing, at two thousand two hundred dollars each; one assistant professor of Spanish, at one thousand eight hundred dollars; one sword master, at one thousand five hundred dollars, and two assistants, at one thousand dollars each; one instructor in gymnastics, at one thousand two hundred dollars; one assistant librarian, at one thousand eight hundred dollars; one secretary to the Naval Academy, at one thousand eight hundred dollars; two clerks to the Superintendent, at one thousand two hundred dollars each; one clerk to the commandant of cadets, at one thousand two hundred dollars; one clerk to the paymaster, at one thousand two hundred dollars; one dentist, at one thousand six hundred dollars; one baker, at six hundred dollars; one mechanic in department of physics, at seven hundred and thirty dollars; one cook, at three hundred and twenty-five dollars and fifty cents; one messenger to the Superintendent, at six hundred dollars; one armorer, at six hundred and forty-nine dollars and fifty cents; one chief gunner's mate, at five hundred and twenty-nine dollars and fifty cents; one quarter gunner, at four hundred and sixty-nine dollars and fifty cents; one coxswain, at four hundred and sixty-nine dollars and fifty cents; one seaman in the department of seamanship, at three hundred and ninety-seven dollars and fifty cents; one attendant in the department of navigation and one in the department of physics, at three hundred dollars each; six attendants at recitation rooms, library, store, chapel, and offices, at three hundred dollars each; one bandmaster, at one thousand and eighty dollars; twenty-one first-class musicians, at four hundred and twenty dollars each; seven second-class musicians, at three hundred and sixty dollars each; services of organist at chapel, three hundred dollars; in all, fifty-five thousand one hundred and ninety-one dollars.

Watchmen, me-
chanics, etc.

PAY OF WATCHMEN, MECHANICS, AND OTHERS, NAVAL ACADEMY: Captain of the watch and weigher, at two dollars and fifty cents per diem; five watchmen, at two dollars each per diem; foreman of steam heating works of the Academy, at five dollars per diem; labor at power house, for masons, carpenters, and other mechanics and laborers; and for care of buildings, grounds, wharves, and boats, thirty-eight thousand four hundred and twelve dollars and forty-five cents; in all, forty-four thousand seven hundred and ninety-nine dollars and ninety-five cents.

Employees, steam
engineering.

PAY OF STEAM EMPLOYEES, NAVAL ACADEMY: Pay of mechanics and others in department of steam engineering, seven thousand eight hundred and twenty-four dollars and fifty cents.

Additional train-
ing.
Vol. 22, p. 285.

For special course of study and training of naval cadets, as authorized by Act of Congress approved August fifth, eighteen hundred and eighty-two, three thousand dollars. For the purchase or construction of catboats for the special instruction of cadets, one thousand five hundred dollars; in all, four thousand five hundred dollars.

Repairs.

REPAIRS, NAVAL ACADEMY: Necessary repairs of public buildings, wharves, and walls inclosing the grounds of the Naval Academy, improvements, repairs, furniture and fixtures, and temporary quarters and recitation rooms for cadets, fifty-one thousand dollars, to be immediately available.

Fuel and lights.

HEATING AND LIGHTING, NAVAL ACADEMY: Fuel, oil, waste, and other materials for the operation, repair, and maintenance of the plant; heating and lighting apparatus and tools; for heating and lighting the Academy and bandsmen's quarters, twenty thousand dollars.

Contingent expenses.

CONTINGENT, NAVAL ACADEMY: Purchase of books for the library (to be purchased in open market on the written order of the Superintendent), two thousand dollars; stationery, blank books, models, maps, and text-books for use of instructors, two thousand dollars; expenses of the Board of Visitors of the Naval Academy, being mileage and five dollars per diem for each member for expenses during actual attendance at the Academy and for supplying necessary outfit for the

board house, three thousand dollars; purchase of chemicals, apparatus, and instruments in the department of physics, and for repairs of the same, two thousand dollars; purchase of gas and steam machinery, steam pipes and fittings, rent of buildings for the use of the Academy, freight, cartage, water, music, musical and astronomical instruments, uniforms for the bandsmen, telegraphing, feed and maintenance of teams, current expenses, and repairs of all kinds, and for incidental labor and expenses not applicable to any other appropriation, thirty-two thousand dollars; stores in the departments of steam engineering, eight hundred dollars; materials for repairs in steam machinery, one thousand dollars; for contingencies for the Superintendent of the Academy, to be expended in his discretion, one thousand dollars; in all, forty-three thousand eight hundred dollars.

Whenever, in view of the vacancies in the grade of ensign on July thirtieth of any year unfilled by graduates of the Naval Academy, the Secretary of the Navy shall so recommend, the President may appoint to that grade, as of July thirtieth, from among the boatswains, gunners, or warrant machinists, not exceeding six in any one calendar year. No person shall be so appointed who is over thirty-five years of age; who has served less than six years as a warrant officer: who is not recommended by a commanding officer under whom he has served; nor until he shall have passed such competitive examination as may be prescribed by the Navy Department.

Warrant officers eligible to grade of ensign.

—qualifications.

MARINE CORPS.

Marine Corps.

PAY, MARINE CORPS: For pay and allowances prescribed by law of officers on the active list, four hundred and sixteen thousand nine hundred dollars.

Pay.

Pay of officers on the retired list: For three colonels, three lieutenant-colonels, one adjutant and inspector, two quartermasters, four majors, nine captains, three first lieutenants, and three second lieutenants, sixty-three thousand four hundred and twenty dollars.

Retired list.

Pay of noncommissioned officers, musicians, and privates, as prescribed by law, and the number of enlisted men shall be exclusive of those undergoing imprisonment with sentence of dishonorable discharge from the service at expiration of such confinement, and for the expenses of clerks of the United States Marine Corps traveling under orders, one million one hundred and twelve thousand five hundred and forty-eight dollars.

Enlisted men.

Pay and allowance of retired enlisted men: For one sergeant-major, two drum-majors, two gunnery-sergeants, six first-class musicians, fourteen first sergeants, twenty-six sergeants, five corporals, one drummer, two fifers, and forty-eight privates, and for those who may be retired during the year, thirty-seven thousand dollars.

—retired.

Undrawn clothing: For payment to discharged soldiers for clothing undrawn, thirty thousand dollars.

Undrawn clothing.

Mileage: For mileage of officers traveling under orders without troops, sixteen thousand dollars.

Mileage.

For commutation of quarters to officers on duty without troops where there are no public quarters, eight thousand dollars.

Commutation of quarters.

In all, for pay of Marine Corps, one million six hundred and eighty-three thousand eight hundred and sixty-eight dollars.

PAY OF CIVIL FORCE: In the office of the brigadier-general commandant: One chief clerk, at one thousand five hundred and forty dollars and eighty cents; one clerk, at one thousand two hundred dollars; one messenger, at nine hundred and seventy-one dollars and twenty-eight cents;

Civil force.
Pay.

In the office of the paymaster: One chief clerk, at one thousand six hundred dollars; one clerk, at one thousand four hundred and ninety-

six dollars and fifty-two cents; one clerk, at one thousand two hundred and fifty-seven dollars and twelve cents; one clerk, at one thousand two hundred dollars;

In the office of the assistant paymaster: One clerk, at one thousand four hundred dollars;

In the office of the adjutant and inspector: One chief clerk, at one thousand five hundred and forty dollars and eighty cents; one clerk, at one thousand four hundred and ninety-six dollars and fifty-two cents;

In the office of the assistant adjutant and inspector: One clerk, at one thousand two hundred dollars;

In the office of the quartermaster: One chief clerk, at one thousand five hundred and forty dollars and eighty cents; one clerk, at one thousand four hundred and ninety-six dollars and fifty-two cents; one clerk, at one thousand two hundred and fifty-seven dollars and twelve cents;

In the office of the assistant quartermaster, Washington, District of Columbia, or San Francisco, California: One clerk, at one thousand four hundred dollars;

In the office of the assistant quartermaster, Philadelphia, Pennsylvania: One clerk, at one thousand four hundred dollars; one messenger, at one dollar and seventy-five cents per diem;

Amount.

In all, for pay of civil force, twenty-two thousand six hundred and thirty-six dollars and twenty-three cents, and the money herein specifically appropriated for pay of the Marine Corps shall be disbursed and accounted for in accordance with existing law as pay of the Marine Corps, and for that purpose shall constitute one fund.

Provisions.

PROVISIONS, MARINE CORPS: For noncommissioned officers, musicians, and privates serving ashore, for commutation of rations to enlisted men regularly detailed as clerks and messengers, for payment of board and lodging of recruiting parties, and for ice for preservation of rations, three hundred and seventy-one thousand and seventy-one dollars and fifty cents; and no law shall be construed to entitle marines on shore duty to any rations, or commutation therefor, other than such as now are or may hereafter be allowed to enlisted men in the Army: *Provided, however,* That when it is impracticable or the expense is found greater to supply marines serving on shore duty in the island possessions and on foreign stations with the army ration, such marines may be allowed the navy ration or commutation therefor.

Proviso.
Navy ration for marines, foreign service, when necessary.

Clothing.

CLOTHING, MARINE CORPS: For noncommissioned officers, musicians, and privates authorized by law, two hundred and ninety thousand one hundred and ninety-nine dollars and fifty-four cents.

Fuel.

FUEL, MARINE CORPS: For heating barracks and quarters, for ranges and stoves for cooking, fuel for enlisted men, for sales to officers, maintaining electric lights, and for hot-air closets, thirty thousand dollars.

Military stores.

MILITARY STORES, MARINE CORPS: For pay of chief armorer, at three dollars per day; three mechanics, at two dollars and fifty cents each per day; for purchase of military equipments, such as rifles, revolvers, cartridge boxes, bayonet scabbards, haversacks, blanket bags, knapsacks, canteens, musket slings, swords, drums, trumpets, flags, waist belts, waist plates, cartridge belts, sashes for officer of the day, spare parts, for repairing muskets, purchase and repair of tents and field ovens, purchase and repair of instruments for band, purchase of music and musical accessories, purchase and marking of medals for excellence in gunnery and rifle practice, good-conduct badges; for incidental expenses of the school of application, purchase of signal equipment and stores, for the establishment and maintenance of targets and ranges, and renting ranges, and for procuring, preserving, and handling ammunition and other necessary military supplies, forty-six thousand two hundred and ninety-seven dollars.

TRANSPORTATION AND RECRUITING, MARINE CORPS: For transportation of troops, including ferriage, and the expense of the recruiting service, seventy thousand dollars.

Transportation and recruiting.

FOR REPAIRS OF BARRACKS, MARINE CORPS: Repairs and improvements to barracks and quarters at Portsmouth, New Hampshire; Boston, Massachusetts; Newport, Rhode Island; New York, New York; League Island, Pennsylvania; Annapolis, Maryland; headquarters and navy-yard, District of Columbia; Norfolk, Virginia; Port Royal, South Carolina; Pensacola, Florida; Mare Island, California; Bremerton, Washington; and Sitka, Alaska; for the renting, leasing, improvement, and erection of buildings in Porto Rico, the Philippine Islands, at Guam, and at such other places as the public exigencies require; and for per diem to enlisted men employed under the direction of the Quartermaster's Department on the repair of barracks, quarters, and other public buildings, twenty thousand dollars.

Repairs of barracks.

FOR RENT OF BUILDING USED FOR MANUFACTURE OF CLOTHING, STORING OF SUPPLIES, AND OFFICE OF ASSISTANT QUARTERMASTER, PHILADELPHIA, PENNSYLVANIA, four thousand dollars.

Rent, Philadelphia, Pa.

FORAGE, MARINE CORPS: For forage in kind for horses of the quartermasters' department, and the authorized number of officers' horses, six thousand dollars.

Forage.

HIRE OF QUARTERS, MARINE CORPS: For hire of quarters for officers serving with troops where there are no public quarters belonging to the Government, and where there are not sufficient quarters possessed by the United States to accommodate them; for hire of quarters for enlisted men employed as clerks and messengers in the offices of the commandant, adjutant and inspector, paymaster, and quartermaster, and the offices of the assistant adjutant and inspector, the assistant paymaster, and the assistant quartermasters, at twenty-one dollars each per month, and for enlisted men employed as messengers in said offices, at ten dollars each per month, fourteen thousand seven hundred and forty-eight dollars.

Hire of quarters.

CONTINGENT, MARINE CORPS: For freight, tolls, cartage, advertising, washing of bed sacks, mattress covers, pillowcases, towels, and sheets, funeral expenses of marines, stationery and other paper, telegraphing, rent of telephones, purchase and repair of typewriters, apprehension of stragglers and deserters, per diem of enlisted men employed on constant labor for a period of not less than ten days, employment of civilian labor, repair of gas and water fixtures, office and barracks furniture, camp and garrison equipage and implements, mess utensils for enlisted men, such as bowls, plates, spoons, knives, and forks, tin cups, pans, and pots, and so forth; packing boxes, wrapping paper, oilcloth, crash, rope, twine, quarantine fees, camphor and carbolized paper, carpenters' tools, tools for police purposes, iron safes, purchase and repair of public wagons, purchase and repair of public harness, purchase of public horses, services of veterinary surgeons and medicines for public horses, purchase and repair of hose, purchase and repair of fire extinguishers, purchase of fire hand grenades, purchase and repair of carts, wheelbarrows, and lawn mowers; purchase and repair of cooking stoves, ranges, stoves, and furnaces where there are no grates; purchase of ice, towels, soap, combs, and brushes for offices; postage stamps for foreign postage; purchase of books, newspapers, and periodicals; improving parade grounds, repair of pumps and wharves, laying drain, water, and gas pipes, water, introducing gas, and for gas, gas oil, and introduction and maintenance of electric lights; straw for bedding, mattresses, mattress covers, pillows, sheets; wire bunk bottoms for enlisted men at various posts; furniture for Government quarters and repair of same, and for all emergencies and extraordinary expenses arising at home and abroad, but impossible to anticipate or classify, sixty-one thousand seven hundred dollars.

Contingent expenses.

Construction of buildings.

Construction of marine barracks on the land attached to the Naval Academy, Annapolis, Maryland, seventy-five thousand dollars.

Construction of commanding officer's and junior officers quarters on the land attached to the Naval Academy, Annapolis, Maryland, ten thousand dollars.

Construction of fireproof building for offices, headquarters Marine Corps, Washington, District of Columbia, fifty thousand dollars.

Construction of a marine barracks and officers' quarters at the naval station, Algiers, Louisiana, fifteen thousand dollars.

Construction of a boiler house, lavatory, and connecting bridge, installation of steam heat, and addition of a third story over two wings of marine barracks, navy-yard, Brooklyn, New York, twenty-eight thousand dollars.

In all, public works, Marine Corps, one hundred and seventy-eight thousand dollars.

That hereafter the enlistments into the Marine Corps shall be for a period of not less than four years.

Increase of the Navy.

INCREASE OF THE NAVY.

Plans for two battle ships and two armored cruisers authorized.

That, for the purpose of further increasing the naval establishment of the United States, in accordance with the latest improvements in the construction of ships and the production of armor and armament therefor, the Secretary of the Navy is hereby directed to prepare the plans and specifications of two seagoing battle ships and two armored cruisers, carrying the most suitable armor and armament for vessels of their class, and to submit to Congress a general description of such battle ships and cruisers on the first Monday in December next; and said Secretary, in preparing said plans and description, shall review and further consider the questions whether said ships should be sheathed or unsheathed; what should be the weight and extent of the armor therefor; what should be the form and location of the turrets; whether any changes should be made in the number and kind of guns of the various sizes heretofore constituting the armament of similar ships; what, if any, torpedo tubes should be built into large ships; to what extent electricity should be used for auxiliary purposes, and all other questions which have arisen and are now pending among naval architects and ordnance experts concerning the construction of battle ships and cruisers under modern conditions; and said Secretary shall, to such an extent as he may deem expedient, report to Congress in connection with said description his opinion upon the foregoing questions; and the Secretary of the Navy is hereby authorized to exercise his discretion as to the sheathing and copping of naval vessels herein and heretofore authorized to be built.

—scope, etc., of plans.

—report.

Discretion in Secretary as to sheathing, etc., vessels already authorized, etc.

Iowa Iron Works, Dubuque, Iowa.

Remission of time penalty on "Ericsson" authorized.

That the Secretary of the Navy is hereby authorized and directed to remit to the Iowa Iron Works, of Dubuque, Iowa, the time penalties exacted by the Navy Department under the contract with said company for the construction of the torpedo boat Ericsson, the Government having suffered no damage by the delay in the construction, and a sum sufficient for that purpose is hereby appropriated, out of any money in the Treasury not otherwise appropriated, not exceeding, however, the sum of seventeen thousand two hundred and twenty-five dollars.

Construction and machinery.

CONSTRUCTION AND MACHINERY: On account of the hulls and outfits of vessels and steam machinery of vessels heretofore authorized, twenty-one million dollars.

Armor and armament.

Vol. 29, p. 379.
Vol. 30, pp. 389, etc.
Ante, p. 707.

ARMOR AND ARMAMENT: Toward the armament and armor of domestic manufacture for the vessels authorized by the Act of June tenth, eighteen hundred and ninety-six; those authorized by the Act of March third, eighteen hundred and ninety-seven; for those authorized by the

Act of May fourth, eighteen hundred and ninety-eight; for those authorized by the Act of March third, eighteen hundred and ninety-nine and for those authorized by the Act of June seventh, nineteen hundred, four million dollars.

EQUIPMENT: Toward the completion of the equipment outfit of the new vessels heretofore authorized, four hundred thousand dollars.

That the President of the United States be, and he is hereby, authorized to establish, and from time to time to modify, as the needs of the service may require, a classification of vessels of the Navy, and to formulate appropriate rules governing assignments to command of vessels and squadrons.

Approved, March 3, 1901.

Equipment.

Classification of vessels authorized and formulation of rules governing assignments to command of vessels and squadrons.

CHAP. 855.—An Act Making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and two, and for other purposes.

March 3, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, for the objects hereinafter expressed, for the fiscal year ending June thirtieth, nineteen hundred and two, namely:

Appropriations for sundry civil expenses.

UNDER THE TREASURY DEPARTMENT.

Treasury Department.

PUBLIC BUILDINGS.

Public buildings.

For post-office and court-house at Abilene, Texas: For completion of building under present limit, thirty-seven thousand five hundred dollars.

Abilene, Tex.

For court-house and post-office at Altoona, Pennsylvania: For completion of building under present limit, seventy-five thousand dollars.

Altoona, Pa.

For post-office at Annapolis, Maryland: For completion of building under present limit, fifty thousand dollars.

Annapolis, Md.

For post-office at Anniston, Alabama: For continuation of building under present limit, twenty-five thousand dollars.

Anniston, Ala.

For custom-house at Baltimore, Maryland: For continuation of building under present limit, three hundred and fifty thousand dollars.

Baltimore, Md.

For rental of temporary quarters for the accommodation of certain Government officials at Baltimore, Maryland, one thousand eight hundred and fifty dollars.

For post-office and court-house at Baltimore, Maryland: For new boiler plant, twenty-five thousand dollars.

For post-office and subtreasury building at Boston, Massachusetts: To complete the repairs and additions, and for painting and cleaning the walls, fifty thousand dollars.

Boston, Mass.

For post-office at Brooklyn, New York: To provide facilities for loading and unloading mail matter from the post-office working room carried on electric cars throughout the city, ten thousand dollars.

Brooklyn, N. Y.

For post-office and court-house at Beaumont, Texas: For completion of building under present limit, thirty-seven thousand five hundred dollars.

Beaumont, Tex.

For rental of quarters at Chicago, Illinois: For annual rental of temporary quarters for the accommodation of certain Government officials for the year ending March twenty-eighth, nineteen hundred and two, twenty-six thousand eight hundred and six dollars and sixty cents.

Chicago, Ill.

For post-office and court-house at Chicago, Illinois: For continuation of building under present limit, one million dollars.

Cleveland, Ohio.

For post-office, custom-house, and court-house at Cleveland, Ohio: For continuation of building, two hundred thousand dollars.

For rental of quarters at Cleveland, Ohio: For rental of temporary quarters for six months ending June thirtieth, nineteen hundred and two, for the accommodation of Government officials, and for moving furniture, fixtures, safes, and other Government property, and other contingent expenses incidental to such removal, twenty-eight thousand dollars.

Clinton, Iowa.

For post-office at Clinton, Iowa: For completion of building under present limit, fifty thousand dollars.

Creston, Iowa.

For post-office at Creston, Iowa: For completion of building under present limit, twenty-five thousand dollars.

Elizabeth City, N. C.

For court-house and post-office at Elizabeth City, North Carolina: For completion of building under present limit, twenty-five thousand dollars.

Ellis Island, N. Y.

For buildings on Ellis Island, and work in connection with said island necessary to properly complete the immigrant station, one hundred and seventy-five thousand dollars, to be paid from the immigrant fund, which sum is hereby transferred to the appropriation for immigrant station at Ellis Island, New York.

Elmira, N. Y.

For post-office and court-house at Elmira, New York: For continuation of building under present limit, seventy-five thousand dollars.

Fergus Falls, Minn.

For court-house and post-office at Fergus Falls, Minnesota: For completion of building under present limit, thirty-seven thousand five hundred dollars.

Fitchburg, Mass.

For post-office at Fitchburg, Massachusetts: For completion of building under present limit, fifty thousand dollars.

Helena, Mont.

For public building at Helena, Montana: For completion of building under present limit, one hundred and twenty-nine thousand seven hundred and ninety-one dollars and seventy-two cents.

Hot Springs, Ark.

For post-office at Hot Springs, Arkansas: For completion of building under present limit, thirty-nine thousand dollars.

Indianapolis, Ind.

For post-office, court-house, and custom-house at Indianapolis, Indiana: For continuation of building under present limit, two hundred and fifty thousand dollars.

For rental of temporary quarters for the accommodation of certain Government officials at Indianapolis, Indiana, sixteen thousand dollars.

Joplin, Mo.

For post-office and court-house at Joplin, Missouri: For completion of building under present limit, twenty-five thousand dollars.

Kansas City, Kans.

For post-office at Kansas City, Kansas: For completion of building under present limit, fifty thousand dollars.

Lawrence, Mass.

For post-office at Lawrence, Massachusetts: For purchase of site and completion of building under present limit, fifty thousand dollars.

Leadville, Colo.

For post-office at Leadville, Colorado: For completion of building under present limit, twenty-five thousand dollars.

Los Angeles, Cal.

For court-house and post-office at Los Angeles, California: For completion of addition to present building under present limit, one hundred and fifty thousand dollars.

For rental of temporary quarters for the accommodation of certain Government officials at Los Angeles, California, eight thousand five hundred dollars.

Lockport, N. Y.

For post-office at Lockport, New York: For completion of building under present limit, twenty-five thousand dollars.

Macon, Ga.

For rental of quarters at Macon, Georgia: For rental of temporary quarters for the accommodation of certain Government officials, six thousand dollars.

New Iberia, La.

For post-office at New Iberia, Louisiana: For completion of building under present limit, twenty-five thousand dollars.

New York, N. Y.

For custom-house at New York, New York: For continuation of buildings under present limit, five hundred thousand dollars.

For rent of old custom-house at New York, New York: For rental of temporary quarters for the accommodation of certain Government officials, from August twenty-eighth, eighteen hundred and ninety-nine, to June thirtieth, nineteen hundred, one hundred and nine thousand eight hundred and forty-seven dollars and twelve cents; from July first, nineteen hundred, to June thirtieth, nineteen hundred and one, one hundred and thirty thousand six hundred dollars; from July first, nineteen hundred and one, to June thirtieth, nineteen hundred and two, one hundred and thirty thousand six hundred dollars; in all, three hundred and seventy-one thousand and forty-seven dollars and twelve cents.

Rent, old custom-house.

For custom-house and post-office at New Orleans, Louisiana: For new boilers and heating apparatus, and for new electric elevators and work incident thereto, sixty thousand dollars.

New Orleans, La.

For necessary alterations in the Newport, Rhode Island, post-office, and to provide additional space for the money-order, registry, and stamp divisions, twenty thousand dollars, to be immediately available.

Newport, R. I.

For post-office at Norwich, Connecticut: For completion of building under present limit, fifty thousand dollars.

Norwich, Conn.

For custom-house at Norfolk, Virginia: For alterations and repairs, twenty thousand dollars.

Norfolk, Va.

For post-office at Oakland, California: For completion of building under present limit, one hundred and twenty-five thousand dollars.

Oakland, Cal.

For the completion of the custom-house and post-office building at Newark, New Jersey, by a one-story addition, with basement, heating and ventilating apparatus, as required for carriers' room and storage, according to plans of the Secretary of the Treasury, eighty-five thousand dollars.

Newark, N. J.

For court-house, custom-house, and post-office at Omaha, Nebraska: For completion of the addition to the building under present limit, three hundred and fifty thousand dollars.

Omaha, Nebr.

For post-office at Oskaloosa, Iowa: For completion of building under present limit, twenty-five thousand dollars.

Oskaloosa, Iowa.

For post-office at Rome, New York: For completion of building under present limit, twenty-five thousand dollars.

Rome, N. Y.

For post-office at Salem, Oregon: For completion of building under present limit, twenty-five thousand dollars.

Salem, Oreg.

For court-house and post-office at Salt Lake City, Utah: For continuation of building under present limit, seventy-five thousand dollars.

Salt Lake City, Utah.

For court-house, custom-house, and post-office at Seattle, Washington: For continuation of building under present limit, one hundred thousand dollars.

Seattle, Wash.

For post-office at Stockton, California: For completion of building under present limit, forty thousand nine hundred and fifty dollars.

Stockton, Cal.

For post-office and court-house at San Francisco, California: For completion of building under present limit, one million one hundred and fifty-five thousand and fifty-five dollars and four cents.

San Francisco, Cal.

For court-house, post-office, and custom-house at Tampa, Florida: For completion of building under present limit, one hundred thousand dollars.

Tampa, Fla.

For post-office at Wilkesbarre, Pennsylvania: For purchase of site and completion of building under present limit, seventy-five thousand dollars.

Wilkesbarre, Pa.

For the purchase of the property known as the Corcoran Art Gallery, in the city of Washington, District of Columbia, three hundred thousand dollars, and the Secretary of the Treasury be, and he is hereby, empowered and directed to acquire for and in the name of the United States, for the purpose hereinafter provided, the following-described real estate, with the improvements thereon, known and designated as original lots numbered five, six, seven, and eight, in square one hun-

Corcoran Art Gallery, District of Columbia. Purchase authorized.

To be used by Court
of Claims.

Proviso.
—limit price.
Repeal.
Vol. 30, p. 1359.

dred and sixty-seven, in the city of Washington, District of Columbia, and containing seventeen thousand seven hundred and thirty-three square feet, lying and being at the corner of Pennsylvania avenue and Seventeenth street northwest, fronting on Pennsylvania avenue one hundred and six feet and on Seventeenth street one hundred and sixty feet, and being the property of the Corcoran Gallery of Art. Said property to be used by the Court of Claims or for such other purposes as may be determined: *Provided*, That the same can be secured for a sum not exceeding three hundred thousand dollars; and so much of the Act entitled "An Act to provide for the erection of a building for the Department of Justice," approved March third, eighteen hundred and ninety-nine, as provides "that said building shall be constructed so as to provide a court room and necessary accommodations for the Court of Claims," be, and the same is hereby, repealed.

Treasury buildings.

For Treasury building at Washington, District of Columbia: For repairs to Treasury, Butler, and Winder buildings, eight thousand dollars.

Fire-alarm system.

Fire-alarm system, Treasury Department: For maintenance of the automatic fire-alarm system now in the Treasury and Winder buildings, two thousand six hundred and twenty-five dollars.

Public buildings.
Repairs and preservation.

For repairs and preservation of public buildings: Repairs and preservation of custom-houses, court-houses, and post-offices, and quarantine stations, and other public buildings and the grounds thereof under the control of the Treasury Department, exclusive of marine hospitals, four hundred thousand dollars: *Provided*, That of the sum hereby appropriated not exceeding ten thousand dollars may be used, in the discretion of the Secretary of the Treasury, in the employment of superintendents and others at a rate of compensation not exceeding for any one person six dollars per day.

Proviso.
Superintendents.

Heating apparatus.

Heating apparatus for public buildings: For heating, hoisting, and ventilating apparatus, and repairs to the same, for all public buildings, including quarantine stations, and exclusive of marine hospitals, under control of the Treasury Department, exclusive of personal services, except for work done by contract, one hundred and fifty thousand dollars; but of this amount not exceeding fifteen thousand dollars may be expended for personal services of mechanics employed from time to time for casual repairs only.

Vaults, safes, and locks.

Vaults, safes, and locks for public buildings: For vaults, safes, and locks, and repairs to the same, for all public buildings under control of the Treasury Department, exclusive of personal services, except for work done by contract, thirty thousand dollars; but of this amount not exceeding three thousand dollars may be expended for personal services of mechanics employed from time to time for casual repairs only.

Plans.

Plans for public buildings: For books, technical periodicals and journals, photographic materials, and in duplicating plans required for all public buildings under control of the Treasury Department, four thousand dollars.

St. Paul, Minn.
Retention of old
building directed.
Vol. 26, p. 763.

Post-office, court-house, and custom-house, Saint Paul, Minnesota: That so much of the provisions of the Act of Congress entitled "An Act for the erection of a public building at Saint Paul, Minnesota," approved February sixteenth, eighteen hundred and ninety-one, as authorized the Secretary of the Treasury, after the completion of the new United States post-office, court-house, and custom-house building, to sell and convey the present property of the United States in said city now occupied as a court-house, custom-house, and post-office, and of the Act of Congress entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-nine, and for other purposes," approved July first, eighteen hundred and ninety-eight, as

Vol. 30, p. 598.

directs the Secretary of the Treasury to cause suitable accommodations to be provided in the new United States post-office, court-house, and custom-house building for all officials of the United States located in said city who are entitled to quarters in public buildings, are hereby repealed; and the Secretary of the Treasury is hereby authorized and directed to retain the custody and control of the property of the United States in said city now occupied as a court-house, custom-house, and post-office, to rearrange and remodel the same as may be necessary for public business, and to assign the space therein to such officials located in said city who are entitled to offices in public buildings as in his judgment shall be proper; and that all Acts and parts of Acts inconsistent with the provisions of this Act be, and the same are hereby, repealed.

Remodeling, etc.

MARINE HOSPITALS: For building for laboratory, Marine-Hospital Service: For the erection of the necessary buildings and quarters for a laboratory for the investigation of infectious and contagious diseases, and matters pertaining to the public health, under the direction of the Supervising Surgeon-General, thirty-five thousand dollars; and the Secretary of the Navy is authorized to transfer to the Secretary of the Treasury, for use as a site for said laboratory, five acres of the reservation now occupied by the Naval Museum of Hygiene.

Marine hospitals.
Laboratory authorized.

—site.

Books and journals for the use of the Marine-Hospital Bureau may be purchased during the fiscal year nineteen hundred and two at a cost not to exceed five hundred dollars, and paid for from the appropriation for the Marine-Hospital Service.

Books, etc., for Bureau.

QUARANTINE STATIONS: For quarantine station, Reedy Island, Delaware River: For reclamation of ground and additional quarters, twelve thousand dollars; for boarding vessel, fifty thousand dollars; in all, sixty-two thousand dollars.

Quarantine stations.

For quarantine station, Delaware Breakwater, Delaware: For bulkheading, two thousand five hundred dollars.

Delaware Breakwater.

For Cape Fear quarantine station: For quarters for detained crews, two thousand dollars.

Cape Fear.

For quarantine station, Savannah, Georgia: For ballast gangway, with tracks and cars and sheds, four thousand five hundred dollars.

Savannah, Ga.

For Columbia River quarantine station: For hospital and lazaretto, for pumping station, and for mooring buoy and anchor, eight thousand five hundred dollars.

Columbia River.

For Port Townsend quarantine station: For boarding vessel, forty thousand dollars.

Port Townsend.

LIGHT-HOUSES, BEACONS, AND FOG SIGNALS.

Fort Wadsworth light and fog-signal station, New York: For moving the light and fog signal now at Fort Tompkins to Fort Wadsworth, both in the Narrows, New York Harbor, New York, and establishing a light and fog signal at Fort Wadsworth, New York, twelve thousand nine hundred dollars.

Light-houses, beacons, and fog signals.

Fort Wadsworth, N.Y.
Removal to, of Fort Tompkins light.

Norwalk Harbor lighted beacons, Connecticut: For completing establishment of beacons at Round Beach, Fitchs Point, White Rock Reef, and Grassy Hammock, Norwalk Harbor, Connecticut, four hundred dollars.

Norwalk, Conn.

For a light and fog-signal station on Pecks Ledge, Norwalk Harbor, Connecticut, ten thousand dollars.

For a light on Long Beach day beacon, Norwalk Harbor, Connecticut, two thousand five hundred dollars.

For a beacon light near Grubbs Landing, Delaware River, Delaware, eight thousand dollars.

Grubbs Landing, Delaware River.

Tender for the inspector, Third light-house district: For completing tender in accordance with authorized contract, sixty-two thousand five hundred dollars.

Tender, Third district.

- Staten Island, N. Y. Staten Island light-house depot, New York: For continuing the repairs and improvements to present buildings and grounds and the erection of a new oil house and lamp shop at the general light-house depot at Tompkinsville, Staten Island, New York, twenty-five thousand dollars.
- Ranges, Delaware River. Port Penn range, Reedy Island range, Finns Point range, Delaware River, New Jersey: For reestablishment of ranges, sixty thousand dollars.
- Hambrook Bar, Choptank River, Md. For the establishment of a beacon light on Hambrook Bar, Choptank River, Maryland, and beacon range lights to guide into the harbor of Cambridge, Maryland, ten thousand dollars.
- Point-no-Point, Md. For the establishment of a light-house and fog signal at Point-no-Point, Chesapeake Bay, Maryland, between Cove Point and Smiths Point, sixty-five thousand dollars.
- Point Royal, N. C. Northwest Point Royal Shoal light-station, North Carolina: For rebuilding this light-house, thirty thousand dollars.
- Cape Fear, N. C. Cape Fear light-station, North Carolina: For completing the first-order light-station at or near the pitch of Cape Fear, North Carolina, thirty-five thousand dollars.
- Tender, Seventh district. Tender for the engineer of the Seventh light-house district: For constructing, equipping, and outfitting, complete for service, a new steam tender for construction and repair service in the Seventh light-house district, eighty-five thousand dollars. And the Light-House Board is authorized to employ temporarily at Washington not exceeding three draftsmen, to be paid at current rates, to prepare the plans for the tenders for which appropriations are made by this Act; such draftsmen to be paid from and equitably charged to the appropriations for building said vessels; such employment to cease and determine on or before the date when, the plans for such vessels being finished, proposals for building said vessels are invited by advertisement.
- Additional temporary draftsmen authorized. Sabine Bank, Tex. Sabine Bank light and fog-signal station, Texas: For completing light and fog-signal station on Sabine Bank, in the Gulf of Mexico, off Sabine Pass, forty thousand dollars.
- Tender, Eighth district. Tender for the Eighth light-house district: For constructing, equipping, and outfitting, complete for service, a new steam tender for buoyage, supply, and inspection in the Eighth light-house district, one hundred and twenty-five thousand dollars.
- Tender, Ninth district. Tender for the inspector Ninth light-house district: The Secretary of the Treasury is hereby authorized to enter into a contract for the construction of a steam tender for buoyage, supply, and inspection, heretofore authorized for the Ninth light-house district, at a total cost not exceeding one hundred and fifteen thousand dollars.
- Toledo, Ohio. Tender for the engineer Ninth light-house district: The total cost of said tender, under a contract which is hereby authorized therefor, shall not exceed one hundred and fifteen thousand dollars.
- Toledo Harbor light and fog-signal station, Ohio: For completing a light and fog-signal station to mark the outer end of the main channel, entrance to Toledo Harbor, Ohio, fifty-two thousand five hundred dollars.
- Point Dume, Cal. Point Dume, California: For the establishment of a light and fog signal station provided for by the Act approved February twentieth, nineteen hundred and one, sixty-three thousand dollars.
- Tender, Tenth district. Tender for the Tenth light-house district: For constructing, equipping, and outfitting, complete for service, a new steam tender for buoyage, supply, and inspection in the Tenth light-house district, one hundred and twenty thousand dollars.
- Table Bluff, Cal. Table Bluff light-station, California: To construct a telephone line from the light-house at Table Bluff, California, to connect with the general telephone system at Salmon Creek, Humboldt County, California, one thousand four hundred and eight dollars and forty-four cents.

Relief light vessel for the Twelfth and Thirteenth light-house districts (Pacific coast): For constructing, equipping, and outfitting, complete for service, a first-class steam light vessel, with steam fog signal; and the Light-House Board is authorized to employ temporarily at Washington three draftsmen, to be paid at current rates, to prepare the plans for the light-house vessel for which appropriation may be made; such draftsmen to be paid from the appropriation for building said vessel; such employment to cease and determine on or before the date when, the plans for such vessel being finished, proposals for building said vessel are invited by advertisement, ninety thousand dollars.

Relief vessel,
Twelfth and Thirteenth districts.

Temporary draftsmen.

Admiralty Head, Washington: For the removal and reconstruction of light-house buildings, to make way for new fortifications. To be expended in part payment of the cost, twelve thousand dollars.

Admiralty Head,
Wash.

Tender for the Thirteenth light-house district: For the completion of a powerful seagoing tender for the Thirteenth light-house district, twenty thousand dollars.

Tender, Thirteenth district.

Tender for the Sixteenth light-house district: For completing steam tender for the inspector Sixteenth light-house district, thirty thousand dollars.

—Sixteenth district.

LIGHT-HOUSE ESTABLISHMENT.

Light-House Establishment.

SUPPLIES OF LIGHT-HOUSES: For supplying fog signals, light-houses, and other lights with illuminating, cleaning, preservative, and such other materials as may be required for annual consumption; for books, boats, and furniture for stations, traveling expenses of civilian member of Light-House Board in attending meetings of board at Washington, and not exceeding three hundred dollars for the purchase of technical and professional books and periodicals for the use of the Light-House Board, and for all other necessary incidental expenses, four hundred and seventy-five thousand dollars.

Supplies.

REPAIRS OF LIGHT-HOUSES: For repairing, protecting, and improving light-houses and buildings; for improvements to grounds connected therewith; for establishing and repairing day marks and pier-head and other beacon lights, including purchase of land for same; for illuminating apparatus and machinery to replace that already in use; construction of necessary outbuildings, at a cost not exceeding two hundred dollars at any one light station in any fiscal year; and for all other necessary incidental expenses relating to these various objects, six hundred and fifty-five thousand dollars.

Repairs.

SALARIES OF KEEPERS OF LIGHT-HOUSES: For salaries, fuel, rations, rent of quarters where necessary, and all other necessary incidental expenses of not exceeding one thousand six hundred light-house and fog-signal keepers and laborers attending other lights, seven hundred and eighty-five thousand dollars.

Keepers' salaries.

EXPENSES OF LIGHT-VESSELS: For seamen's wages, rations, repairs, salaries, supplies, and temporary employment, and all other necessary incidental expenses of light-vessels, four hundred and seventy-five thousand dollars.

Light vessels.

EXPENSES OF BUOYAGE: For expenses of establishing, replacing, and maintaining buoys of any and all kinds, and spindles, and for all other necessary incidental expenses relating thereto, five hundred and fifty thousand dollars.

Buoyage.

EXPENSES OF FOG SIGNALS: For establishing, replacing, duplicating, and improving fog signals and buildings connected therewith, and for repairs, the purchase of land for sites for fog signals, and for all other necessary incidental expenses of the same, one hundred and seventy-five thousand dollars.

Fog signals.

LIGHTING OF RIVERS: For establishing, supplying, and maintaining post lights on the Hudson and East rivers, New York; the Raritan River, New Jersey; Connecticut River, Thames River, between Norwich and New London, Connecticut; the Delaware River between

Lighting of rivers.

Philadelphia and Bordentown, New Jersey; the Elk River, Maryland; York River; James River, Virginia; Cape Fear River, North Carolina; Savannah River, Georgia; Saint Johns and Indian rivers, Florida; at Chicott Pass, and to mark navigable channel along Grand Lake, Louisiana; at the mouth of Red River, Louisiana; on the Mississippi, Missouri, Ohio, Tennessee, Illinois, and Great Kanawha rivers; Sacramento and San Joaquin rivers, California; on the Columbia and Willamette rivers, Oregon; on Puget Sound, Washington Sound, and adjacent waters, Washington; and the channels in Saint Louis and Superior bays, at the head of Lake Superior; the Light-House Board being hereby authorized to lease the necessary ground for all such lights and beacons as are for temporary use or are used to point out changeable channels, and which in consequence can not be made permanent, three hundred thousand dollars.

Survey of sites.

SURVEY OF LIGHT-HOUSE SITES: For preliminary examinations, surveys, and plans for determining the proper sites and cost of light-houses and structures for which estimates are to be made to Congress, one thousand dollars.

Oil houses.
Proviso.
—limit cost.

OIL HOUSES FOR LIGHT-STATIONS: For establishing isolated oil houses for the storage of mineral oil, ten thousand dollars: *Provided*, That no oil house erected hereunder shall exceed five hundred and fifty dollars in cost.

Lights on channels
of Great Lakes.

MAINTENANCE OF LIGHTS ON CHANNELS OF GREAT LAKES: To enable the Secretary of the Treasury, under the supervision of the Light-House Board, by contract or otherwise, to maintain lights necessary for the safe navigation of those channels in the connecting waterways of the Great Lakes which have been constructed or artificially improved by the Government of the United States, where the same can not properly be lighted from the American side, four thousand dollars.

Porto Rico.

PORTO RICAN LIGHT-HOUSE ESTABLISHMENT: For maintaining existing aids to navigation and to establish and maintain additional day marks, buoys, and beacon lights where required for Porto Rico and adjacent islands, seventy-five thousand dollars.

Alaska.

LIGHT-HOUSE AND FOG-SIGNAL STATIONS IN ALASKAN WATERS: To enable the Secretary of the Treasury to continue to establish, under the direction and supervision of the Light-House Board, light-house and fog-signal stations in Alaskan waters, two hundred thousand dollars.

Life-Saving Service

LIFE-SAVING SERVICE.

Superintendents.

For salaries of superintendents for the life-saving stations as follows:

For one superintendent for the coasts of Maine and New Hampshire, one thousand six hundred dollars;

For one superintendent for the coast of Massachusetts, one thousand six hundred dollars;

For one superintendent for the coasts of Rhode Island and Fishers Island, one thousand six hundred dollars;

For one superintendent for the coast of Long Island, one thousand eight hundred dollars;

For one superintendent for the coast of New Jersey, one thousand eight hundred dollars;

For one superintendent for the coasts of Delaware, Maryland, and Virginia, one thousand six hundred dollars;

For one superintendent for the coasts of Virginia and North Carolina, one thousand eight hundred dollars;

For one superintendent for the life-saving stations and for the houses of refuge on the coasts of South Carolina, Georgia, and Florida, one thousand five hundred dollars;

For one superintendent for the life-saving and lifeboat stations on the coast of the Gulf of Mexico, one thousand six hundred dollars;

For one superintendent for the life-saving and lifeboat stations on

the coasts of Lakes Ontario and Erie, one thousand eight hundred dollars;

For one superintendent for the life-saving and lifeboat stations on the coasts of Lakes Huron and Superior, one thousand eight hundred dollars;

For one superintendent for the life-saving and lifeboat stations on the coast of Lake Michigan, one thousand eight hundred dollars;

For one superintendent for the life-saving and lifeboat stations on the coasts of Washington, Oregon, and California, one thousand eight hundred dollars; in all, twenty-two thousand one hundred dollars.

For Lyle gun, the beach apparatus used with it, and two surfboats of the latest improved construction for use on the coast at or near Cape Nome, Alaska, two thousand dollars, or so much thereof as may be necessary, to be expended under the direction of the Secretary of the Treasury.

For salaries of two hundred and eighty keepers of life-saving and lifeboat stations and of houses of refuge, two hundred and forty-five thousand one hundred dollars.

For pay of crews of surfmen employed at the life-saving and lifeboat stations, including the old Chicago station, and at the building erected on the grounds of the Pan-American Exposition, at Buffalo, New York, under authority of the Act of Congress approved March third, eighteen hundred and ninety-nine, for an exhibit of the United States Life-Saving Service, at the uniform rate of sixty-five dollars per month each during the period of actual employment, and three dollars per day for each occasion of service at other times; compensation of volunteers at life-saving and lifeboat stations for actual and deserving service rendered upon any occasion of disaster or in any effort to save persons from drowning, at such rate, not to exceed ten dollars for each volunteer, as the Secretary of the Treasury may determine; pay of volunteer crews for drill and exercise; fuel for stations and houses of refuge, repairs and outfits for same, rebuilding and improvement of same, including use of additional land where necessary; supplies and provisions for houses of refuge and for shipwrecked persons succored at stations; traveling expenses of officers under orders from the Treasury Department; commutation of quarters for officers of the Revenue-Cutter Service detailed for duty in the Life-Saving Service; for carrying out the provisions of sections seven and eight of the Act approved May fourth, eighteen hundred and eighty-two; for draft animals and their maintenance; for telephone lines and care of same; and contingent expenses, including freight, storage, rent, repairs to apparatus, labor, medals, stationery, newspapers for statistical purposes, advertising, and all other necessary expenses not included under any other head of life-saving stations on the coasts of the United States, one million four hundred and seventy-two thousand two hundred and eighty dollars.

For a Lyle gun and the necessary beach apparatus used in connection with it, together with a suitable boat, all to be placed at or near Port Day, on the Niagara River, at such point as the General Superintendent of the Life-Saving Service may recommend: *Provided*, That bond shall be given by proper individuals living in the neighborhood, conditioned for the care and preservation of the same and their application to the saving of life and property, five hundred and seventy-five dollars.

For establishing new life-saving stations and lifeboat stations on the sea and lake coasts of the United States, authorized by law, to be available until expended, forty thousand dollars.

REVENUE-CUTTER SERVICE.

For expenses of the Revenue-Cutter Service: For pay of captains, lieutenants, captain of engineers, chief engineers, and assistant engi-

Apparatus, Cape
Nome, Alaska.

Keepers.

Crews.

—Buffalo exposition.

Commutation of
quarters.

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Apparatus, Port
Day, Niagara River.

Proviso.
Bond.

New stations.

Revenue-Cutter
Service.
Salaries and ex-
penses.

neers, for pay of a constructor, Revenue-Cutter Service, cadets, and pilots employed, and for rations for the same; for pay of petty officers, buglers, seamen, oilers, firemen, coal heavers, stewards, cooks, and boys, and for rations for the same; for fuel for vessels, and repairs and outfits for the same; ship chandlery and engineers' stores for the same; traveling expenses of officers traveling on duty under orders from the Treasury Department; commutation of quarters; for protection of the seal fisheries in Bering Sea and the other waters of Alaska, and the interest of the Government on the seal islands and the sea-otter hunting grounds, and the enforcement of the provisions of law in Alaska; for enforcing the provisions of the Acts relating to the anchorage of vessels in the ports of New York and Chicago, approved May sixteenth, eighteen hundred and eighty-eight, and February sixth, eighteen hundred and ninety-three, and March third, eighteen hundred and ninety-nine; and an Act relating to the anchorage and movement of vessels in Saint Marys River, approved March sixth, eighteen hundred and ninety-six; for temporary leases and improvement of property for revenue-cutter purposes; contingent expenses, including wharfage, towage, dockage, freight, advertising, surveys, labor, and all other necessary miscellaneous expenses which are not included under special heads, one million two hundred thousand dollars.

Anchorage.
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Revenue cutters;
Pacific coast service.

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—on Great Lakes.

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—on St. Marys River,
Mich.

—at Boston, Mass.

Launch, Gloucester,
Mass.

Engraving and
Printing.

Salaries.

Proviso.
Notes of larger de-
nomination.
Ante, p. 45.

Wages.

For the completion of one revenue cutter of the first class, under the direction of the Secretary of the Treasury, for service on the Pacific coast, authorized by sundry civil Act of March third, eighteen hundred and ninety-nine, one hundred and twelve thousand five hundred dollars.

For the completion of one revenue cutter of the first class, under the direction of the Secretary of the Treasury, for service on the Great Lakes, authorized by sundry civil Act of March third, eighteen hundred and ninety-nine, eighty-two thousand five hundred dollars.

For the construction, or purchase, under the direction of the Secretary of the Treasury, of a vessel to be used and equipped as a revenue cutter of the third class for service on the Saint Marys River, Michigan, for the purpose of protecting the revenue and enforcing the rules of navigation on said river, thirty-seven thousand five hundred dollars; and the total cost of said vessel, either by purchase or under a contract, which is hereby authorized therefor, shall not exceed seventy-five thousand dollars.

To enable the Secretary of the Treasury to purchase or build a suitable vessel to be used as a revenue cutter of the third class at Boston, Massachusetts, as provided in the Act approved February fourth, nineteen hundred and one, fifty thousand dollars.

For the purchase or construction of a launch for the customs service at Gloucester, Massachusetts, five thousand dollars.

ENGRAVING AND PRINTING.

For labor and expenses of engraving and printing: For salaries of all necessary clerks and employees, other than plate printers and plate printers' assistants, eight hundred and sixty-six thousand six hundred and eighty-three dollars, to be expended under the direction of the Secretary of the Treasury: *Provided*, That no portion of this sum shall be expended for printing United States notes or Treasury notes of larger denomination than those that may be canceled or retired, except in so far as such printing may be necessary in executing the requirements of the Act "To define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes," approved March fourteenth, nineteen hundred.

For wages of plate printers, at piece rates to be fixed by the Secre-

tary of the Treasury, not to exceed the rates usually paid for such work, including the wages of printers' assistants, when employed, eight hundred and ninety-one thousand seven hundred and seventy-six dollars, to be expended under the direction of the Secretary of the Treasury: *Provided*, That no portion of this sum shall be expended for printing United States notes or Treasury notes of larger denomination than those that may be canceled or retired, except in so far as such printing may be necessary in executing the requirements of the Act "To define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes." approved March fourteenth, nineteen hundred.

Proviso.
Notes of larger denomination.

For engravers' and printers' materials and other materials, except distinctive paper, and for miscellaneous expenses, two hundred and ninety-five thousand seven hundred and ninety-three dollars.

Materials.

For rent of office now occupied by agent of the Post-Office Department to supervise the distribution of stamps of the Bureau of Engraving and Printing, at the rate of fifty dollars per month, six hundred dollars.

Rent.

COAST AND GEODETIC SURVEY.

Coast and Geodetic Survey.

For every expenditure requisite for and incident to the survey of the coasts of the United States and of coasts under the jurisdiction of the United States, including the survey of rivers to the head of tide water or ship navigation; deep-sea soundings, temperature and current observations along the coast and throughout the Gulf Stream and Japan Stream flowing off the said coasts; tidal observations; the necessary resurveys; the preparation of the Coast Pilot; continuing researches and other work relating to physical hydrography and terrestrial magnetism and the magnetic maps of the United States and adjacent waters, and the tables of magnetic declination, dip, and intensity usually accompanying them, astronomical and gravity observations; and including compensation, not otherwise appropriated for, of persons employed in the field work, in conformity with the regulations for the government of the Coast and Geodetic Survey adopted by the Secretary of the Treasury; for special examinations that may be required by the Light-House Board or other proper authority, and including traveling expenses of officers and men of the Navy on duty; for commutation to officers of the field force while on field duty, at a rate to be fixed by the Secretary of the Treasury, not exceeding two dollars and fifty cents per day each; outfit, equipment, and care of vessels used in the Survey, and also the repairs and maintenance of the complement of vessels; to be expended in accordance with the regulations relating to the Coast and Geodetic Survey from time to time prescribed by the Secretary of the Treasury, and under the following heads: *Provided*, That no advance of money to chiefs of field parties under this appropriation shall be made unless to a commissioned officer, or to a civilian officer, who shall give bond in such sum as the Secretary of the Treasury may direct.

Expenses survey of seacoasts, etc.

Proviso.

Advance of money.

FOR FIELD EXPENSES: For surveys and necessary resurveys of the Atlantic and Gulf coasts of the United States, including the coasts of outlying islands under the jurisdiction of the United States, to be immediately available, and to continue available until expended: *Provided*, That not more than twenty-five thousand dollars of this amount shall be expended on the coasts of the before-mentioned outlying islands, seventy thousand dollars.

Field expenses.

Proviso.

Outlying islands.

For surveys and necessary resurveys of the Pacific coast, including the Hawaiian Islands and Alaska and other coasts on the Pacific Ocean under the jurisdiction of the United States, to be immediately available, and to continue available until expended, one hundred and seven thousand five hundred dollars.

Hawaiian Islands, Alaska etc

For continuing researches in physical hydrography relating to harbors and bars, and for tidal and current observations on the coasts of the United States, or other coasts under the jurisdiction of the United States, five thousand dollars.

For offshore soundings and examination of reported dangers on the coasts of the United States, and of coasts under the jurisdiction of the United States, and to continue the compilation of the Coast Pilot, and to make special hydrographic examinations, and including the employment of such pilots and nautical experts in the field and office as may be necessary for the same, ten thousand one hundred dollars.

For continuing magnetic observations and to establish meridian lines in connection therewith in all parts of the United States, and for making magnetic observations in other regions under the jurisdiction of the United States, including the purchase of additional magnetic instruments, and the lease of sites where necessary and the erection of temporary magnetic buildings; for continuing the line of exact levels between the Atlantic, Pacific, and Gulf coasts; for furnishing points to State surveys, to be applied as far as practicable in States where points have not been furnished; for determinations of geographical positions and for continuing gravity observations, fifty thousand dollars.

For any special surveys that may be required by the Light-House Board or other proper authority, and contingent expenses incident thereto, thirteen thousand four hundred dollars, to be immediately available and remain available until expended.

International Geodetic Association.

For objects not hereinbefore named that may be deemed urgent, including the actual necessary expenses of officers of the field force temporarily ordered to the office at Washington for consultation with the Superintendent, to be paid as directed by the Superintendent, in accordance with the Treasury regulations, and for the expenses of the attendance of the American delegate at the meetings of the International Geodetic Association, not to exceed five hundred and fifty dollars, four thousand dollars.

Proviso.
Interchangeable expenditures.

Provided, That ten per centum of the foregoing amounts shall be available interchangeably for expenditure on the objects named; but no more than ten per centum shall be added to any one item of appropriation;

And hereafter the Secretary of the Treasury is authorized to purchase, from the appropriation for the United States Coast and Geodetic Survey, provisions, clothing, and small stores for the enlisted men, and food supplies for field parties working in remote localities, such provisions, clothing, small stores, and food supplies to be sold to the employees of said Survey and the appropriation reimbursed; in all, for field expenses, two hundred and sixty thousand dollars.

Repairs of vessels.

FOR REPAIRS AND MAINTENANCE OF VESSELS: For repairs and maintenance of the complement of vessels used in the Coast and Geodetic Survey, including the traveling expenses of the person inspecting the repairs, twenty-nine thousand six hundred dollars.

Pay of officers and men.

OFFICERS AND MEN, VESSELS, COAST SURVEY: For all necessary employees to man and equip the vessels of the Coast and Geodetic Survey to execute the work of the Survey herein provided for and authorized by law, one hundred and eighty-two thousand seven hundred and forty-five dollars.

Pay of seamen.

PAY AND SUBSISTENCE OF PROFESSIONAL SEAMEN: For pay and subsistence of professional seamen serving as executive officers and mates on the vessels of the Survey, to be immediately available, twenty-seven thousand five hundred dollars.

Salaries.
Superintendent.

SALARIES, COAST AND GEODETIC SURVEY: For Superintendent, five thousand dollars;

Assistants.

For pay of assistants, to be employed in the field or office, as the Superintendent may direct:

For two assistants, at four thousand dollars each;

For one assistant, three thousand two hundred dollars;
 For five assistants, at three thousand dollars each;
 For five assistants, at two thousand five hundred dollars each;
 For one assistant, two thousand four hundred dollars;
 For eight assistants, at two thousand two hundred dollars each;
 For eight assistants, at two thousand dollars each;
 For three assistants, at one thousand eight hundred dollars each;
 For four assistants, at one thousand six hundred dollars each;
 For three assistants, at one thousand four hundred dollars each;
 For eight assistants, at one thousand two hundred dollars each;
 For six aids, at nine hundred dollars each;
 For twenty-three aids, at seven hundred and twenty dollars each;
 in all, one hundred and twenty-seven thousand two hundred and sixty dollars.

PAY OF OFFICE FORCE: For one disbursing agent, two thousand Office force.
 two hundred dollars;

For one chief of division of library and archives, one thousand eight hundred dollars;

For clerical force, namely:

For two, at one thousand eight hundred dollars each;

For two, at one thousand six hundred and fifty dollars each;

For four, at one thousand four hundred dollars each;

For six, at one thousand two hundred dollars each;

For three, at one thousand dollars each;

For chart correctors, buoy colorists, stenographers, writers, type-writers, and copyists, namely:

For two, at one thousand two hundred dollars each;

For three, at nine hundred dollars each;

For one, at eight hundred dollars;

For seven, at seven hundred and twenty dollars each;

For one, at six hundred dollars;

For topographic and hydrographic draftsmen, namely:

For one, at two thousand four hundred dollars;

For one, at two thousand two hundred dollars;

For two, at two thousand dollars each;

For three, at one thousand eight hundred dollars each;

For two, at one thousand six hundred dollars each;

For two, at one thousand four hundred dollars each;

For one, at one thousand two hundred dollars;

For three, at one thousand dollars each;

For two, at nine hundred dollars each;

For one, at seven hundred dollars;

For astronomical, geodetic, tidal, and miscellaneous computers, namely:

For two, at two thousand dollars each;

For one, at one thousand eight hundred dollars;

For four, at one thousand six hundred dollars each;

For one, at one thousand four hundred dollars;

For one, at one thousand two hundred dollars;

For three, at one thousand dollars each;

For copperplate engravers, namely:

For three, at two thousand dollars each;

For two, at one thousand eight hundred dollars each;

For two, at one thousand six hundred dollars each;

For one, at one thousand four hundred dollars;

For two, at one thousand two hundred dollars each;

For two, at one thousand dollars each;

For four, at nine hundred dollars each;

For one, at seven hundred dollars;

For electrotypers and photographers, plate printers and their helpers,

instrument makers, carpenters, engineer, and other skilled laborers, namely:

For two, at one thousand eight hundred dollars each;
 For one, at one thousand six hundred dollars;
 For nine, at one thousand two hundred dollars each;
 For five, at one thousand dollars each;
 For one, at nine hundred dollars;
 For six, at seven hundred dollars each;
 For watchmen, firemen, messengers, and laborers, packers and folders, and miscellaneous work, namely:
 For three, at eight hundred and eighty dollars each;
 For four, at eight hundred and twenty dollars each;
 For two, at seven hundred dollars each;
 For two, at six hundred and forty dollars each;
 For four, at six hundred and thirty dollars each;
 For two, at five hundred and fifty dollars each;
 For one laborer, at five hundred and fifty dollars;
 For two, at three hundred and sixty-five dollars each; in all, one hundred and forty-five thousand two hundred and forty dollars.

Office expenses.

OFFICE EXPENSES: For the purchase of new instruments, for materials and supplies required in the instrument shop, carpenter shop, and drawing division, and for books, maps, charts, and subscriptions; for copper plates, chart paper, printer's ink, copper, zinc, and chemicals for electrotyping and photographing; engraving, printing, photographing, and electrotyping supplies; and for photolithographing charts and printing from stone and copper for immediate use; for stationery for the office and field parties, transportation of instruments and supplies when not charged to party expenses, office wagon and horses, heating, lighting, and power, telephone, telegrams, ice, and washing, office furniture, repairs other than for buildings, traveling expenses of assistants and others employed in the office sent on special duty in the service of the office, contingencies of all kinds, and for extra labor not to exceed two thousand dollars; in all, thirty-two thousand dollars.

For the discussion and publication of observations, one thousand dollars.

Allowance.

That no part of the money herein appropriated for the Coast and Geodetic Survey shall be available for allowance to civilian or other officers for subsistence while on duty at Washington (except as heretofore provided for officers of the field force ordered to Washington for short periods for consultation with the Superintendent), except as now provided by law.

Smithsonian Institution.

UNDER SMITHSONIAN INSTITUTION.

International exchanges.

INTERNATIONAL EXCHANGES: For expenses of the system of international exchanges between the United States and foreign countries, under the direction of the Smithsonian Institution, including salaries or compensation of all necessary employees, and the purchase of necessary books and periodicals, twenty-four thousand dollars.

American ethnology.

AMERICAN ETHNOLOGY: For continuing ethnological researches among the American Indians, under the direction of the Smithsonian Institution, including salaries or compensation of all necessary employees and the purchase of necessary books and periodicals, fifty thousand dollars, of which sum not exceeding one thousand five hundred dollars may be used for rent of building.

Astrophysical observatory.

ASTROPHYSICAL OBSERVATORY: For maintenance of Astrophysical Observatory, under the direction of the Smithsonian Institution, including salaries of assistants, the purchase of necessary books and periodicals, apparatus, printing and publishing results of researches,

not exceeding one thousand five hundred copies, repairs and alterations of buildings, and miscellaneous expenses, twelve thousand dollars. That the Secretary of the Smithsonian Institution is directed to report to Congress on the first day of the next regular session an entire account of all appropriations heretofore expended by the Astrophysical Observatory, what results have been reached, and what is the present condition of the work of said observatory.

NATIONAL MUSEUM: For cases, furniture, fixtures, and appliances required for the exhibition and safe-keeping of the collections of the National Museum, including salaries or compensation of all necessary employees, twenty thousand dollars.

National Museum.

For expense of heating, lighting, electrical, telegraphic, and telephonic service for the National Museum, including five thousand dollars for electric installation, twenty-three thousand dollars.

For removing old boilers in the National Museum building, and for the purchase and installation of new boilers, including material and labor for necessary alterations and connections, twelve thousand five hundred dollars.

For continuing the preservation, exhibition, and increase of the collections from the surveying and exploring expeditions of the Government, and from other sources, including salaries or compensation of all necessary employees, one hundred and eighty thousand dollars, of which sum five thousand five hundred dollars may be used for necessary drawings and illustrations for publications of the National Museum; and all other necessary incidental expenses.

For purchase of specimens to supply deficiencies in the collections of the National Museum, ten thousand dollars.

For purchase of books, pamphlets, and periodicals for reference in the National Museum, two thousand dollars.

For repairs to buildings, shops, and sheds, National Museum, including all necessary labor and material, fifteen thousand dollars.

For construction of two galleries in the National Museum building, five thousand dollars.

For rent of workshops and temporary storage quarters for the National Museum, four thousand four hundred dollars.

For postage stamps and foreign postal cards for the National Museum, five hundred dollars.

NATIONAL ZOOLOGICAL PARK: For continuing the construction of roads, walks, bridges, water supply, sewerage and drainage; and for grading, planting, and otherwise improving the grounds; erecting and repairing buildings and inclosures; care, subsistence, purchase, and transportation of animals; including salaries or compensation of all necessary employees; the purchase of necessary books and periodicals, the printing and publishing of operations, not exceeding one thousand five hundred copies, and general incidental expenses not otherwise provided for, eighty thousand dollars; one-half of which sum shall be paid from the revenues of the District of Columbia and the other half from the Treasury of the United States; and of the sum hereby appropriated five thousand dollars shall be used for continuing the entrance into the Zoological Park from Cathedral avenue and opening driveway into Zoological Park, including necessary grading and removal of earth.

Zoological Park.

FISH COMMISSION.

Fish Commission.

OFFICE OF COMMISSIONER: For Commissioner, five thousand dollars; chief clerk, two thousand four hundred dollars; stenographer to Commissioner, one thousand six hundred dollars; librarian, one thousand two hundred dollars; one clerk of class four; two clerks of class three; private secretary, one thousand two hundred dollars; one clerk, one

Pay of Commissioner, clerks, etc.

thousand dollars; two clerks, at nine hundred dollars each; one engineer, one thousand and eighty dollars; three firemen, at six hundred dollars each; two watchmen, at seven hundred and twenty dollars each; four janitors and messengers, at six hundred dollars each; one janitress, four hundred and eighty dollars; one messenger, two hundred and forty dollars; in all, twenty-six thousand six hundred and forty dollars.

Office of accounts.

Office of accounts: Disbursing agent, two thousand two hundred dollars; examiner of accounts, one thousand six hundred dollars; property clerk, one thousand six hundred dollars; one clerk of class one; bookkeeper, one thousand and eighty dollars; in all, seven thousand six hundred and eighty dollars.

Office of architect and engineer.

Office of architect and engineer: Architect and engineer, two thousand two hundred dollars; draftsman, one thousand two hundred dollars; draftsman, nine hundred dollars; clerk, seven hundred and twenty dollars; in all, five thousand and twenty dollars.

Division of fish culture.

Division of fish culture—Office: Assistant in charge, two thousand seven hundred dollars; superintendent of car and messenger service, one thousand six hundred dollars; one clerk of class three; one clerk of class two; two clerks of class one; one copyist, seven hundred and twenty dollars; in all, ten thousand four hundred and twenty dollars.

Division of fish culture—Station employees: Central Station, Washington, District of Columbia: Clerk, nine hundred dollars; skilled laborer, seven hundred and twenty dollars; laborer, four hundred and eighty dollars; in all, two thousand one hundred dollars.

Central Station.

Aquaria, Central Station: Superintendent, nine hundred and sixty dollars; skilled laborer, seven hundred and twenty dollars; in all, one thousand six hundred and eighty dollars.

Fish ponds.

Fish ponds, Washington, District of Columbia: Superintendent, one thousand five hundred dollars; foreman, eight hundred and forty dollars; two laborers, at six hundred and sixty dollars each; in all, three thousand six hundred and sixty dollars.

Green Lake, Me.

Green Lake (Maine) Station: Superintendent, one thousand five hundred dollars; foreman, seven hundred and eighty dollars; fish-culturist, six hundred and sixty dollars; two laborers, at five hundred and forty dollars each; in all, four thousand and twenty dollars.

Craigs Brook, Me.

Craigs Brook (Maine) Station: Superintendent, one thousand five hundred dollars; foreman, seven hundred and twenty dollars; one skilled laborer, six hundred dollars; two laborers, at five hundred and forty dollars each; in all, three thousand nine hundred dollars.

St Johnsbury, Vt.

Saint Johnsbury (Vermont) Station: Superintendent, one thousand five hundred dollars; fish-culturist, nine hundred dollars; skilled laborer, seven hundred and twenty dollars; two laborers, at six hundred dollars each; in all, four thousand three hundred and twenty dollars.

Gloucester, Mass.

Gloucester (Massachusetts) Station: Superintendent, one thousand five hundred dollars; fish-culturist, nine hundred dollars; three laborers, at six hundred dollars each; in all, four thousand two hundred dollars.

Woods Hole, Mass.

Woods Hole (Massachusetts) Station: Superintendent, one thousand five hundred dollars; machinist, nine hundred and sixty dollars; fish-culturist, nine hundred dollars; pilot and collector, seven hundred and twenty dollars; three firemen, at six hundred dollars each; one skilled laborer, six hundred dollars; three laborers, at five hundred and forty dollars each; in all, eight thousand one hundred dollars.

Cape Vincent, N. Y.

Cape Vincent (New York) Station: Superintendent, one thousand five hundred dollars; skilled laborer, seven hundred and twenty dollars; machinist, nine hundred and sixty dollars; two firemen, at seven hundred and twenty dollars each; two laborers, at five hundred and forty dollars each; in all, five thousand seven hundred dollars.

Battery Island, Md.

Battery Island (Maryland) Station: Custodian, three hundred and sixty dollars.

Bryans Point (Maryland) Station: Custodian, three hundred and sixty dollars.

Bryans Point, Md.

Wytheville (Virginia) Station: Superintendent, one thousand five hundred dollars; foreman, nine hundred dollars; fish-culturist, six hundred and sixty dollars; laborer, five hundred and forty dollars; laborer, three hundred and sixty dollars; in all, three thousand nine hundred and sixty dollars.

Wytheville, Va.

Put in Bay (Ohio) Station: Superintendent, one thousand five hundred dollars; foreman, one thousand dollars; skilled laborer, six hundred dollars; machinist, nine hundred and sixty dollars; laborer, five hundred and forty dollars; in all, four thousand six hundred dollars.

Put in Bay, Ohio.

Northville (Michigan) Station: Superintendent, one thousand five hundred dollars; foreman, nine hundred and sixty dollars; fish-culturist, nine hundred dollars; skilled laborer, six hundred dollars; three laborers, at five hundred and forty dollars each; in all, five thousand five hundred and eighty dollars.

Northville, Mich.

Alpena (Michigan) Station: Foreman, one thousand two hundred dollars; fish-culturist, nine hundred dollars; in all, two thousand one hundred dollars.

Alpena, Mich.

Duluth (Minnesota) Station: Superintendent, one thousand five hundred dollars; foreman, nine hundred dollars; fish-culturist, eight hundred and forty dollars; two laborers, at six hundred dollars each; in all, four thousand four hundred and forty dollars.

Duluth, Minn.

Neosho (Missouri) Station: Superintendent, one thousand five hundred dollars; foreman, nine hundred dollars; skilled laborer, seven hundred and twenty dollars; one laborer, six hundred dollars; in all, three thousand seven hundred and twenty dollars.

Neosho, Mo.

Leadville (Colorado) Station: Superintendent, one thousand five hundred dollars; foreman, one thousand two hundred dollars; two fish-culturists, at nine hundred dollars each; skilled laborer, seven hundred and twenty dollars; two laborers, at six hundred dollars each; cook, four hundred and eighty dollars; in all, six thousand nine hundred dollars.

Leadville, Colo.

San Marcos (Texas) Station: Superintendent, one thousand five hundred dollars; fish-culturist, nine hundred dollars; three laborers, at five hundred and forty dollars each; in all, four thousand and twenty dollars.

San Marcos, Tex.

Baird (California) and Fort Gaston (California) stations: Superintendent, one thousand five hundred dollars; foreman, one thousand and eighty dollars; foreman, nine hundred dollars; laborer, six hundred dollars; laborer, five hundred and forty dollars; in all, four thousand six hundred and twenty dollars.

Baird and Fort Gaston, Cal.

Clackamas (Oregon) Station: Superintendent, one thousand five hundred dollars; fish-culturist, nine hundred dollars; laborer, seven hundred and twenty dollars; two laborers, at six hundred dollars each; in all, four thousand three hundred and twenty dollars.

Clackamas, Oreg.

Manchester (Iowa) Station: Superintendent, one thousand five hundred dollars; fish-culturist, nine hundred dollars; three laborers, at five hundred and forty dollars each; in all, four thousand and twenty dollars.

Manchester, Iowa

Bozeman (Montana) Station: Superintendent, one thousand five hundred dollars; fish-culturist, nine hundred dollars; two laborers, at five hundred and forty dollars each; in all, three thousand four hundred and eighty dollars.

Bozeman, Mont.

Erwin (Tennessee) Station: Superintendent, one thousand five hundred dollars; fish-culturist, nine hundred dollars; three laborers, at five hundred and forty dollars each; in all, four thousand and twenty dollars.

Erwin, Tenn.

Nashua (New Hampshire) Station: Superintendent, one thousand five hundred dollars; fish-culturist, nine hundred dollars; two laborers, at

Nashua, N. H.

five hundred and forty dollars each; in all, three thousand four hundred and eighty dollars.

Edenton, N. C.

Edenton (North Carolina) Station: Superintendent, one thousand five hundred dollars; fish-culturist, nine hundred dollars; two laborers, at five hundred and forty dollars each; in all, three thousand four hundred and eighty dollars.

Baker Lake, Wash.

Baker Lake (Washington) Station: Superintendent, one thousand five hundred dollars; fish-culturist, nine hundred dollars; two laborers, at five hundred and forty dollars each; in all, three thousand four hundred and eighty dollars.

Cold Springs, Ga.

Cold Springs (Georgia) Station: Superintendent, one thousand five hundred dollars; fish-culturist, nine hundred dollars; two laborers, at five hundred and forty dollars each; in all, three thousand four hundred and eighty dollars.

Spearfish, S. Dak.

Spearfish (South Dakota) Station: Superintendent, one thousand five hundred dollars; fish-culturist, nine hundred dollars; two laborers, at five hundred and forty dollars each; in all, three thousand four hundred and eighty dollars.

Employees at large.

Employees at large: Two field-station superintendents, at one thousand eight hundred dollars each; two fish-culturists, at nine hundred and sixty dollars each; two fish-culturists, at nine hundred dollars each; five machinists, at nine hundred and sixty dollars each; two coxswains, at seven hundred and twenty dollars each; in all, thirteen thousand five hundred and sixty dollars.

Distribution employees.

Distribution employees: Four car captains, at one thousand two hundred dollars each; five car messengers, at one thousand dollars each; four assistant car messengers, at nine hundred dollars each; four car laborers, at seven hundred and twenty dollars each; four car cooks, at six hundred dollars each; in all, eighteen thousand six hundred and eighty dollars.

Division of inquiry, food-fishes.

Division of inquiry respecting food-fishes: Assistant in charge, two thousand seven hundred dollars; assistant, two thousand five hundred dollars; assistant, one thousand six hundred dollars; two assistants, at one thousand two hundred dollars each; assistant, nine hundred dollars; assistant, seven hundred and twenty dollars; one clerk class one; one clerk, at nine hundred dollars; one copyist, seven hundred and twenty dollars; in all, thirteen thousand six hundred and forty dollars.

Division of statistics, etc.

Division of statistics and methods of the fisheries: Assistant in charge, two thousand five hundred dollars; one clerk of class four; one clerk of class two; two clerks, at one thousand dollars each; one clerk, nine hundred dollars; two clerks, at seven hundred and twenty dollars each; statistical agent, one thousand four hundred dollars; three statistical agents, at one thousand dollars each; one local agent at Boston, Massachusetts, three hundred dollars; one local agent at Gloucester, Massachusetts, six hundred dollars; in all, fifteen thousand three hundred and forty dollars.

Vessels.
"Albatross."

Vessel service: Steamer Albatross: One naturalist, one thousand eight hundred dollars; one general assistant, one thousand two hundred dollars; one fishery expert, one thousand two hundred dollars; clerk, one thousand dollars; in all, five thousand two hundred dollars.

"Fish Hawk."

Steamer Fish Hawk: One cabin boy, three hundred dollars.

"Grampus."

Schooner Grampus: Master, one thousand five hundred dollars; first mate, one thousand and eighty dollars; second mate, eight hundred and forty dollars; cook, six hundred dollars; three seamen, at five hundred and forty dollars each; one cabin boy, four hundred and twenty dollars; in all, six thousand and sixty dollars.

Administration expenses.

Expenses of administration: For contingent expenses of the office of the Commissioner, including stationery, purchase of special reports, books for library, telegraph and telephone service, furniture, repairs

to and heating, lighting, and equipment of buildings, and compensation of temporary employees, twelve thousand five hundred dollars.

Propagation of food-fishes: For maintenance, equipment, and operations of the fish-cultural stations of the Commission, the general propagation of food-fishes and their distribution, including the movement, maintenance, and repairs of cars, purchase of equipment and apparatus, contingent expenses, and temporary labor, one hundred and seventy-five thousand dollars. Propagation of food-fishes.

Maintenance of vessels: For maintenance of the vessels and launches, including the purchase and repair of boats, apparatus, machinery, and other facilities required for use with the same, hire of vessels, and all other necessary expenses in connection therewith, thirty-five thousand dollars. Maintenance of vessels.

Manchester (Iowa) Station: For the purchase or construction of a vessel to be used on the Mississippi River for the Manchester (Iowa) Station, five thousand dollars. Manchester, Iowa.

Green Lake (Maine) Station: For the construction of additional ponds and procurement of increased water supply; for building railway and boathouse for steamer Senator, and for repairs to that vessel; for extension of wharf, repair of main flume, and construction of road from station to county road, four thousand dollars. Green Lake, Me.

Inquiry respecting food-fishes: For field and contingent expenses of the inquiry into the causes of the decrease of food-fishes in the lakes, rivers, and coast waters of the United States, and for the study of the waters of the interior in the interest of fish-culture; for the investigation of the fishing-grounds of the Atlantic, Gulf, and Pacific coasts, with the view of determining their food resources, in the development of the commercial fisheries, expenses of necessary travel and preparation of reports, and for all other necessary expenses in connection therewith, twenty-two thousand five hundred dollars. Inquiry, food-fishes.

Statistical inquiry: For necessary traveling and contingent expenses in the collection and compilation of the statistics of the fisheries and the study of their methods and relations, seven thousand five hundred dollars. Statistical inquiry.

And ten per centum of the foregoing amounts for the miscellaneous expenses of the work of the Commission shall be available interchangeably for expenditure on the objects named, but no more than ten per centum shall be added to any one item of appropriation.

For the purchase of additional land and water rights and construction of additional ponds at the San Marcos, Texas, station, eight thousand dollars. San Marcos, Tex.

For the establishment of a fish-hatching and fish-culture station at the town of Tupelo, in the State of Mississippi, twenty thousand dollars. Tupelo, Miss.

For constructing and equipping a lobster hatchery upon the coast of Maine, including the purchase of land and water rights, authorized by the Act approved February fourth, nineteen hundred and one, ten thousand dollars. Maine lobster hatchery. *Aide*, p. 739.

INTERSTATE COMMERCE COMMISSION.

For salaries of Commissioners, as provided by the "Act to regulate commerce," thirty-seven thousand five hundred dollars; Interstate Commerce Commission.

For salary of secretary, as provided by the "Act to regulate commerce," three thousand five hundred dollars; Salaries.

For all other necessary expenditures, to enable the Commission to give effect to the provisions of the "Act to regulate commerce," and all Acts and amendments supplementary thereto, two hundred and nine thousand dollars; of which sum not exceeding twenty-five thousand dollars may Expenses. *Vol. 24*, p. 379. *Vol. 25*, p. 855. *Vol. 26*, p. 743.

be expended in the employment of counsel, and not exceeding one thousand five hundred dollars may be expended for the purchase of necessary books, reports, and periodicals, and not exceeding one thousand five hundred dollars may be expended for printing other than that done at the Government Printing Office.

In all, two hundred and fifty thousand dollars.

Unexpended balance for expenses under "Act concerning carriers engaged in interstate commerce," etc., reappropriated.
Vol. 30, pp. 428, 1090, etc.

The unexpended balance of the sum of ten thousand dollars appropriated for the fiscal year eighteen hundred and ninety-nine by the "Act concerning carriers engaged in interstate commerce and their employees," approved June first, eighteen hundred and ninety-eight, which was reappropriated by the Act of March third, eighteen hundred and ninety-nine, and made available for the fiscal year nineteen hundred, and reappropriated by Act of June sixth, nineteen hundred, and made available for the fiscal year nineteen hundred and one, is hereby reappropriated and made available for expenses that may be incurred under said Act during the fiscal year nineteen hundred and two.

Enforcement of "Act to promote safety of employees, etc., on railroads,"
Vol. 27, p. 531.

To enable the Interstate Commerce Commission to keep informed regarding compliance with the "Act to promote the safety of employees and travelers upon railroads," approved March second, eighteen hundred and ninety-three, and to enforce the requirements of the said Act, twenty-five thousand dollars.

Miscellaneous.

MISCELLANEOUS OBJECTS UNDER THE TREASURY DEPARTMENT.

Hawaii.
Appropriation for paying public debt of.
Vol. 30, p. 751.

PAYMENT OF DEBT OF HAWAII: To carry into effect the agreement embodied in joint resolution "To provide for annexing the Hawaiian Islands," approved July seventh, eighteen hundred and ninety-eight, as follows:

For payment of the public debt of the Republic of Hawaii lawfully existing at the date of the passage of said resolution, three million two hundred and thirty-five thousand four hundred and twenty-nine dollars and sixty-nine cents; for payment of interest accruing thereon after June fifteenth, nineteen hundred, the date on which the Act to provide a government for the Territory of Hawaii went into effect, until paid, or so much thereof as may be necessary, two hundred and twenty-three thousand nine hundred and fifty-five dollars and forty-eight cents; for payment of commissions and all other expenses incurred in carrying into effect the terms of said resolution, or so much thereof as may be necessary, twenty thousand dollars; in all, three million four hundred and seventy-eight thousand three hundred and eighty-five dollars and seventeen cents, the same to be immediately available.

Paper and stamps.

PAPER AND STAMPS: For paper for internal-revenue stamps, including freight, sixty thousand dollars.

Punishing violations of internal-revenue laws.

PUNISHMENT FOR VIOLATIONS OF INTERNAL-REVENUE LAWS: For detecting and bringing to trial and punishment persons guilty of violating the internal-revenue laws or conniving at the same, including payments for information and detection of such violations, one hundred thousand dollars; and the Commissioner of Internal Revenue shall make a detailed statement to Congress once in each year as to how he has expended this sum, and also a detailed statement of all miscellaneous expenditures in the Bureau of Internal Revenue for which appropriation is made in this Act: *Provided*, That necessary books of reference and periodicals for the chemical laboratory and law library, at a cost not to exceed five hundred dollars, may be purchased out of the appropriation made for the fiscal year nineteen hundred and two, for salaries and expenses of agents and surveyors, fees and expenses of gaugers, salaries of storekeepers, and for miscellaneous expenses

Proviso.
Purchase of books for chemical laboratory.

CONTINGENT EXPENSES, INDEPENDENT TREASURY: For contingent expenses under the requirements of section thirty-six hundred and fifty-three of the Revised Statutes of the United States, for the collection, safe-keeping, transfer, and disbursement of the public money, and for transportation of notes, bonds, and other securities of the United States, two hundred thousand dollars.

Contingent expenses,
Independent Treasury.
R. S., sec. 3653, p. 719.

TRANSPORTATION OF SILVER COIN: For transportation of silver coin, including fractional silver coin, by registered mail or otherwise, one hundred thousand dollars; and in expending this sum the Secretary of the Treasury is authorized and directed to transport from the Treasury or subtreasuries, free of charge, silver coin when requested to do so: *Provided*, That an equal amount in coin or currency shall have been deposited in the Treasury or such subtreasuries by the applicant or applicants. And the Secretary of the Treasury shall report to Congress the cost arising under this appropriation.

Transporting silver coin.

Proviso.
—condition.

RECOINAGE OF GOLD COINS: For recoinage of light-weight gold coins in the Treasury, to be expended under the direction of the Secretary of the Treasury, as required by section thirty-five hundred and twelve of the Revised Statutes of the United States, three thousand dollars.

Recoinage of gold coins.
R. S., sec. 3512, p. 696.

TRANSPORTATION OF MINOR COIN: For transportation of minor coin, fifteen thousand dollars; and in expending this sum the Secretary of the Treasury is authorized and directed to transport from the Treasury or subtreasuries, free of charge, minor coin when requested to do so: *Provided*, That an equal amount in coin or currency shall have been deposited in the Treasury or such subtreasuries by the applicant or applicants. And the Secretary of the Treasury shall report to Congress the cost arising under this appropriation.

Transporting minor coin.

Proviso.
—condition.

DISTINCTIVE PAPER FOR UNITED STATES SECURITIES: For paper, including transportation, salaries of register, three counters, five watchmen, one laborer, and expenses of officer detailed from the Treasury as superintendent, one hundred and thirty-one thousand dollars.

United States securities.
Distinctive paper.

SPECIAL WITNESS OF DESTRUCTION OF UNITED STATES SECURITIES: For pay of the representative of the public on the committee to witness the destruction by maceration of Government securities, at five dollars per day while actually employed, one thousand five hundred and sixty-five dollars.

—witness of destruction.

SEALING AND SEPARATING UNITED STATES SECURITIES: For materials required to seal and separate United States notes and certificates, such as ink, printers' varnish, sperm oil, white printing paper, manila paper, thin muslin, benzine, gutta-percha belting, and other necessary articles and expenses, one thousand dollars.

—sealing and separating.

EXPENSES OF NATIONAL CURRENCY: For distinctive paper, express charges, and other expenses, thirty-four thousand dollars.

Expenses, national currency.

CANCELING UNITED STATES SECURITIES AND CUTTING DISTINCTIVE PAPER: For extra knives for cutting machines and sharpening same; and leather belting, new dies and punches, repairs to machinery, oil, cotton waste, and other necessary expenses connected with the cancellation of redeemed United States securities, two hundred dollars.

Canceling, etc.

CUSTODY OF DIES, ROLLS, AND PLATES: For pay of custodian of dies, rolls, and plates used at the Bureau of Engraving and Printing for the printing of Government securities, namely: One custodian, three thousand dollars; two subcustodians, one at two thousand and one at one thousand eight hundred dollars; three distributors of stock, at one thousand four hundred dollars each; in all, eleven thousand dollars.

Custody of dies, rolls, and plates.

PAY OF ASSISTANT CUSTODIANS AND JANITORS: For pay of assistant custodians and janitors, including all personal services in connection with the care of all public buildings under control of the Treasury Department outside of the District of Columbia, one million and eighty-six thousand two hundred dollars; and the Secretary of the Treasury

Public buildings.
Assistant custodians and janitors.

shall so apportion this sum as to prevent a deficiency therein, and hereafter no other fund appropriated shall be used for this service.

Inspector of supplies.

GENERAL INSPECTOR OF SUPPLIES FOR PUBLIC BUILDINGS: For one general inspector, under the direction of the Secretary of the Treasury, to be appointed by the President, by and with the advice and consent of the Senate, three thousand dollars; and for actual necessary expenses, not exceeding two thousand dollars; in all, five thousand dollars.

Inspector of furniture.

INSPECTOR OF FURNITURE AND OTHER FURNISHINGS FOR PUBLIC BUILDINGS: To enable the Secretary of the Treasury to employ a suitable person to inspect all public buildings and examine into their requirements for furniture and other furnishings, including fuel, lights, personal services, and other current expenses, two thousand five hundred dollars; and for actual necessary expenses, not exceeding two thousand dollars; in all, four thousand five hundred dollars.

Furniture and repairs.

FURNITURE AND REPAIRS OF FURNITURE: For furniture and repairs of same, carpets, and gas and electric-light fixtures, for all public buildings, exclusive of marine hospitals, mints, branch mints, and assay offices, under the control of the Treasury Department, and for furniture, carpets, gas and electric-light fixtures for new buildings, exclusive of personal services, except for work done by contract, two hundred and fifty-six thousand five hundred dollars. And all furniture now owned by the United States in other public buildings shall be used, so far as practicable, whether it corresponds with the present regulation plan for furniture or not.

Fuel, lights, and water.

FUEL, LIGHTS, AND WATER FOR PUBLIC BUILDINGS: For the purchase of fuel, steam, light, water, water meters, ice, lighting supplies, electric current for light and power purposes, and miscellaneous items for the use of the custodians' forces in the care of the buildings, furniture, and heating, hoisting, and ventilating apparatus, and electric-light plants, exclusive of personal service, and for expenses of installing electric-light plants, electric-light wiring, and repairs thereto, in such buildings completed and occupied as may be designated by the Secretary of the Treasury, for all public buildings, exclusive of marine hospitals, mints, branch mints, and assay offices under the control of the Treasury Department, inclusive of new buildings, nine hundred and fifteen thousand dollars. And the appropriation herein made for gas shall include the rental and use of gas governors, when ordered by the Secretary of the Treasury in writing: *Provided*, That no sum shall be paid as rental for such gas governors greater than thirty-five per centum of the actual value of the gas saved thereby, which saving shall be determined by such tests as the Secretary of the Treasury shall direct. No portion of the amount herein appropriated shall be used for operating a system of pneumatic tubes for the transmission of postal matter.

Gas.

Proviso.
Gas governors.

Pneumatic tubes.

Suppressing counterfeiting.

SUPPRESSING COUNTERFEITING AND OTHER CRIMES: For expenses incurred under the authority or with the approval of the Secretary of the Treasury in detecting, arresting, and delivering into the custody of the United States marshal having jurisdiction, dealers and pretended dealers in counterfeit money, and persons engaged in counterfeiting Treasury notes, bonds, national-bank notes, and other securities of the United States and of foreign governments, as well as the coins of the United States and of foreign governments, and other felonies committed against the laws of the United States relating to the pay and bounty laws, including two thousand dollars to make the necessary investigation of claims for reimbursement of expenses incident to the last sickness and burial of deceased pensioners under section forty-seven hundred and eighteen of the Revised Statutes, and for no other purpose whatever, one hundred thousand dollars: *Provided*, That no part of this amount be used in defraying the expenses of any person subpoenaed by the United States courts to attend any trial before a United

R. S., sec. 4718, p. 919.

Proviso.
Witnesses.

States court or preliminary examination before any United States commissioner, which expenses shall be paid from the appropriation for "Fees of witnesses, United States courts."

COMPENSATION IN LIEU OF MOIETIES: For compensation in lieu of moieties in certain cases under the customs revenue laws, twenty thousand dollars. Compensation in lieu of moieties.

EXPENSES OF LOCAL APPRAISERS' MEETINGS: For defraying the necessary expenses of local appraisers at annual meetings for the purpose of securing uniformity in the appraisement of dutiable goods at different ports of entry, one thousand two hundred dollars. Local appraisers' meetings.

ALASKAN SEAL FISHERIES: For salaries and traveling expenses of agents at seal fisheries in Alaska, as follows: For one agent, three thousand six hundred and fifty dollars; one assistant agent, two thousand nine hundred and twenty dollars; two assistant agents, at two thousand one hundred and ninety dollars each; necessary traveling expenses of agents actually incurred in going to and returning from Alaska, not to exceed five hundred dollars each per annum; in all, twelve thousand nine hundred and fifty dollars. Alaskan seal fisheries.

To enable the Secretary of the Treasury to furnish food, fuel, and clothing to the native inhabitants on the islands of Saint Paul and Saint George, Alaska, nineteen thousand five hundred dollars. Food to natives.

For the protection of the salmon fisheries of Alaska under the direction of the Secretary of the Treasury, seven thousand dollars. Salmon fisheries.

To enable the Secretary of the Treasury to pay necessary expenses of enforcing the conditions of section four of the Act approved April sixth, eighteen hundred and ninety-four, giving effect to the award rendered by the Tribunal of Arbitration, at Paris, eighteen hundred and ninety-three, one hundred dollars. Enforcing award of Paris tribunal.
Vol. 23, p. 52.

ENFORCEMENT OF THE CHINESE EXCLUSION ACT: To prevent unlawful entry of Chinese into the United States, by the appointment of suitable officers to enforce the laws in relation thereto, and for expenses of returning to China all Chinese persons found to be unlawfully in the United States, including the cost of imprisonment and actual expense of conveyance of Chinese persons to the frontier or seaboard for deportation, and for enforcing the provisions of the Act approved May fifth, eighteen hundred and ninety-two, entitled "An Act to prohibit the coming of Chinese persons into the United States," two hundred thousand dollars, of which sum one thousand dollars per annum shall be paid to the collector of customs at Port Townsend as additional compensation, and one thousand dollars per annum shall be paid to the Commissioner-General of Immigration as additional compensation. Chinese exclusion.

Vol. 57, p. 25.

ENFORCEMENT OF ALIEN CONTRACT-LABOR LAWS: For the enforcement of the alien contract-labor laws and to prevent the immigration of convicts, lunatics, idiots, and persons liable to become a public charge, from foreign contiguous territory, one hundred and fifty thousand dollars: *Provided*, That hereafter nothing in section four of the Act of August fifth, eighteen hundred and eighty-two (Twenty-two Statutes, two hundred and fifty-five), shall be construed to prevent the detailing of one officer employed in the enforcement of the alien contract-labor laws for duty at the Treasury Department at Washington. Enforcing alien contract-labor laws.

Proviso.
Detail of officer for Washington.

LANDS AND OTHER PROPERTY OF THE UNITED STATES: For custody, care, protection, and expenses of sales of lands and other property of the United States, the examination of titles, recording of deeds, advertising, and auctioneers' fees, four hundred dollars. Lands.

QUARANTINE SERVICE.

Quarantine service.

For the maintenance and ordinary expenses, including pay of officers and employees of quarantine stations at Delaware Breakwater, Reedy

Maintenance.

Island, Cape Charles and supplemental station, Cape Fear, Savannah, South Atlantic, and Brunswick, Key West, Mullet Key, Gulf, San Diego, San Francisco, Columbia River, Port Townsend, quarantine system of the Hawaiian Islands, and the quarantine system of Porto Rico, three hundred and ten thousand dollars.

PREVENTION OF EPIDEMICS.

Prevention of epidemics.

Autc, p. 612.

The President of the United States is hereby authorized, in case of threatened or actual epidemic of cholera, yellow fever, smallpox, bubonic plague, or Chinese plague, or black death, to use the unexpended balance of the sums appropriated and reappropriated by the sundry civil appropriation Act approved June sixth, nineteen hundred, and five hundred thousand dollars in addition thereto, or so much thereof as may be necessary, in aid of State and local boards, or otherwise, in his discretion, in preventing and suppressing the spread of the same; and in such emergency in the execution of any quarantine laws which may be then in force.

Interior Department.

UNDER THE DEPARTMENT OF THE INTERIOR.

Public buildings.

PUBLIC BUILDINGS.

Repairs.

REPAIRS OF BUILDINGS, INTERIOR DEPARTMENT: For repairs of Interior Department and Pension buildings, and of the General Post-Office building occupied by the Interior Department, ten thousand dollars.

Electric-light plant.

ELECTRIC-LIGHT PLANT FOR THE DEPARTMENT OF THE INTERIOR BUILDINGS: For the establishment of an electric-lighting plant for buildings occupied by offices of Department of the Interior, the Patent Office building, the old Post-Office building, now occupied by the General Land and Indian bureaus, and the Pension Office building, and for improvement in the heating of the Patent Office buildings, including necessary conduits, the laying and construction of which are hereby authorized, seventy-four thousand dollars.

Area, etc Pension building.
Reappropriations.

That the appropriation of five thousand dollars made by the sundry civil appropriation Act approved March third, eighteen hundred and ninety-nine, to build an area and sewer from the west entrance of the Pension building and extending along the south side thereof to the eastern entrance, is hereby reappropriated for said objects and made available until the close of the fiscal year nineteen hundred and two.

That the appropriation of seven thousand dollars made by the sundry civil appropriation Act approved June sixth, nineteen hundred, for coal bin for storage of coal, to be built in connection with areaway of the Pension Office building, is hereby continued and made available for the fiscal year nineteen hundred and two for the same purpose.

Capitol.
Repairs, etc.

FOR THE CAPITOL: For work at Capitol, and for general repairs thereof, including wages of mechanics and laborers, and not exceeding fifty dollars for the purchase of technical and necessary books, thirty-seven thousand five hundred and thirty dollars.

For reconstructing and fireproofing the roof of the central portion of the Capitol building, including the restoration in fireproof construction of the ceilings of the Supreme Court room and Statuary Hall; for material and labor and necessary expenses incident thereto, one hundred and fifty-three thousand five hundred dollars, to be immediately available.

—plans authorized for extending central portion of building.

To enable the Architect of the Capitol to prepare and submit to Congress at its next session plans, specifications, and estimates of cost for reconstructing and extending in a fireproof manner the central

portion of the Capitol building: the renovation and decoration of the rotunda; also for the construction of a fireproof building adjacent to the grounds of the Capitol building, to be used for offices, storage and power plant purposes connected with the Capitol building, one thousand five hundred dollars, to be immediately available.

To provide flags for the east and west fronts of the center of the Capitol, to be hoisted daily under the direction of the Capitol police board, one hundred dollars, or so much thereof as may be necessary.

For continuing the work of cleaning and repairing works of art in the Capitol, including the repairing of frames, under the direction of the Joint Committee on the Library, one thousand five hundred dollars.

IMPROVING THE CAPITOL GROUNDS: For continuing the work of the improvement of the Capitol grounds and for care of the grounds, one clerk, and the pay of mechanics, gardeners, and laborers; for repairs to artificial pavement, walls, and roadways, sixteen thousand dollars.

LIGHTING THE CAPITOL AND GROUNDS: For lighting the Capitol and grounds about the same, including the Botanic Garden, Senate and House stables, and engine house, Maltby Building, and folding and storage rooms of the House of Representatives; for gas and electric lighting; pay of superintendent of meters, lamplighters, gas fitters, and for materials and labor for gas and electric lighting, and for general repairs, thirty thousand dollars.

For repairs and improvements to steam fire engine house and Senate and House stables, and for repairs to and paving of floors and court-yards of same, one thousand five hundred dollars.

For necessary repairs and improvements of the steam heating and ventilating apparatus in the Senate wing of the Capitol, including the Supreme Court, legislative bell service and elevators, under the supervision of the Architect of the Capitol, two thousand one hundred and fifty dollars.

For the purpose of providing the document rooms of the Senate with fireproof shelving, under the direction of the Architect of the Capitol, twenty-five thousand dollars, to be immediately available.

For repairs to the elevator in the Maltby Building, including new steel guides, car platform, and cage and safety devices, and for labor and material, one thousand five hundred and fifty dollars.

For improving the ventilation of the Hall of Representatives and the corridors adjacent thereto, including new floor for the Hall and the installation of new ventilating and heating apparatus, the ventilation of the House restaurant and kitchen, for materials, labor, appliances, and so forth, fifty-one thousand two hundred dollars, to be immediately available.

For refurnishing the Hall of the House of Representatives, the Speaker's rooms, and the office of Sergeant-at-Arms, and for furniture for the new committee rooms in the old library portion of the building, sixty-one thousand dollars, to be immediately available and to be disbursed by the Clerk of the House of Representatives.

For refitting the file room of the House of Representatives with metal fireproof cases, twelve thousand five hundred dollars.

The three foregoing appropriations shall be expended under the direction and supervision of a commission, consisting of three members-elect to the House of Representatives of the Fifty-seventh Congress, to be appointed by the Speaker of the House of Representatives of the Fifty-sixth Congress.

The Clerk of the House of Representatives, on written notice from any member of the House of Representatives of the Fifty-sixth Congress that he desires to purchase any one of the desks now used in the House, shall withhold such desk from public sale, and shall deliver the same to such member on his payment of an amount equal to the aver-

Flags.

Cleaning works of art.

Capitol grounds.

Lighting.

Engine house and stables.

Senate; heating, etc.

—shelving, document room.

Maltby Building.

House of Representatives.
Improving ventilation, etc.

—refurnishing Hall, etc.

—commission to supervise expenditures.

Purchase of old desks authorized.

age price received at public sale for the remaining desks, and all money so received shall be accounted for and paid into the Treasury of the United States.

Public lands.

EXPENSES OF THE COLLECTION OF REVENUE FROM SALES OF PUBLIC LANDS.

Salaries registers and receivers.

SALARIES AND COMMISSIONS OF REGISTERS AND RECEIVERS: For salaries and commissions of registers of land offices and receivers of public moneys at district land offices, at not exceeding three thousand dollars each, five hundred thousand dollars.

Contingent expenses, land offices.

CONTINGENT EXPENSES OF LAND OFFICES: For clerk hire, rent, and other incidental expenses of the district land offices, one hundred and sixty thousand dollars: *Provided*, That no expenses chargeable to the Government shall be incurred by registers and receivers in the conduct of local land offices, except upon previous specific authorization by the Commissioner of the General Land Office.

Proviso.
Authorization of expenditures.

Depositing public moneys.

EXPENSES OF DEPOSITING PUBLIC MONEYS: For expenses of depositing money received from the disposal of public lands, two thousand five hundred dollars.

Timber depredations, protecting public lands, and swamp-land claims.

DEPREDACTIONS ON PUBLIC TIMBER, PROTECTING PUBLIC LANDS, AND SETTLEMENT OF CLAIMS FOR SWAMP LANDS AND SWAMP-LAND INDEMNITY: To meet the expenses of protecting timber on the public lands, and for the more efficient execution of the law and rules relating to the cutting thereof; of protecting public lands from illegal and fraudulent entry or appropriation, and of adjusting claims for swamp lands, and indemnity for swamp lands, one hundred and twenty-five thousand dollars: *Provided*, That agents and others employed under this appropriation shall be selected by the Secretary of the Interior, and allowed per diem, subject to such rules and regulations as he may prescribe, in lieu of subsistence, at a rate not exceeding three dollars per day each and actual necessary expenses for transportation, including necessary sleeping-car fares.

Proviso.
Agents per diem.

Forest reserves.
Protection, etc., of.
Vol. 80, p. 34.

PROTECTION AND ADMINISTRATION OF FOREST RESERVES: To meet the expenses of executing the provisions of the sundry civil Act approved June fourth, eighteen hundred and ninety-seven, for the care and administration of the forest reserves, to meet the expenses of forest inspectors and assistants, superintendents, supervisors, surveyors, rangers, and for the employment of foresters and other emergency help in the prevention and extinguishment of forest fires, and for advertising dead and matured trees for sale within such reservations, three hundred thousand dollars: *Provided*, That forestry agents, superintendents, and supervisors, and other persons employed under this appropriation shall be selected by the Secretary of the Interior wholly with reference to their fitness and without regard for their political affiliations, and allowed per diem, subject to such rules and regulations as he may prescribe, in lieu of subsistence, at a rate not exceeding three dollars per day each, and actual necessary expenses for transportation, including necessary sleeping-car fares: *Provided further*, That forest agents, superintendents, supervisors, and all other persons employed in connection with the administration and protection of forest reservations shall, in all ways that are practicable, aid in the enforcement of the laws of the State or Territory in which said forest reservation is situated in relation to the protection of fish and game.

Proviso.
Employees selected because of fitness, etc.

Protection of fish.

Hearings in land entries.

EXPENSES OF HEARINGS IN LAND ENTRIES: For expenses of hearings held by order of the Commissioner of the General Land Office to determine whether alleged fraudulent entries are of that character or have been made in compliance with law, six thousand dollars.

REPRODUCING PLATS OF SURVEYS: To enable the Commissioner of the General Land Office to continue to reproduce worn and defaced official plats of surveys on file and other plats constituting a part of the records of said office, and to furnish local land offices with the same, two thousand five hundred dollars.

Reproducing plats of surveys.

EXAMINATIONS OF DESERT LANDS: To enable the Secretary of the Interior to examine, under such regulations and at such compensation as he may prescribe, the desert lands selected by the States under the provisions of section four of the Act of Congress approved August eighteenth, eighteen hundred and ninety-four, three thousand dollars.

Examinations of desert lands.

Vol. 28, p. 42.

PRESERVATION OF RECORDS, GENERAL LAND OFFICE: For continuing the work of rearranging, indexing, and preserving the records of the recorder's office of the General Land Office, one thousand dollars: *Provided*, That any balance remaining to the credit of the appropriation for this purpose for the current fiscal year nineteen hundred and one, and uncontracted for on June thirtieth, nineteen hundred and one, may be used during the fiscal year nineteen hundred and two for the purposes indicated.

General Land Office. Indexing, etc., recorder's office.

Proviso.
Balance of appropriation available.

TRANSCRIPTS OF RECORDS AND PLATS, GENERAL LAND OFFICE: For furnishing transcripts of records and plats, to be expended under the direction of the Secretary of the Interior, ten thousand dollars: *Provided*, That copyists employed under this appropriation shall be selected by the Secretary of the Interior at a compensation of two dollars per day each while actually employed, at such times and for such periods as the exigencies of the work may demand.

Transcripts of records and plats.

Proviso.
—copyists.

PAYMENT OF FEES, AND SO FORTH, GENERAL LAND OFFICE: For the payment of revenue stamps, notarial and recording fees on reconveyances of land to the United States, five hundred dollars.

Payment of fees, etc.

SURVEYING THE PUBLIC LANDS.

Surveying public lands.

Surveys, rates, etc.

Provisos.
Preferences.

Vol. 25, p. 676.

Vol. 26, pp. 215, 222.

Extra rates for heavily timbered lands.

—exceptional difficulties.

Lands in California, Colorado, Idaho, etc.

For surveys and resurveys of public lands, three hundred and twenty-five thousand dollars, at rates not exceeding nine dollars per linear mile for standard and meander lines, seven dollars for township, and five dollars for section lines, to be immediately available: *Provided*, That in expending this appropriation preference shall be given, first, in favor of surveying townships occupied, in whole or in part, by actual settlers and of lands granted to the States by the Act approved February twenty-second, eighteen hundred and eighty-nine, and the Acts approved July third and July tenth, eighteen hundred and ninety, and, second, to surveying under such other Acts as provide for land grants to the several States, except railroad land grants and such indemnity lands as the several States may be entitled to in lieu of lands granted them for educational and other purposes which may have been sold or included in some reservation or otherwise disposed of, and other surveys shall be confined to lands adapted to agriculture, lines of reservations, except forest reservations, and lands within boundaries of forest reservations, except that the Commissioner of the General Land Office may allow, for the survey and resurvey of lands heavily timbered, mountainous, or covered with dense undergrowth, rates not exceeding thirteen dollars per linear mile for standard and meander lines, eleven dollars for township, and seven dollars for section lines, and in cases of exceptional difficulties in the surveys, where the work can not be contracted for at these rates, compensation for surveys and resurveys may be allowed by the said Commissioner, with the approval of the Secretary of the Interior, at rates not exceeding eighteen dollars per linear mile for standard and meander lines, fifteen dollars for township, and twelve dollars for section lines: *Provided further*, That in the States of California, Colorado, Idaho, Montana,

Provisions for compensation by the day instead of the mile in Oregon and California extended to above States.
R. S., sec. 2411, p. 441.
Resurveys.

Nevada, Oregon, Utah, Washington, Wyoming, the Territories of Arizona and New Mexico, and the district of Alaska, there may be allowed, in the discretion of the Secretary of the Interior, for the survey and resurvey of lands heavily timbered, mountainous, or covered with dense undergrowth, rates not exceeding twenty-five dollars per linear mile for standard and meander lines, twenty-three dollars for township, and twenty dollars for section lines. The provisions of section twenty-four hundred and eleven, Revised Statutes of the United States, authorizing allowance for surveys in California and Oregon are hereby extended to all of the above-named States and Territories and district. And of the sum hereby appropriated there may be expended such an amount as the Commissioner of the General Land Office may deem necessary for examination of public surveys in the several surveying districts, by such competent surveyors as the Secretary of the Interior may select, or by such competent surveyors as he may authorize the surveyor-general to select, at such compensation, not exceeding six dollars per day, and such per diem allowance in lieu of subsistence, not exceeding three dollars, while engaged in field examinations, as he may prescribe, in order to test the accuracy of the work in the field, and to prevent payment for fraudulent and imperfect surveys returned by deputy surveyors, and for examinations of surveys heretofore made and reported to be defective or fraudulent, and inspecting mineral deposits, coal fields, and timber districts, and for making by such competent surveyors such fragmentary surveys, and such other surveys or examinations as may be required for identification of lands for purposes of evidence in any suit or proceeding in behalf of the United States.

Confirmed private land claims.

Vol. 26, p. 854.

For survey of private land claims in the States of Colorado, Nevada, Wyoming, and Utah, and in the Territories of Arizona and New Mexico, confirmed under the provisions of the Act of Congress entitled "An Act to establish a Court of Private Land Claims, and to provide for the settlement of private land claims in certain States and Territories," approved March third, eighteen hundred and ninety-one, and for the resurvey of such private land claims heretofore confirmed as may be deemed necessary, ten thousand dollars, said sum to be also available for office work on such surveys and for the examination of the surveys in the field.

Abandoned military reservations.

Vol. 23, p. 103.

Casa Grande.

For necessary expenses of survey, appraisal, and sale of abandoned military reservations transferred to the control of the Secretary of the Interior under the provisions of an Act of Congress approved July fifth, eighteen hundred and eighty-four, and any law prior thereto, including a custodian of the ruin of Casa Grande, six thousand dollars.

Fort Sherman Reservation, Idaho.

For pay of a custodian of Fort Sherman abandoned military reservation, Idaho, four hundred and eighty dollars.

Yellowstone National Park.
Marking boundaries.

For survey of and marking, under the direction of the Secretary of the Interior, the unsurveyed portions of the northern and western boundaries of the Yellowstone National Park, estimated at sixty miles, at not exceeding fifty dollars per mile, three thousand dollars, and for the examination of said survey in the field, three hundred dollars; in all, three thousand three hundred dollars.

Geological Survey.

UNITED STATES GEOLOGICAL SURVEY.

Salaries.
Director, etc.

OFFICE OF THE DIRECTOR OF THE GEOLOGICAL SURVEY: For Director, six thousand dollars; chief clerk, two thousand two hundred and fifty dollars; chief disbursing clerk, two thousand four hundred dollars; librarian, two thousand dollars; photographer, two thousand dollars; three assistant photographers, one at nine hundred dollars, one at seven hundred and twenty dollars, and one at four hundred and eighty dollars; two clerks of class one; one clerk, one thousand dol-

lars; four clerks, at nine hundred dollars each; four copyists, at seven hundred and twenty dollars each; watchman, eight hundred and forty dollars; four watchmen, at six hundred dollars each; janitor, six hundred dollars; four messengers, at four hundred and eighty dollars each; in all, thirty-two thousand three hundred and ninety dollars.

SCIENTIFIC ASSISTANTS OF THE GEOLOGICAL SURVEY: For two geologists, at four thousand dollars each;

Scientific assistants

For one geologist, three thousand dollars;

For one geologist, two thousand seven hundred dollars;

For two paleontologists, at two thousand dollars each;

For one chemist, three thousand dollars;

For one geographer, two thousand seven hundred dollars;

For one geographer, two thousand five hundred dollars;

For two topographers, at two thousand dollars each; in all, twenty-nine thousand nine hundred dollars.

Hereafter specific estimates shall be annually submitted to Congress for all personal services, including those of a technical or scientific character, necessary to be employed in the office of the Geological Survey at Washington, District of Columbia.

Specific estimates for personal services to be submitted annually.

FOR GENERAL EXPENSES OF THE GEOLOGICAL SURVEY: For the Geological Survey and the classification of the public lands and examination of the geological structure, mineral resources, and the products of the national domain, and to continue the preparation of a geological map of the United States, including the pay of temporary employees in the field and office, and all other necessary expenses, including telegrams, to be expended under the direction of the Secretary of the Interior, namely:

Expenses.

For pay of skilled laborers and various temporary employees, sixteen thousand dollars;

Laborers.

For topographic surveys in various portions of the United States, including examination of and report on the topography and geology of the territory adjacent to the forty-ninth parallel west of the one hundred and tenth meridian, two hundred and fifty thousand dollars, to be immediately available;

Topographic surveys.

For geological surveys in the various portions of the United States, one hundred and fifty thousand dollars, to be immediately available;

Geological surveys.

For continuation of the investigation of the mineral resources of Alaska, sixty thousand dollars, to be immediately available;

Alaska resources.

For paleontologic researches relating to the geology of the United States, ten thousand dollars;

Paleontologic researches.

For chemical and physical researches relating to the geology of the United States, twenty thousand dollars;

Chemical, etc., researches.

For the preparation of the illustrations of the Geological Survey, sixteen thousand two hundred and eighty dollars;

Illustrations.

For the preparation of the report of the mineral resources of the United States, including phosphates, which report shall be published in one octavo volume, and as a distinct publication, the number of copies, printing of separate chapters, and mode of distribution of which shall be the same as of the annual report, fifty thousand dollars;

Mineral resources.

For the purchase of necessary books for the library, including directories and professional and scientific periodicals needed for statistical purposes, not to exceed one thousand dollars, and the payment for the transmission of public documents through the Smithsonian exchange, five thousand dollars;

Books, etc.

For engraving and printing the geological maps of the United States, seventy thousand dollars;

Maps.

For gauging the streams and determining the water supply of the United States, and for the investigation of underground currents and artesian wells in arid and semiarid sections, and the preparation of

Water supply.

reports upon the best methods of utilizing the water resources of said sections, one hundred thousand dollars;

Surveying forest reserves.

For continuation of the survey of the public lands that have been or may hereafter be designated as forest reserves, one hundred and thirty thousand dollars, to be immediately available;

Rent.

For rent of office rooms in Washington, District of Columbia, eleven thousand two hundred dollars;

In all, for the United States Geological Survey, nine hundred and fifty thousand seven hundred and seventy dollars.

Colorado Cliff Dwelling Association may lease the "Mesa Verde" tract of land, etc.

That the Colorado Cliff Dwelling Association is hereby authorized, with the approval of the Secretary of the Interior, to lease from the Wi-minuchi Ute tribe of Indians, for a period not exceeding ten years, all that tract of land known as the "Mesa Verde," situated in the county of Montezuma in the State of Colorado, said tract of land to be described by metes and bounds, and the lease to include and cover all ruins and prehistoric remains situated therein, and said Colorado Cliff Dwelling Association to have the right to use and occupy said tract of land for the purpose of preserving and controlling said ruins and remains and protecting them from depredations.

EXPENSES TWELFTH CENSUS.

Twelfth Census.
Vol. 30, p. 1014.

For salaries and necessary expenses for taking and compiling the results of the Twelfth Census, in accordance with the Act of March third, eighteen hundred and ninety-nine, providing for the Twelfth and subsequent censuses, and amendments thereto, three million five hundred and sixteen thousand two hundred and ten dollars, to continue available until expended.

Miscellaneous.

MISCELLANEOUS OBJECTS.

Yellowstone Park.
Expenses.

YELLOWSTONE PARK: For necessary repairs to the United States commissioners' building in the Yellowstone National Park, and for the erection of a barn in connection therewith, four hundred and fifty dollars.

Yosemite Park.
Expenses.

IMPROVEMENT OF THE YOSEMITE NATIONAL PARK: For protection of the Yosemite National Park, and the construction of bridges, fencing, and trails, and improvement of roads, other than toll roads, to be expended under the supervision of the Secretary of the Interior, four thousand dollars.

Sequoia Park.
Expenses.

IMPROVEMENT OF THE SEQUOIA NATIONAL PARK: For the protection of the park and the construction and repair of bridges, fences, and trails and improvement and extension of roads, to be expended under the supervision of the Secretary of the Interior, ten thousand dollars, to be immediately available.

General Grant Park.
Expenses.

IMPROVEMENT OF THE GENERAL GRANT NATIONAL PARK: For protection and improvement of the park, construction of fences and trails and repairing and extension of roads, to be expended under the supervision of the Secretary of the Interior, two thousand five hundred dollars.

Supreme Court Reports.

SUPREME COURT REPORTS: To pay the reporter of decisions of the Supreme Court of the United States for seventy-six copies, each, of volumes one hundred and eighty-two to one hundred and eighty-six, inclusive, of the United States Reports, at a rate not exceeding two dollars per volume, under the provisions of section two of the Act of February twelfth, eighteen hundred and eighty-nine, seven hundred and sixty dollars.

Vol. 25, p. 661.

Supplement to Revised Statutes.

SUPPLEMENT TO REVISED STATUTES: To enable the Secretary of the Treasury to pay, when the work shall be completed, for preparing

and editing a Supplement to the Revised Statutes of the United States for the Fifty-sixth Congress, under the Acts of February twenty-seventh, eighteen hundred and ninety-three, and June fourth, eighteen hundred and ninety-seven, one thousand dollars.

Vol. 27, p. 477.

Vol. 30, p. 30.

BIENNIAL REGISTER OF THE UNITED STATES: For preparation of the Official Register of the United States for nineteen hundred and one, including editing, proof reading, and indexing, five thousand dollars.

Biennial Register of the United States.

GOVERNMENT HOSPITAL FOR THE INSANE: For current expenses of the Government Hospital for the Insane: For support, clothing, and treatment in the Government Hospital for the Insane of the insane from the Army and Navy, Marine Corps, Revenue-Cutter Service, and inmates of the National Home for Disabled Volunteer Soldiers, persons charged with or convicted of crimes against the United States who are insane, all persons who have become insane since their entry into the military or naval service of the United States, who have been admitted to the hospital and who are indigent, three hundred and thirty-eight thousand five hundred dollars; and not exceeding one thousand five hundred dollars of this sum may be expended in defraying the expense of the removal of patients to their friends; not exceeding one thousand dollars may be expended in the purchase of such books, periodicals, and papers as may be required for the purposes of the hospital, and not exceeding one thousand five hundred dollars for actual and necessary expenses incurred in the apprehension and return to the hospital of escaped patients.

Government Hospital for the Insane. Expenses.

The Secretary of War may, in his discretion, contract for the care, maintenance, and treatment of the insane of the Army, and inmates of the National Home for Disabled Volunteer Soldiers on the Pacific coast at any State asylum in California, in all cases which he is now authorized by law to cause to be sent to the Government Hospital for the Insane in the District of Columbia.

Secretary of War may contract for care of army insane in California, etc.

For the buildings and grounds of the Government Hospital for the Insane, as follows:

Buildings and grounds.

For general repairs and improvements, twenty-five thousand dollars.

To complete the renewal of the plumbing, and for fireproofing lavatory sections of the old building, six thousand dollars, to be immediately available.

For additional electric machinery sufficient to furnish the necessary light for the present group of buildings, ten thousand dollars, to be immediately available.

For additional laundry machinery, three thousand dollars, to be immediately available.

For kitchen furnishings for new kitchen and six-oven range for main kitchen, three thousand dollars, to be immediately available.

For continuing the work of the extension of the hospital sufficient to provide for one thousand patients, as authorized by the sundry civil appropriation Act approved June sixth, nineteen hundred, nine hundred and twenty-five thousand dollars, to be immediately available:

Extension of hospital.

Ante, p. 619.

Provided, That the Secretary of the Interior is hereby authorized and directed to exchange a tract of land containing sixty acres, more or less, east of Nichols avenue and south of Congress Heights, for sixty acres, more or less, adjoining the grounds of the Government Hospital for the Insane on the south, to be selected by said Secretary, the exchange to be made acre for acre. And the Secretary of the Interior is further authorized, if in his judgment advisable, to exchange such portion as he may deem equitable of the agricultural land now owned by the Government, or of the farm opposite Alexandria, and known as Godding Croft, for eighty acres, more or less, lying immediately adjoining this said sixty acres and south of the present building

Exchange of lands authorized.

site of the hospital. In case such exchange is made the Secretary is also authorized in his discretion to grant a roadway along the south side of said tract, from Nichols avenue to the river, not exceeding ninety feet in width. Any of the buildings authorized in the sundry civil appropriation Act approved June sixth, nineteen hundred, for the Government Hospital for the Insane may be erected on land now owned or that may be acquired hereunder by the United States for the Government Hospital for the Insane.

New stable.

For construction of a new stable building to be erected on the opposite side of Nichols avenue, adjacent to the other farm buildings, twenty-five thousand dollars, to be immediately available.

Columbia Institution for Deaf and Dumb.
Current expenses.

CURRENT EXPENSES OF THE COLUMBIA INSTITUTION FOR THE DEAF AND DUMB: For support of the institution, including salaries and incidental expenses, for books and illustrative apparatus, and for general repairs and improvements, fifty-six thousand five hundred dollars.

For repairs to the buildings of the institution, including plumbing and steam heating apparatus, and for repairs to pavements within the grounds, three thousand dollars.

Howard University.
Maintenance.

HOWARD UNIVERSITY: For maintenance of the Howard University, to be used in payment of part of the salaries of the officers, professors, teachers, and other regular employees of the university, the balance of which will be paid from donations and other sources, of which sum not less than one thousand five hundred dollars shall be used for normal instruction, twenty-nine thousand dollars;

For tools, materials, fuel, wages of instructors, and other necessary expenses of the industrial department, three thousand dollars;

For books, shelving, furniture, and fixtures for the law and general libraries, nine hundred dollars;

For improvement of grounds and repairs of buildings, two thousand dollars;

For material and apparatus for chemical, physical, and natural history studies, and use in laboratories, including cases and shelving, two hundred dollars;

In all, thirty-five thousand one hundred dollars.

Alaska.
Reindeer for.

REINDEER FOR ALASKA: For support of reindeer stations in Alaska, for the instruction of Alaskan natives in the care and management of the reindeer, and for the purchase and introduction of reindeer from Siberia for domestic purposes, twenty-five thousand dollars.

War Department.

UNDER THE WAR DEPARTMENT.

Armories and arsenals.

ARMORIES AND ARSENALS.

Rock Island, Ill.

For the Rock Island Arsenal, Rock Island, Illinois, as follows:

For machinery and shop fixtures, ten thousand dollars.

For general care, preservation, and improvements; for painting and care and preservation of permanent buildings; for building fences and sewers and grading grounds, ten thousand dollars.

For entire completion of excavating rock, earth, and other matter from tailrace of the Government water-power dam at the Rock Island Arsenal below the junction of the tailraces of the Moline and Government dams of said power, one hundred and thirty thousand five hundred dollars.

For replanking and repainting the Moline Bridge, two thousand five hundred dollars.

For the Rock Island Bridge, as follows:

For operating and care and preservation of Rock Island bridge and viaduct, twelve thousand five hundred dollars.

FRANKFORD ARSENAL, PHILADELPHIA, PENNSYLVANIA: For new two-story carpenter shop, twenty-five thousand dollars; Frankford Arsenal, Pa.

For new two-story storehouse for factory supplies, fifteen thousand dollars;

For one two-story brick shop for large caliber cartridge plant and additional machinery, fifty-five thousand dollars;

East storehouse: For one Morse improved belt power elevator of two thousand pounds capacity, to operate at a speed of forty feet per minute, also a number two Crane electric motor, and the cutting and framing of hatchways and preparation of pit in cellar, and for renewal of six hundred square feet of flooring in first story, one thousand five hundred and fifty dollars; in all, ninety-six thousand five hundred and fifty dollars.

SCHUYLKILL ARSENAL, PHILADELPHIA, PENNSYLVANIA: For the construction of one fireproof building for storage and other purposes, seventy-five thousand dollars. Schuylkill Arsenal, Pa.

SANDY HOOK PROVING GROUND, NEW JERSEY: For building and repairing roads and walks, and for general repairs of shops, storehouses, and quarters, two thousand five hundred dollars. Sandy Hook Proving Ground, N. J.

SPRINGFIELD ARSENAL, SPRINGFIELD, MASSACHUSETTS: For general care, repair of quarters, of buildings, and machinery not used for manufacturing purposes, ten thousand dollars. Springfield, Mass.

The unexpended balance of the sum appropriated by the sundry civil appropriation Act approved June sixth, nineteen hundred, for curbing and macadamizing Magazine street, is hereby made available for grading and macadamizing Lincoln street.

TESTING MACHINE, WATERTOWN ARSENAL: For labor and materials in caring for, preserving, and operating the United States testing machine at Watertown Arsenal, including such new tools and appliances as may be required, fifteen thousand dollars. Watertown, Mass.

WATERTOWN ARSENAL, WATERTOWN, MASSACHUSETTS: For moving the old brick two-storied administration building to a new site, and converting it into two sets of noncommissioned officers' quarters, two thousand five hundred dollars;

For barracks for one company of enlisted men, thirty thousand dollars; in all, thirty-two thousand five hundred dollars.

REPAIRS OF ARSENALS: For repairs and improvements at arsenals and powder depots, and to meet such unforeseen expenditures as accidents or other contingencies during the year may render necessary, ninety thousand dollars. Repairs.

BUILDINGS AND GROUNDS IN AND AROUND WASHINGTON.

Washington, D. C.

For the improvement and care of public grounds, as follows:

Buildings and grounds.

For improvement and maintenance of grounds south of Executive Mansion, four thousand dollars.

For ordinary care of greenhouses and nursery, two thousand dollars.

Improvement and care.

For ordinary care of Lafayette Park, one thousand dollars.

For ordinary care of Franklin Park, one thousand dollars.

For improvement and ordinary care of Lincoln Park, two thousand dollars.

For care and improvement of Monument Grounds, five thousand dollars.

For continuing improvement of reservation numbered seventeen, and site of old canal northwest of same, two thousand five hundred dollars: *Provided*, That no part thereof shall be expended upon other than property belonging to the United States.

Reservation No. 17.

Proviso.
Expenditure

For construction and repair of post-and-chain fences, repair of high iron fences, constructing stone coping about reservations, painting

watchmen's lodges, iron fences, vases; lamps, and lamp-posts; manure, and hauling the same, and removing snow and ice; purchase and repair of seats and tools; trees, tree and plant stakes, labels, lime, whitewashing, and stock for nursery, flower pots, twine, baskets, wire, splints, moss, and lycopodium, to be purchased by contract or otherwise, as the Secretary of War may determine; care, construction, and repair of fountains; abating nuisances, cleaning statues, and repairing pedestals, sixteen thousand and fifty dollars.

For improvement, care, and maintenance of various reservations, twenty thousand dollars.

For improvement, maintenance, and care of Smithsonian grounds, two thousand five hundred dollars.

For improvement, care, and maintenance of Judiciary Park, two thousand five hundred dollars.

For laying asphalt walks in various reservations, two thousand dollars.

Half appropriations
from District reve-
nues.

One-half of the foregoing sums under "Buildings and grounds in and around Washington" shall be paid from the revenues of the District of Columbia and the other half from the Treasury of the United States.

Of the whole amount appropriated in the legislative, executive, and judicial appropriation Act for the fiscal year nineteen hundred and two, under the title "Public buildings and grounds," the sum of twenty-eight thousand three hundred and ninety dollars shall be paid from the revenues of the District of Columbia and the remainder from the Treasury of the United States.

Limit for concrete,
etc., pavements.

That under appropriations herein contained no contract shall be made for making or repairing concrete or asphalt pavements in Washington City at a higher price than one dollar and eighty cents per square yard for a quality equal to the best laid in the District of Columbia prior to July first, eighteen hundred and eighty-six, and with a base of not less than six inches in thickness.

For improvement, care, and maintenance of grounds of Executive Departments, one thousand dollars.

For improvement and maintenance of Executive Mansion grounds (within iron fence), one thousand dollars.

For taking down, repairing, and resetting the Lincoln statue in front of Court-House, six hundred dollars.

For placing inscriptions on the unmarked statues of Lafayette and Hancock, one hundred dollars.

For construction of a brick building for shops, for carpenter, plumber, blacksmith, painter, and for each and every purpose connected therewith, for the entire system of parks under Office of Public Buildings and Grounds, eight thousand five hundred dollars, to be immediately available.

For construction of a plant house at propagating gardens, two thousand five hundred dollars, to be immediately available.

For the employment of an engineer by the officer in charge of public buildings and grounds, two thousand four hundred dollars.

Executive Man-
sion.

EXECUTIVE MANSION: For care, repair, and refurnishing of Executive Mansion, twenty thousand dollars, to be expended by contract or otherwise, as the President may determine.

For fuel for the Executive Mansion, greenhouses, and stable, three thousand dollars.

For care and necessary repair of greenhouses, five thousand dollars.

For repairs to conservatory, Executive Mansion, two thousand dollars.

Lighting.

LIGHTING THE EXECUTIVE MANSION AND PUBLIC GROUNDS: For gas, pay of lamplighters, gas fitters, and laborers; purchase, erection, and repair of lamps and lamp-posts; purchase of matches, and repairs of

all kinds; stoves, fuel, and lights for office and office stable, watchmen's lodges, and for the greenhouses at the nursery, twelve thousand five hundred dollars: *Provided*, That for each five-foot burner not connected with a meter in the lamps on the public grounds not more than twenty dollars shall be paid per lamp for gas, including lighting, cleaning, and keeping the lamps in repair, under any expenditure provided for in this Act; and said lamps shall burn every night, on the average, from fifteen minutes after sunset to forty-five minutes before sunrise; and authority is hereby given to substitute other illuminating material for the same or less price, and to use so much of the sum hereby appropriated as may be necessary for that purpose: *Provided further*, That three thousand four hundred dollars of the foregoing sum shall be paid from the revenues of the District of Columbia and the remainder from the Treasury of the United States.

Proviso.
—maximum per lamp.

—to burn every night, etc.

—amount payable from District revenues.

For lighting six arc electric lights in Executive Mansion grounds within the iron fence three hundred and sixty-five nights, at not exceeding seventy-two dollars per light per annum, which shall cover the entire cost to the United States of lighting and maintaining in good order each electric light in said grounds, four hundred and thirty-two dollars.

Electric lights.

For lighting arc electric lights in public grounds as follows: For seven in grounds south of the Executive Mansion; thirty-two in Lafayette, Franklin, Judiciary, and Lincoln parks, and fourteen in grounds south of Executive Mansion and in Monument Park, at not exceeding seventy-two dollars per light per annum, which sums shall cover the entire cost of lighting and maintaining in good order each of said arc electric lights; in all, three thousand eight hundred and sixteen dollars, one-half of which sum shall be paid from the revenues of the District of Columbia and the other half from the Treasury of the United States.

—in parks.

REPAIR OF WATER PIPES: For repairing and extending water pipes, purchase of apparatus for cleaning them, purchase of hose, and for cleaning the springs and repairing and renewing the pipes of the same that supply the Capitol, the Executive Mansion, and the building for the State, War, and Navy Departments, two thousand five hundred dollars.

Repair of water pipes.

TELEGRAPH TO CONNECT THE CAPITOL WITH THE DEPARTMENTS AND GOVERNMENT PRINTING OFFICE: For care and repair of existing lines, one thousand five hundred dollars.

Telegraph, Capitol, Departments, etc.

WASHINGTON MONUMENT: For the care and maintenance of the Washington Monument, namely: For one custodian, at one hundred dollars per month; one steam engineer, at eighty dollars per month; one assistant steam engineer, at sixty dollars per month; one fireman, at fifty dollars per month; one assistant fireman, at forty-five dollars per month; one conductor of elevator car, at seventy-five dollars per month; one attendant on floor, at sixty dollars per month; one attendant on top floor, at sixty dollars per month; three night and day watchmen, at sixty dollars per month each; in all, eight thousand five hundred and twenty dollars.

Washington Monument.
Maintenance.

For fuel, lights, oil, waste, packing, tools, matches, paints, brushes, brooms, lanterns, rope, nails, screws, lead, electric lights, heating apparatus, oil stoves for elevator car and upper and lower floors, repairs to engines, boilers, dynamos, elevator, and repairs of all kinds connected with the Monument and machinery, and purchase of all necessary articles for keeping the Monument, machinery, elevator, and electric-light plant in good order, three thousand dollars.

Fuel, etc.

That the appropriation of six thousand five hundred dollars for addition to boiler house of the Washington Monument, made by sundry civil Act approved June sixth, nineteen hundred, is hereby also

Addition to boiler house.

Amended, p. 623.

made available for the necessary water-pipe connections and for each and every purpose necessary to make said boiler house most effective for the elevator service.

Military posts.

MILITARY POSTS.

Construction.

For the construction of buildings at, and the enlargement of, such military posts as in the judgment of the Secretary of War may be necessary, and for the erection of barracks and quarters for the artillery in connection with the adopted project for seacoast defense; and for the purchase of suitable building sites for said barracks and quarters, eight hundred and sixty thousand dollars.

Spokane, Wash.
Unexpended balance made available.
Vol. 30, pp. 42, 629.

The unexpended balance of the appropriation made by the sundry civil Act approved July first, eighteen hundred and ninety-eight, for continuing construction and improvements at the military post at Spokane, Washington, is hereby reappropriated and made available until the close of the fiscal year nineteen hundred and two, together with such additional sum out of the amount appropriated for construction of buildings at and enlargement of military posts as may in the discretion of the Secretary of War be necessary to be expended for continuing construction and improvements at said military post until the close of the fiscal year nineteen hundred and two.

Fort D. A. Russell,
Wyo.

For continuing work of rebuilding quarters, and for rebuilding commanding officer's quarters at Fort D. A. Russell, Wyoming, to be expended under the direction of the Secretary of War, thirty-five thousand dollars.

Fort Meade, S. Dak.

For the construction of permanent buildings at Fort Meade, South Dakota, and for other necessary improvements, thirty-five thousand dollars.

Fort MacKenzie,
Wyo.

For continuing the work of constructing the necessary buildings, quarters, barracks, and stables for the military post of Fort MacKenzie, in the vicinity of Sheridan, Wyoming, thirty-five thousand dollars.

Fort Lincoln, N.
Dak.

For continuing the work of constructing the necessary buildings, quarters, barracks, and stables for the military post of Fort Lincoln, at Bismarck, North Dakota, thirty-five thousand dollars.

Governor's Island.
Enlarging, etc.

Toward the enlargement of Governor's Island, two hundred thousand dollars; and for the erection of storehouses and other necessary buildings, in accordance with the plan reported by a board composed of Major-General John R. Brooke, Colonel George L. Gillespie, and Colonel Amos S. Kimball, dated July twenty-first, nineteen hundred, sixty thousand dollars; in all, two hundred and sixty thousand dollars.

Fort Monroe, Va.

FORT MONROE, VIRGINIA: For repair and maintenance of wharf, including all necessary labor and material therefor, painting freight house, cleaning, painting and repairs to ironwork of wharf, and fuel, oil, and supplies for waiting rooms, and water for flushing closets, seven thousand six hundred and twenty-five dollars; wharfinger, nine hundred dollars; laborer, four hundred and twenty dollars; in all, eight thousand nine hundred and forty-five dollars; for one-half of said sum to be supplied by the United States, four thousand four hundred and seventy-two dollars and fifty cents.

Repairs and operation of roads, pavements, streets, lights, and general police: For rakes, shovels, and brooms; stone and labor for macadamizing streets, brick, cement, terra-cotta drainpipe, and catch basins; electric lights for streets; repairs to roads, pavements, walks, and street crossings, three thousand and forty-five dollars; driver for police cart, four hundred and eighty dollars; in all, three thousand five hundred and twenty-five dollars; for one-half of said sum to be supplied by the United States, one thousand seven hundred and sixty-two dollars and fifty cents.

Maintenance of sewer system: For coal and wood, waste, oil, and pump repairs, sewer pipe, cement, brick, and supplies, one thousand four hundred and fifty dollars; two engineers, at nine hundred dollars each; two firemen, at six hundred dollars each; two laborers, at five hundred dollars each; in all, five thousand four hundred and fifty dollars; for one-half of said sum to be supplied by the United States, two thousand seven hundred and twenty-five dollars.

IMPROVEMENT OF THE YELLOWSTONE NATIONAL PARK: For the improvement of the Yellowstone National Park, and for the maintenance and repair of existing improvements, to be expended by and under the direction of the Secretary of War, one hundred and thirteen thousand dollars, to be immediately available: *Provided*, That of this amount twenty-five thousand dollars, or so much thereof as may be necessary, may be, in the discretion of the Secretary of War, expended in the Yellowstone and Teton forest reserves east and south of the park.

Yellowstone National Park.

Proviso.
Amount available for Yellowstone and Teton forest reserves, east and south of park.

For the administration and protection of the Yellowstone National Park, to be expended by and under the direction of the Secretary of the Interior, five thousand dollars.

CHICKAMAUGA AND CHATTANOOGA NATIONAL PARK: For compensation and expenses of two civilian commissioners and the assistant in historical work; maps, surveys, clerical and other assistance, messenger, office expenses, and all other necessary expenses; foundations for State monuments; mowing; historical tablets, iron and bronze; iron gun carriages; for roads and their maintenance, and for the purchase of land already authorized by law; in all, fifty-eight thousand six hundred dollars.

National parks, Chickamauga and Chattanooga.

SHILOH NATIONAL MILITARY PARK: For continuing the work of establishing a national military park on the battlefield of Shiloh, Tennessee; for the compensation of three civilian commissioners and the secretary, clerical and other services, labor, land, iron gun carriages and historical tablets, maps and surveys, roads, purchase and transportation of supplies and materials, office and other necessary expenses, fifty thousand dollars.

Shiloh.

GETTYSBURG NATIONAL PARK: For continuing the work of establishing the national park at Gettysburg, Pennsylvania; for the acquisition of lands, surveys, and maps; constructing, improving, and maintaining avenues, roads, and bridges thereon; making fences and gates; marking the lines of battle with tablets and guns, each tablet bearing a brief legend giving historic facts, and compiled without censure and without praise; preserving the features of the battlefield and the monuments thereon; providing for a suitable office for the commissioners in Gettysburg; compensation of three civilian commissioners, clerical and other services; expenses, and labor; the purchase and preparation of tablets and gun carriages and placing them in position, and all other expenses incidental to the foregoing, eighty thousand dollars.

Gettysburg.

VICKSBURG NATIONAL MILITARY PARK: For continuing the work of establishing the Vicksburg National Military Park; for the compensation of three civilian commissioners, the secretary and historian; for clerical and other services, labor, iron gun carriages, the mounting of siege guns, monuments, markers, and tablets giving historical facts, compiled without praise and without censure; maps and surveys; roads, bridges, restoration of earthworks, purchase and transportation of supplies and materials; office and other necessary expenses, one hundred thousand dollars, of which amount the sum of two thousand five hundred dollars, or so much thereof as may be necessary, in the discretion of the Secretary of War, in addition to the amounts heretofore appropriated for that purpose, may be used in the purchase of lands as a part of the site for said park.

Vicksburg.

Engineer Department.

ENGINEER DEPARTMENT.

Rivers and harbors improvements.

Toward the construction of works on harbors and rivers, under contract or otherwise, and within the limits authorized by law, namely:

For works authorized by the river and harbor Act of eighteen hundred and ninety-six, as follows:

Locks, etc., Allegheny River, Pa.

Locks and dams in Allegheny River, Pennsylvania: For continuing construction of locks and dams at Herr Island, above the head of Six-mile Island, and at Springdale, one hundred and twenty-six thousand dollars.

Bayou Plaquemine, La.

Improving Bayou Plaquemine, Louisiana: For completing improvement, two hundred and ten thousand dollars.

Buffalo, N. Y.

Improving harbor at Buffalo, New York: For continuing improvement, four hundred thousand dollars.

Cumberland Sound, Ga. and Fla.

Improving Cumberland Sound, Georgia and Florida: For continuing improvement, two hundred thousand dollars.

Harbor of Refuge, Delaware Bay.

Harbor of refuge, Delaware Bay, Delaware: For continuing construction, two hundred and thirteen thousand dollars.

Duluth, Minn., and Superior, Wis.

Improving harbor at Duluth, Minnesota, and Superior, Wisconsin: For continuing improvement, three hundred and twenty thousand dollars.

Grays Harbor, Wash.

Improving Grays Harbor, Washington: For continuing improvement of harbor and bar entrance, one hundred and thirty-eight thousand and two hundred and twenty-five dollars.

Illinois and Mississippi canal.

Illinois and Mississippi Canal: For continuing construction, nine hundred and seventy-five thousand dollars.

Kentucky River, Ky.

Improving Kentucky River, Kentucky: For continuing improvement, one hundred and fifty thousand dollars.

Waterway from Keweenaw Bay to Lake Superior, Mich.

Improving waterway from Keweenaw Bay to Lake Superior, Michigan: For continuing improvement of water communication across Keweenaw Point, one hundred and forty-five thousand dollars.

Portland, Me.

Improving harbor at Portland, Maine: For continuing improvement, twenty-one thousand dollars.

Providence River and Narragansett Bay, R. I.

Improving Providence River and Narragansett Bay, Rhode Island: For continuing improvement, fifty-nine thousand dollars.

San Pedro, Cal.

Improving harbor at San Pedro, California: For continuing construction of breakwater, one hundred and forty-six thousand dollars.

Winyaw Bay, S. C.

Improving Winyaw Bay, South Carolina: For continuing improvement of harbor at Winyaw Bay, five hundred thousand dollars.

Yazoo River, Miss.

Improving Yazoo River, Mississippi: For completing improvement of mouth of Yazoo River and harbor of Vicksburg, five hundred and ten thousand dollars.

For works authorized by the river and harbor Act of eighteen hundred and ninety-nine, as follows:

Ashtabula, Ohio.

Improving harbor at Ashtabula, Ohio: For continuing improvement, two thousand dollars.

Boston, Mass.

Improving harbor at Boston, Massachusetts: For completing improvement under project for thirty-foot depth through Broad Sound Channel, one hundred and thirty-three thousand dollars.

Bridgeport, Conn.

Improving harbor at Bridgeport, Connecticut: For continuing improvement, fifty thousand dollars.

Gowanus Bay, N. Y.

Improving channel in Gowanus Bay, New York: For continuing improvement of Bay Ridge and Red Hook channels, one hundred and forty thousand dollars.

Black Warrior River, Ala.

Improving Black Warrior River, Alabama: For completing construction of Lock and Dam Numbered Four, above Tuscaloosa, fifty-three thousand six hundred and seventy-six dollars.

Big Sandy River, W. Va. and Ky.

Improving Big Sandy River, West Virginia and Kentucky: For continuing improvement by the construction of two locks and dams

between Louisa and mouth of the river, one hundred and forty thousand dollars.

Improving Calumet Harbor, Illinois: For continuing improvement, two hundred and fifty-five thousand dollars.

Calumet Harbor, Ill.

Improving Congaree River, South Carolina: For continuing improvement from Gervais street bridge, Columbia, to Granby, fifty thousand dollars.

Congaree River,
S. C.

Improving Delaware River, Pennsylvania and New Jersey: For continuing improvement, sixty-one thousand five hundred dollars.

Delaware River,
Pa. and N. J.

Improving Detroit River, Michigan: For continuing improvement, three hundred and twenty-five thousand dollars.

Detroit River, Mich.

Improving harbor at Everett, Washington: For continuing improvement, ninety thousand dollars.

Everett, Wash.

Improving Hudson River, New York: For continuing improvement, one hundred thousand dollars.

Hudson River, N. Y.

Improving Mississippi River from the mouth of the Ohio to Minneapolis, Minnesota: For continuing improvement between Saint Paul and Minneapolis, one hundred and fifty-seven thousand dollars.

Mississippi River
from mouth of Ohio
to Minneapolis.

Improving harbor at New York, New York: For continuing improvement of Ambrose Channel (formerly known as East Channel) across Sandy Hook Bar, one hundred and thirty thousand dollars.

New York Harbor,
Ambrose Channel.

Improving harbor at New Haven, Connecticut: For continuing improvements, fifty thousand dollars.

New Haven, Conn.

Improving waterway from Norfolk, Virginia, to sounds of North Carolina: For continuing improvement of Deep Creek, Virginia, Turners Cut, Croatan Sound, and Pasquotank River, North Carolina, twenty-nine thousand eight hundred and seventy dollars.

Waterway from
Norfolk to Sounds of
North Carolina.

Improving Ohio River below Pittsburg, Pennsylvania: For continuing construction of Dams Numbered Thirteen and Eighteen, forty thousand dollars.

Ohio River below
Pittsburg, Pa.

Improving Ocmulgee River, Georgia: For continuing improvement, forty thousand dollars.

Ocmulgee River,
Ga.

Improving Patapsco River, Maryland: For continuing improvement of channel to Baltimore, four hundred and seventy-five thousand three hundred and fifty-two dollars.

Patapsco River, Md.

Improving Potomac River: For improvement below the city of Washington, ninety-eight thousand dollars.

Potomac River.

Improving harbor at Saint Joseph, Michigan: For completing improvement, thirty-eight thousand dollars.

St. Joseph, Mich.

Improving Savannah River, Georgia: For continuing improvement between Augusta and Savannah, one hundred thousand dollars.

Savannah River,
Ga.

Improving Tampa Bay, Florida: For continuing improvement of channel from the Gulf of Mexico to Port Tampa, one hundred and twenty-seven thousand dollars.

Tampa Bay, Fla.

Improving harbor at Toledo, Ohio: For continuing improvement, eight thousand dollars.

Toledo, Ohio, har-
bor.

Improving Warrior and Tombigbee rivers, Alabama and Mississippi: For continuing improvement of Warrior River by the construction of the three locks and dams next below Tuscaloosa, two hundred and forty thousand dollars.

Warrior and Tom-
bigbee rivers, Ala. and
Miss.

NATIONAL CEMETERIES.

National ceme-
teries.

FOR NATIONAL CEMETERIES: For maintaining and improving national cemeteries, including fuel for superintendents of national cemeteries, pay of laborers and other employees, purchase of tools and materials, one hundred thousand dollars.

Maintenance.

FOR SUPERINTENDENTS OF NATIONAL CEMETERIES: For pay of seventy-five superintendents of national cemeteries, sixty-one thousand eight hundred and eighty dollars.

Superintendents.

Headstones for soldiers' graves.

HEADSTONES FOR GRAVES OF SOLDIERS: For continuing the work of furnishing headstones for unmarked graves of Union soldiers, sailors, and marines in national, post, city, town, and village cemeteries, naval cemeteries at navy-yards and stations of the United States, and other burial places, under the Acts of March third, eighteen hundred and seventy-three, and February third, eighteen hundred and seventy-nine, twenty-five thousand dollars.

Vol. 17, p. 545.

Vol. 20, p. 218.

Roadways.

REPAIRING ROADWAYS TO NATIONAL CEMETERIES: For repairs to roadways to national cemeteries which have been constructed by special authority of Congress: *Provided*, That no railroad shall be permitted upon the right of way which may have been acquired by the United States to a national cemetery, or to encroach upon any roads or walks constructed thereon and maintained by the United States, fifteen thousand dollars.

Proviso.
Encroachments by
railroads forbidden.

Staunton, Va.

For repairing and improving Government roadway from Staunton, Virginia, to the national cemetery, two thousand dollars.

Burial of indigent soldiers.

BURIAL OF INDIGENT SOLDIERS: For expenses of burying in the Arlington National Cemetery, or in the cemeteries of the District of Columbia, indigent ex-Union soldiers, sailors, and marines of the late civil war who die in the District of Columbia, to be disbursed by the Secretary of War, at a cost not exceeding forty dollars for such burial expenses in each case, exclusive of cost of grave, three thousand dollars.

Presidio of San Francisco.

ROAD TO NATIONAL CEMETERY, PRESIDIO OF SAN FRANCISCO, CALIFORNIA: For continuation of stone wall on the boundary line of the reservation of the Presidio of San Francisco, California, five thousand dollars.

Antietam battlefield.

ANTIETAM BATTLEFIELD: For repair and preservation of monuments, tablets, observation tower, roads, and fences, and so forth, made and constructed by the United States upon public land within the limits of the Antietam battlefield, near Sharpsburg, Maryland, one thousand five hundred dollars.

For pay of superintendent of Antietam battlefield, said superintendent to perform his duties under the direction of the Quartermaster's Department and to be selected and appointed by the Secretary of War, at his discretion, the person selected and appointed to this position to be an honorably discharged Union soldier, one thousand five hundred dollars.

Miscellaneous.

MISCELLANEOUS OBJECTS, WAR DEPARTMENT.

Bringing home deceased soldiers.

BRINGING HOME THE REMAINS OF OFFICERS AND SOLDIERS WHO DIE ABROAD: To enable the Secretary of War, in his discretion, to cause to be transported to their homes the remains of officers and soldiers who die at military camps or who are killed in action or who die in the field or hospital in Alaska and at places outside of the limits of the United States, or who die while on voyage at sea, one hundred thousand dollars.

—civilian employees, Army.

BRINGING HOME THE REMAINS OF CIVIL EMPLOYEES OF THE ARMY WHO DIE ABROAD AND SOLDIERS WHO DIE ON TRANSPORTS: To enable the Secretary of War, in his discretion, to cause to be transported to their homes the remains of civilian employees of the Army who have died, or may hereafter die, while in the employ of the War Department in Cuba, Porto Rico, Hawaii, China, Alaska, and the Philippines, including the remains of any honorably discharged soldiers who are entitled under the terms of their discharge to return transportation on Government transport, and who die while on said transport, fifty thousand dollars.

Maps.

MAPS, WAR DEPARTMENT: For publication of maps for use of the War Department, inclusive of war maps, five thousand dollars.

SURVEY OF NORTHERN AND NORTHWESTERN LAKES: For survey of northern and northwestern lakes, including all necessary expenses of correcting, extending, printing, and issuing charts, and of investigating lake levels, with a view to their regulation, to be available until expended, one hundred thousand dollars.

Survey of northern, etc., lakes

TRANSPORTATION OF REPORTS AND MAPS TO FOREIGN COUNTRIES: For the transportation of reports and maps to foreign countries through the Smithsonian Institution, one hundred dollars.

Transporting maps.

ARTIFICIAL LIMBS: For furnishing artificial limbs and apparatus, or commutation therefor, and necessary transportation, to be disbursed under the direction of the Secretary of War, one hundred and twenty-five thousand dollars.

Artificial limbs.

APPLIANCES FOR DISABLED SOLDIERS: For furnishing surgical appliances to persons disabled in the military or naval service of the United States, and not entitled to artificial limbs or trusses for the same disabilities, to be disbursed under the direction of the Secretary of War, two thousand dollars.

Appliances for disabled soldiers.

SUPPORT AND MEDICAL TREATMENT OF DESTITUTE PATIENTS: For the support and medical treatment of ninety-five medical and surgical patients who are destitute, in the city of Washington, under a contract to be made with the Providence Hospital by the Surgeon-General of the Army, nineteen thousand dollars; for the erection and equipment of a power-house and nurses' home to be erected at Providence Hospital, fifty thousand dollars, to be expended under the direction of the Commissioners of the District of Columbia; in all, sixty-nine thousand dollars, one-half of which sum shall be paid from the revenues of the District of Columbia and the other half from the Treasury of the United States.

Providence Hospital. Destitute patients.

GARFIELD MEMORIAL HOSPITAL: For maintenance, to enable it to provide medical and surgical treatment to persons unable to pay therefor, nineteen thousand dollars; for pointing up and painting all the interior walls and ceilings of the isolating wards for minor contagious diseases at the Garfield Hospital, one thousand seven hundred and fifty dollars; in all, twenty thousand seven hundred and fifty dollars, one-half of which sum shall be paid from the revenues of the District of Columbia and the other half from the Treasury of the United States.

Garfield Hospital. Maintenance.

ESTABLISHMENT OF APACHE PRISONERS AT FORT SILL, OKLAHOMA TERRITORY: For the erection of buildings and repairs to same, purchase of draft animals, and live stock for breeding purposes, farm and household utensils, blacksmith and wheelwright tools, and repairs to same, and all other necessary articles absolutely needed for the support and maintenance of the Apache prisoners of war permanently established at Fort Sill, Oklahoma, under control of the War Department, two thousand five hundred dollars.

Establishing Apache Indians at Fort Sill, Okla.

CALIFORNIA DÉBRIS COMMISSION: For defraying the expenses of the commission in carrying on the work authorized by the Act of Congress approved March first, eighteen hundred and ninety-three, fifteen thousand dollars.

California Débris Commission. Vol. 27, p. 507.

HARBOR OF NEW YORK: For prevention of obstructive and injurious deposits within the harbor and adjacent waters of New York City:

New York Harbor.

For pay of inspectors and deputy inspectors, office force, and expenses of office, ten thousand two hundred and sixty dollars:

Inspectors, etc.

For pay of crews and maintenance of five steam tugs and three launches, fifty-eight thousand three hundred and forty dollars;

For electric plant and steam steering gear and installing same, and generally overhauling and repairing steam tug Nimrod, four thousand two hundred dollars;

Repairs, tug Nimrod.

In all, seventy-two thousand eight hundred dollars.

STATUE OF GENERAL JOHN A. LOGAN: To defray the expenses attending the unveiling of the statue of General John A. Logan, lately

Statue of Gen. John A. Logan. Expenses unveiling.

erected in Iowa circle, in the city of Washington, District of Columbia, one thousand five hundred dollars, or so much thereof as may be necessary, to be expended under the direction of the commission charged with the selection of a site and erection of a pedestal for said statue, to be immediately available.

—of Gen. George B. McClellan.
Site and pedestal authorized.

STATUE OF GENERAL GEORGE B. MCCLELLAN: For the preparation of a site and the erection of a pedestal for a statue of the late Major-General George B. McClellan in the city of Washington, said site to be selected by and said pedestal erected under the supervision of the chairman of the Joint Committee on the Library, the Secretary of War, and the chairman of the McClellan statue committee of the Society of the Army of the Potomac, fifty thousand dollars: *Provided*, That any part of this sum not required for the site and pedestal may be used and expended for the completion of the statue of General McClellan: *And provided further*, That said statue shall not be located in the grounds of the Capitol or Library of Congress.

Provisos.
—balance available for statue.
—location.

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

National Home for Disabled Volunteer Soldiers.
Dayton, Ohio.

For the support of the National Home for Disabled Volunteer Soldiers, as follows:

AT THE CENTRAL BRANCH, AT DAYTON, OHIO: For current expenses, namely: Pay of officers and noncommissioned officers of the Home, with such exceptions as are hereinafter noted, and their clerks and orderlies; also payments for chaplains and religious instruction, printers, bookbinders, librarians, musicians, telegraph and telephone operators, guards, policemen, watchmen, and fire company; for all property and materials purchased for their use, including repairs not done by the Home; for necessary expenditures for articles of amusement, boats, library books, magazines, papers, pictures, and musical instruments, and for repairs not done by the Home; and for stationery, advertising, legal advice, for payments due heirs of deceased members, and for such other expenditures as can not properly be included under other heads of expenditure, fifty-one thousand seven hundred and fifty dollars.

Subsistence.

For subsistence, namely: Pay of commissary sergeants, commissary clerks, porters, laborers, bakers, cooks, dishwashers, waiters, and others employed in the subsistence department; the cost of all articles purchased for the regular ration, their freight, preparation, and serving; aprons, caps, and jackets for kitchen and dining-room employees; of tobacco; of all dining-room and kitchen furniture and utensils, bakers' and butchers' tools and appliances, and their repair not done by the Home, two hundred and fifty thousand dollars.

Household

For household, namely: Expenditures for furniture for officer's quarters; for bedsteads, bedding, bedding material, and all other articles required in the quarters of the members, and for their repair if they are not repaired by the Home; for fuel, including fuel for cooking, heat, and light; for engineers and firemen, bath-house keepers, hall cleaners, laundrymen, gas and soap makers, and privy watchmen, and for all labor, materials, and appliances required for household use, and for their repairs unless the repairs are made by the Home, one hundred and ten thousand dollars.

Hospital.

For hospital, namely: Pay of assistant surgeons, matrons, druggists, hospital clerks and stewards, ward masters, nurses, cooks, waiters, readers, hospital carriage drivers, hearse drivers, gravediggers, funeral escort, and for such other services as may be necessary for the care of the sick; for surgical instruments and appliances, medical books, medicine, liquors, fruits, and other necessities for the sick not on the regular ration; for bedsteads, bedding, and bedding materials, and all

other articles necessary for the wards; for hospital kitchen and dining-room furniture and appliances, including aprons, caps, and jackets for hospital kitchen and dining-room employees; carriage, hearse, stretchers, coffins; for tools of gravediggers, and for all repairs to hospital furniture and appliances not done by the Home, fifty-seven thousand five hundred dollars;

For transportation, namely: For transportation of members of the Home, two thousand five hundred dollars;

Transportation,

For repairs, namely: Pay of chief engineer, builders, blacksmiths, carpenters, cabinetmakers, coopers, painters, gas fitters, plumbers, tin-smiths, wire-workers, steam fitters, stone and brick masons, quarrymen, whitewashers, and laborers, and for all appliances and materials used under this head; also for repairs of roads and other improvements of a permanent character, sixty-five thousand dollars;

Repairs, etc.

For extension of electric-light plant, ten thousand dollars;

For improvement and general overhauling of hospital, twelve thousand dollars;

For cement walks and crossings, ten thousand dollars;

For one barrack dining room and kitchen combined, and furniture, forty-five thousand dollars;

For farm, namely: Pay of farmer, chief gardener, harness makers, farm hands, gardeners, horseshoers, stablemen, teamsters, dairymen, herders, and laborers, and for all tools, appliances, and materials required for farm, garden, and dairy work; for grain, hay, straw, dressing, seed, carriages, wagons, carts, and other conveyances; for all animals purchased for stock or for work (including animals in the park); for all materials, tools, and labor for flower garden, lawn, and park; for rent of leased lands, and for repairs not done by the Home, fifteen thousand dollars;

Farm.

In all, six hundred and twenty-eight thousand seven hundred and fifty dollars.

AT THE NORTHWESTERN BRANCH, AT MILWAUKEE, WISCONSIN: For current expenses, including the same objects specified under this head for the Central Branch, twenty-eight thousand seven hundred and fifty dollars;

Milwaukee, Wis.

For subsistence, including the same objects specified under this head for the Central Branch, one hundred and twenty-seven thousand five hundred dollars;

For household, including the same objects specified under this head for the Central Branch, fifty-five thousand dollars;

For hospital, including the same objects specified under this head for the Central Branch, thirty-two thousand dollars;

For transportation of members of the Home, one thousand five hundred dollars;

For repairs, including the same objects specified under this head for the Central Branch, twenty-five thousand five hundred dollars;

For nurses' quarters and furniture, seven thousand five hundred dollars;

For chaplains' quarters, two thousand five hundred dollars;

For farm, including the same objects specified under this head for the Central Branch, nine thousand five hundred dollars;

In all, two hundred and eighty-nine thousand seven hundred and fifty dollars.

That the jurisdiction over the places purchased and used for the location of the Branches of the National Home for Disabled Volunteer Soldiers, under and by the authority of an Act of Congress approved March twenty-first, eighteen hundred and sixty-six, in Milwaukee County, State of Wisconsin, and upon which said Branch Home is located, and by authority of an Act of Congress approved July fifth,

Jurisdiction over sites Branch Homes ceded to States.

—Milwaukee County, Wis.

—Leavenworth County, Kans.
Vol. 14, p. 10, etc.

Proviso.
Powers Board of
Managers unimpaired.

Togus, Me.

eighteen hundred and eighty-eight, in the county of Leavenworth, State of Kansas, and upon which said Branch Home is located, is hereby ceded to the respective States in which said Branches are located and relinquished by the United States, and the United States shall claim or exercise no jurisdiction over said places after the passage of this Act: *Provided*, That nothing contained herein shall be construed to impair the powers or rights heretofore conferred upon or exercised by the Board of Managers of the National Home for Disabled Volunteer Soldiers in and on said places.

AT THE EASTERN BRANCH AT TOGUS, MAINE: For current expenses, including the same objects specified under this head for the Central Branch, thirty thousand dollars;

For subsistence, including the same objects specified under this head for the Central Branch, one hundred and twenty-five thousand dollars;

For household, including the same objects specified under this head for the Central Branch, fifty-two thousand dollars;

For hospital, including the same objects specified under this head for the Central Branch, thirty thousand dollars;

For transportation of members of the Home, one thousand five hundred dollars;

For repairs, including the same object specified under this head for the Central Branch, twenty-two thousand two hundred dollars;

For new cemetery, two thousand five hundred dollars;

For road, necessary drainage, and excavation, five thousand dollars;

For two boilers, connections, and setting up, to replace old and worn-out boilers, seven thousand five hundred dollars;

For commissary quarters and furniture, six thousand five hundred dollars;

The four preceding sums shall be immediately available;

For farm, including the same objects specified under this head for the Central Branch, thirteen thousand two hundred and fifty dollars;

In all, two hundred and ninety-five thousand four hundred and fifty dollars.

Hampton, Va.

AT THE SOUTHERN BRANCH, AT HAMPTON, VIRGINIA: For current expenses, including the same objects specified under this head for the Central Branch, thirty-one thousand dollars;

For subsistence, including the same objects specified under this head for the Central Branch, one hundred and seventy thousand dollars;

For household, including the same objects specified under this head for the Central Branch, sixty-six thousand dollars;

For hospital, including the same objects specified under this head for the Central Branch, thirty-five thousand dollars;

For transportation of members of the Home, two thousand seven hundred and fifty dollars;

For repairs, including the same objects specified under this head for the Central Branch, thirty thousand dollars;

For completing repairs to breakwater, six thousand five hundred dollars;

For extension of hospital complete, four thousand dollars;

For farm, including the same objects specified under this head for the Central Branch, nine thousand dollars;

In all, three hundred and fifty-four thousand two hundred and fifty dollars.

Leavenworth, Kans.

AT THE WESTERN BRANCH, AT LEAVENWORTH, KANSAS: For current expenses, including the same objects specified under this head for the Central Branch, forty thousand seven hundred dollars;

For subsistence, including the same objects specified under this head for the Central Branch, one hundred and thirty thousand dollars;

For household, including the same objects specified under this head for the Central Branch, sixty-five thousand dollars;

For hospital, including the same objects specified under this head for the Central Branch, thirty-seven thousand five hundred dollars;

For transportation of members of the Home, three thousand dollars;

For repairs, including the same objects specified under this head for the Central Branch, forty-three thousand dollars;

For extension of boiler house and plant, six thousand five hundred dollars;

For chaplain's quarters, two thousand five hundred dollars.

For farm, including the same objects specified under this head for the Central Branch, fifteen thousand dollars;

In all, three hundred and forty-three thousand two hundred dollars.

AT THE PACIFIC BRANCH, AT SANTA MONICA, CALIFORNIA: For current expenses, including the same objects specified under this head for the Central Branch, twenty-seven thousand five hundred dollars;

Santa Monica, Cal

For subsistence, including the same objects specified under this head for the Central Branch, one hundred and five thousand dollars;

For household, including the same objects specified under this head for the Central Branch, fifty thousand dollars;

For hospital, including the same objects specified under this head for the Central Branch, twenty-seven thousand five hundred dollars;

For transportation of members of the Home, three thousand dollars;

For repairs, including the same objects specified under this head for the Central Branch, twenty-seven thousand five hundred dollars;

For addition to hospital dining room and kitchen, and septic tank for hospital sewage, eleven thousand dollars;

For farm, including the same objects specified under this head for the Central Branch, ten thousand dollars;

In all, two hundred and sixty thousand five hundred dollars.

AT THE MARION BRANCH, AT MARION, INDIANA: For current expenses, including the same objects specified under this head for the Central Branch, thirty-two thousand one hundred and fifty dollars;

Marion, Ind.

For subsistence, including the same objects specified under this head for the Central Branch, one hundred and five thousand dollars;

For household, including the same objects specified under this head for the Central Branch, and for necessary expenses for the procurement, piping, and preservation of natural gas, twenty-five thousand dollars;

For hospital, including the same objects specified under this head for the Central Branch, twenty-seven thousand five hundred dollars;

For transportation of members of the Home, one thousand five hundred dollars;

For repairs, including the same objects specified under this head for the Central Branch, and for necessary expenses for the procurement, piping, and preservation of natural gas, twenty-five thousand dollars:

Provided, That no part of the appropriations for repairs for any of the Branch Homes shall be used for the construction of any new building;

proviso.
Appropriations for
repairs not available
for new buildings

For barrack, dining room, and kitchen (combined), thirty-eight thousand dollars;

For blacksmith's shop, one thousand dollars;

For officers' quarters, five thousand dollars;

For farm, including the same objects specified under this head for the Central Branch, ten thousand dollars;

In all, two hundred and seventy thousand one hundred and fifty dollars.

AT THE DANVILLE BRANCH, DANVILLE, ILLINOIS: For current expenses, including the same objects specified under this head for the Central Branch, twenty-eight thousand seven hundred and fifty dollars;

Danville, Ill.

For subsistence, including the same objects specified under this head for the Central Branch, one hundred and twenty-five thousand dollars;

For household, including the same objects specified under this head for the Central Branch, fifty-five thousand dollars;

For hospital, including the same objects specified under this head for the Central Branch, thirty thousand dollars;

For transportation of members of the Home, two thousand five hundred dollars.

For repairs, including the same objects specified under this head for the Central Branch, twenty-five thousand dollars.

For farm, including the same objects specified under this head for the Central Branch, ten thousand dollars;

In all, two hundred and seventy-six thousand two hundred and fifty dollars.

For clothing for all of the Branches, namely: Expenditures for clothing, underclothing, hats, caps, boots, shoes, socks, and overalls; also all sums expended for labor, materials, machines, tools, and appliances employed, and for use in the tailor shops, knitting shops, and shoe shops, or other Home shops in which any kind of clothing is made or repaired, three hundred thousand dollars.

Board of Managers.
Salaries, etc.

For salaries for officers and employees of the Board of Managers, and for outdoor relief and incidental expenses, namely:

For president of the Board of Managers, four thousand dollars; secretary of the Board of Managers, two thousand dollars; general treasurer, who shall not be a member of the Board of Managers, four thousand dollars; inspector-general, two thousand five hundred dollars; assistant general treasurer and assistant inspector-general, two thousand dollars; two assistant inspectors-general, at two thousand dollars each; clerical services for the offices of the president and general treasurer, ten thousand dollars; messenger service for president's office, one hundred and forty-four dollars; clerical services for managers, three thousand four hundred dollars; agents, one thousand eight hundred dollars; for traveling expenses of the Board of Managers, their officers and employees, fifteen thousand dollars; for outdoor relief, one thousand dollars; for rent, medical examinations, stationery, telegrams, and other incidental expenses, five thousand dollars; in all, fifty-four thousand eight hundred and forty-four dollars.

Amount.

Proviso.
Auditing accounts.

In all, three million and seventy-three thousand one hundred and forty-four dollars: *Provided*, That the accounts relating to the expenditure of all public moneys appropriated for the support and maintenance of the National Home for Disabled Volunteer Soldiers shall be audited by the Board of Managers of said Home in the same manner as is provided for the accounts of the various Departments of the United States Government, and thereupon immediately transmitted directly to the proper accounting officers of the Treasury Department for final audit and settlement.

Designation of officer to act for treasurer and quartermaster at Branch Homes.

Hereafter the Board of Managers of the National Home for Disabled Volunteer Soldiers may, in their discretion, designate and authorize an officer at each or any of the several Branches of the National Home for Disabled Volunteer Soldiers to perform such duties in connection with the offices of the treasurer and quartermaster at any such Branch as they may direct, and in the necessary absence or inability of either of said officers from any cause whatever to have power to act in their places and perform all of the duties connected with the said respective offices. All officers so designated and authorized to act as provided hereunder shall give bond to the general treasurer of the National Home for Disabled Volunteer Soldiers in such amount as he may require, and to be approved by him, faithfully to account for all public moneys and property which they may receive.

—bond of.

State or Territorial Homes.

STATE OR TERRITORIAL HOMES: For continuing aid to State or Territorial homes for the support of disabled volunteer soldiers, in

conformity with the Act approved August twenty-seventh, eighteen hundred and eighty-eight, including all classes of soldiers admissible to the National Home for Disabled Volunteer Soldiers, nine hundred and fifty thousand dollars: *Provided*, That one-half of any sum or sums retained by State homes on account of pensions received from inmates shall be deducted from the aid herein provided for.

Vol. 25, p. 450.

Proviso.
Deductions.

BACK PAY AND BOUNTY: For payment of amounts for arrears of pay of two and three year volunteers, for bounty to volunteers and their widows and legal heirs, for bounty under the Act of July twenty-eighth, eighteen hundred and sixty-six, and for amounts for commutation of rations to prisoners of war in rebel States, and to soldiers on furlough, and to enable the Secretary of the Treasury to pay to members of the Fourth Arkansas Mounted Infantry, their heirs, or the duly authorized attorney of either, the pay and allowances of such officers and soldiers in accordance with the findings and report made by the referee appointed under the provisions of the Act approved February twenty-seventh, eighteen hundred and ninety-nine, entitled "An Act for the relief of the Fourth Arkansas Mounted Infantry," that may be certified to be due by the accounting officers of the Treasury during the fiscal year nineteen hundred and two, three hundred and twenty-five thousand dollars.

Arrears of pay and bounty.

Vol. 14, p. 322.

Fourth Arkansas Mounted Infantry.

Vol. 30, p. 894.
Payments to authorized.

For payment of amounts for arrears of pay and allowances on account of service of officers and men of the Army during the war with Spain that may be certified to be due by the accounting officers of the Treasury during the fiscal year nineteen hundred and two, and that are chargeable to the appropriations that have been carried to the surplus fund, two hundred thousand dollars.

Arrears of pay, etc., Spanish war.

UNDER THE DEPARTMENT OF STATE.

Department of State.

INTERNATIONAL CONFERENCE OF AMERICAN STATES: The appropriation of twenty-five thousand dollars made in the sundry civil appropriation Act approved June sixth, nineteen hundred, for actual and necessary expenses of delegates to the proposed International Conference of American States, and for necessary clerical assistance, is hereby made available for and during the fiscal year nineteen hundred and two.

International conference of American States.

Ante, p. 637.

UNITED STATES AND CHILEAN CLAIMS COMMISSION: To carry into effect the convention between the United States and Chile of May twenty-fourth, eighteen hundred and ninety-seven, to revive the convention for the settlement of certain claims of the citizens of either country against the other, signed at Santiago on the seventh day of August, eighteen hundred and ninety-two, twenty-five thousand dollars, or so much thereof as may be necessary, to be immediately available, and to be expended under the direction of the President, in such manner as he shall deem reasonable and proper, for the compensation of the commissioner, the secretary, and the agent on the part of the United States, for the employment of special counsel as assistant to the agent of the United States, and for the contingent expenses of the commission, including the moiety of the compensation of the third commissioner and the taking of testimony on behalf of the United States: *Provided*, That the compensation of the commissioner on the part of the United States shall be five thousand dollars; that of the secretary on the part of the United States, two thousand five hundred dollars; that of the agent of the United States, four thousand dollars, and that of the special counsel, three thousand dollars, and that the ratable deduction on the amount of the sums awarded by the commissioners, not exceeding the rate of five per centum on the sums so awarded, which, in accordance with the provisions of the tenth article of the revived convention of August seventh, eighteen hundred and ninety-

United States and Chilean Claims Commission.
Appropriation for.*Provisos.*
Salaries of commissioner, etc.

Ratable deduction on awards, etc.

Vol. 27, p. 965.

two, is to be retained in reimbursement of the expenses of the commission, shall be covered into the Treasury: *And provided further*, That out of the money hereby appropriated the Secretary of the Treasury shall credit and reimburse to the appropriation for "Emergencies arising in the diplomatic and consular service, nineteen hundred and one," the total amount withdrawn therefrom, under the President's direction, to meet the expenses of the commission prior to the passage of this Act.

Department of Justice.

UNDER THE DEPARTMENT OF JUSTICE.

Court-house, District of Columbia.

COURT-HOUSE, WASHINGTON, DISTRICT OF COLUMBIA: For annual repairs, as per estimate of the Architect of the Capitol, one thousand dollars.

Fort Leavenworth, Kans., penitentiary.

For continuing construction of the new United States penitentiary at Fort Leavenworth, Kansas, one hundred and fifty thousand dollars, to be available immediately and to remain available until expended.

Miscellaneous.

MISCELLANEOUS.

Defending suits in claims.

DEFENDING SUITS IN CLAIMS AGAINST THE UNITED STATES: For defraying the necessary expenses, including salaries of necessary employees in Washington, District of Columbia, incurred in the examination of witnesses and procuring of evidence in the matter of claims against the United States and in defending suits in the Court of Claims, including defense for the United States in the matter of French spoliation claims, to be expended under the direction of the Attorney-General, forty-five thousand dollars.

Punishing violations of intercourse acts, Indian service.

PUNISHING VIOLATIONS OF THE INTERCOURSE ACTS AND FRAUDS: For detecting and punishing violations of the intercourse Acts of Congress and frauds committed in the Indian service, the same to be expended by the Attorney-General in allowing such fees and compensation of witnesses, jurors, marshals and deputies, and agents, and in collecting evidence, and in defraying such other expenses as may be necessary for this purpose, four thousand dollars.

Prosecution of crimes.

PROSECUTION OF CRIMES: For the detection and prosecution of crimes against the United States, preliminary to indictment; the investigation of official acts, records, and accounts of marshals, attorneys, clerks of the United States courts, and United States commissioners, for which purpose all the records and dockets of said officers, without exception, shall be examined by the agents of the Attorney-General at any time; the inspection of United States prisoners and prisons; to be expended under the direction of the Attorney-General, and to include salaries of all necessary agents in Washington, District of Columbia, forty-five thousand dollars.

Traveling expenses. R. S., sec. 3648, p. 718.

TRAVELING AND MISCELLANEOUS EXPENSES: For traveling and other miscellaneous and emergency expenses authorized and approved by the Attorney-General, to be expended at his discretion, the provisions of the first paragraph of section thirty-six hundred and forty-eight, Revised Statutes, to the contrary notwithstanding, seven thousand five hundred dollars.

Prosecution of claims.

PROSECUTION AND COLLECTION OF CLAIMS: For the prosecution and collection of claims due the United States, to be expended under the direction of the Attorney-General, five hundred dollars.

Alaska. Traveling expenses.

TRAVELING EXPENSES, TERRITORY OF ALASKA: For the actual and necessary expenses of the judges and clerks in the district of Alaska when traveling in the discharge of their official duties, three thousand dollars.

Rent.

RENT AND INCIDENTAL EXPENSES, TERRITORY OF ALASKA: For furniture, fuel, books, stationery, and other incidental expenses, for the offices of the marshals, attorneys, and salaried commissioners in the district of Alaska, ten thousand dollars.

TEMPORARY QUARTERS FOR COURT OF CLAIMS: For rental of temporary quarters for the Court of Claims, to be expended under the direction of the Attorney-General, ten thousand dollars. —for Court of Claims.

DEFENSE IN INDIAN DEPREDAATION CLAIMS: For salaries and expenses in defense of the Indian depredation claims, including salaries of Assistant Attorney-General in charge and necessary employees in Washington, District of Columbia, to be expended under the direction of the Attorney-General, fifty-two thousand dollars. Defense in Indian depredation claims.

COUNSEL FOR MISSION INDIANS: To enable the Attorney-General to employ a special attorney for the Mission Indians of southern California, upon the recommendation of the Secretary of the Interior, one thousand dollars. Counsel for Mission Indians.

OPINIONS OF THE ATTORNEY-GENERAL: To enable the Attorney-General to employ a competent person to edit and prepare for publication and superintend the printing of the twenty-third volume of the Opinions of the Attorney-General in such manner as will, in his judgment, best accomplish the work, five hundred dollars, the printing of said volume to be done in accordance with the provisions of section three hundred and eighty-three of the Revised Statutes. Digest of opinions of the Attorney-General.

CARE AND MAINTENANCE OF BUILDINGS RENTED BY DEPARTMENT OF JUSTICE: For incidental expenses and for employment of temporary assistance and workmen necessary for the care and custody of the buildings in the District of Columbia rented by the Department of Justice, to be selected and their compensation fixed by the Attorney-General and to be expended under his direction, eight thousand dollars. Care rented buildings.

JUDICIAL.

Judicial.

That the commission authorized by the Act entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight, and for other purposes," approved June fourth, eighteen hundred and ninety-seven, to revise and codify the criminal and penal laws of the United States, is hereby, directed to revise and codify, in accordance with the terms and provisions of said Act and the Acts supplementary thereto, all laws of the United States of a permanent and general nature in force at the time when the same shall be reported. Revision and codification of laws of a permanent and general nature authorized. Vol. 30, p. 58, etc.

That in performing this duty the said commission shall bring together all statutes and parts of statutes relating to the same subjects, shall omit redundant and obsolete enactments, and shall make such alterations as may be necessary to reconcile the contradictions, supply the omissions, and amend the imperfections of the original text; and may propose and embody in such revision changes in the substance of existing law; but all such changes shall be clearly set forth in an accompanying report, which shall briefly explain the reasons for the same. Changes in existing law authorized. —report on.

That the said commission shall arrange such revision under titles, chapters, and sections, or other suitable divisions and subdivisions, with head notes briefly expressive of the matter contained in such division, and with marginal notes so drawn as to point to the contents of the text, and with references to the original text from which each section is compiled, and to the decisions of the courts of the United States explaining or construing the same; and shall provide by an index for an easy reference to every portion of such revision. Arrangement of chapters, etc.

That when the commission have completed such revision in accordance herewith, it shall cause a copy of the same, in print, to be submitted to Congress, that the statutes so revised and codified may be reenacted if Congress shall so determine. Reenactment by Congress.

Additional district
judges.
Salaries.

For salaries of the additional district judges of the United States for the northern district of Ohio, the southern district of West Virginia, and the eastern district of Kentucky, at five thousand dollars each, fifteen thousand dollars.

United States courts.

UNITED STATES COURTS.

EXPENSES OF THE UNITED STATES COURTS: For defraying the expenses of the Supreme Court; of the circuit and district courts of the United States, including the district court in the Territory of Hawaii; of the supreme court and court of appeals of the District of Columbia; of the district court of Alaska; of the courts in the Indian Territory; of the circuit courts of appeals; of the Court of Private Land Claims; of the district court of the United States for Porto Rico; of suits and preparations for or in defense of suits in which the United States is interested; of the prosecution of offenses committed against the United States; and in the enforcement of the laws of the United States, specifically the expenses stated under the following appropriations namely:

Marshals.
—salaries.

For payment of salaries, fees, and expenses of United States marshals and their deputies, one million two hundred thousand dollars, to include payments for services rendered in behalf of the United States or otherwise. Advances to United States marshals, in accordance with existing law, may be made from the proper appropriations, as herein provided, immediately upon the passage of this Act; but no disbursements shall be made prior to July first, nineteen hundred and one, by said disbursing officers from the funds thus advanced, and no disbursements shall be made therefrom to liquidate expenses for the fiscal year nineteen hundred and one or prior years.

—advances to.

District attorneys.

Proviso.
Appropriation avail-
able for Supreme
Court cases.

For salaries of United States district attorneys and expenses of United States district attorneys and their regular assistants, four hundred and ten thousand dollars: *Provided*, That this appropriation, and the like appropriation for the fiscal year nineteen hundred and one, shall be available for the payment, upon approval of the Attorney-General, of expenses of United States district attorneys, or their regular assistants, in connection with services rendered or to be rendered by direction of the Attorney-General within the fiscal years nineteen hundred and one and nineteen hundred and two, respectively, in cases before the Supreme Court of the United States.

United States attor-
ney, D. C.

For fees of United States district attorney for the District of Columbia, twenty-three thousand eight hundred dollars.

Regular assistants
to district attorneys.

For payment of regular assistants to United States district attorneys, who are appointed by the Attorney-General, at a fixed annual compensation, one hundred and eighty-five thousand dollars.

For payment of assistants to the Attorney-General and to United States district attorneys employed by the Attorney-General to aid in special cases, sixty thousand dollars.

Clerks' fees.

For fees of clerks, two hundred and forty thousand dollars.

Commissioners' fees.
R. S., sec. 1014, p. 189.

For fees of United States commissioners and justices of the peace acting under section ten hundred and fourteen, Revised Statutes of the United States, one hundred and fifty thousand dollars.

Jurors' fees.

For fees of jurors, six hundred and fifty thousand dollars.

Witnesses' fees.

For fees of witnesses, nine hundred and fifty thousand dollars.

Rent of court rooms.

For rent of rooms for the United States courts and judicial officers, one hundred and five thousand dollars: *Provided*, That in lieu of the construction of a court-house and jail at Skagway, Alaska, as authorized by section thirty-one, chapter one, of the Act of June sixth, nineteen hundred, the property described in House Document Numbered Two hundred and thirty-eight, second session Fifty-sixth Congress, may be purchased by order of the first division of the district court for

Proviso.
Skagway, Alaska.
Purchase of certain
property authorized
in lieu of construction
of court-house and
jail.
Ante, p. 333.

Alaska, at an expense not exceeding eight thousand dollars, to be paid as provided in said section thirty-one, after the United States district judge and attorney shall have carefully examined the title to said property and certified the same to be good and sufficient.

For pay of bailiffs and criers, not exceeding three bailiffs and one crier in each court, except in the southern district of New York: *Provided*, That all persons employed under section seven hundred and fifteen of the Revised Statutes shall be deemed to be in actual attendance when they attend upon the order of the courts: *And provided further*, That no such person shall be employed during vacation; of reasonable expenses for travel and attendance of district judges directed to hold court outside of their districts, not to exceed ten dollars per day each, to be paid on written certificates of the judges, and such payments shall be allowed the marshal in the settlement of his accounts with the United States; expenses of judges of the circuit courts of appeals; of meals and lodgings for jurors in United States cases, and of bailiffs in attendance upon the same, when ordered by the court; and of compensation for jury commissioners, five dollars per day, not exceeding three days for any one term of court, one hundred and sixty thousand dollars.

Bailiffs and criers.
Provisos.
Actual attendance.
R. S., sec. 715, p. 136.

Vacation.
Traveling expenses,
judges, etc.

Meals for jurors, etc.

—jury commissioners.

For payment of such miscellaneous expenses as may be authorized by the Attorney-General, for the United States courts and their officers, including the furnishing and collecting of evidence where the United States is or may be a party in interest, and moving of records, two hundred and sixty thousand dollars.

Miscellaneous.

For salaries and expenses of clerks, deputy clerks, commissioners, and constables, and expenses of judges, in the Indian Territory, including the salaries of three deputy clerks, one at Muscogee, one at South McAlester, and one at Ardmore, sixty thousand dollars.

Indian Territory.
Salaries, etc.

For supplies for the United States courts and judicial officers, to be expended under the direction of the Attorney-General, thirty thousand dollars.

Supplies.

FEES OF DISTRICT ATTORNEY, SOUTHERN DISTRICT OF NEW YORK: For fees of district attorney for the southern district of New York, under section eight hundred and twenty-five, Revised Statutes, one hundred dollars.

District attorney,
southern district of
New York.
R. S., sec. 825, p. 154.

For support of United States prisoners, including necessary clothing and medical aid, and transportation to place of conviction or place of bona fide residence in the United States, and including support of prisoners becoming insane during imprisonment, as well before as after conviction, and continuing insane after expiration of sentence, who have no friends to whom they can be sent, and not exceeding three thousand dollars for repair of United States jails, six hundred and fifty thousand dollars.

Support of prisoners.

For the support of the United States penitentiary at Fort Leavenworth, Kansas, as follows: For subsistence, including supplies for prisoners, warden, deputy warden, tobacco for prisoners, kitchen and dining room furniture and utensils; and for farm and garden seeds and implements, and for purchase of ice if necessary, forty-three thousand two hundred dollars;

United States penitentiary, Fort Leavenworth, Kans.

For clothing, transportation, and traveling expenses, including such clothing as can be made at the penitentiary; for the usual gratuities as provided by law to prisoners at release, including transportation to place of conviction or place of bona fide residence in the United States; for expenses of penitentiary officials while traveling on duty; for expenses incurred in identifying and pursuing escaped prisoners, and for rewards for their recapture, twenty thousand dollars;

Clothing, etc.

For fuel, forage, hay, light, water, stationery, purchase of fuel for generating steam, heating apparatus, burning bricks and lime; forage

Fuel, etc.

for issue to public animals and hay or straw for bedding; blank books, blank forms, typewriting supplies for use in offices and prisoners' school, pencils and memorandum books for guards, books for use in chapel, paper, envelopes, and postage stamps for issue to prisoners; for labor and materials for repairing steam heating plant, electric plant, and water circulation, and drainage; for materials for construction and repair of buildings; for general supplies, machinery, and tools for use in shops, brickyard, quarry, limekiln, laundry, bathrooms, printing office, photograph gallery, stables, policing buildings and grounds; for the purchase of horses, mules, wagons, harness, veterinary supplies, lubricating oils, office furniture, stoves, blankets, bedding, iron bunks, paints and oils, library books, newspapers and periodicals, and electrical supplies; for payment of water supply, telegrams, telephone service, notarial and veterinary services; for advertising in newspapers proposals for supplies, and other necessary advertisements; for fees to consulting physicians called to determine mental condition of supposed insane prisoners, and for other services in cases of emergency; for pay of extra guards when deemed necessary by the Attorney-General, and for miscellaneous expenditures in the discretion of the Attorney-General, thirty-five thousand five hundred dollars;

Hospital.

For hospital supplies, including purchase of medicines, medical and surgical supplies, and all other articles required for the care and treatment of sick prisoners; and for expenses of interment of deceased prisoners, two thousand dollars;

Salaries.

For salaries, including pay of officials and employees, as follows: Warden, four thousand dollars; deputy warden, two thousand dollars; chaplain, one thousand five hundred dollars; chaplain, three hundred dollars; physician, one thousand six hundred dollars; chief clerk, one thousand eight hundred dollars; bookkeeper and record clerk, one thousand two hundred dollars; stenographer, nine hundred dollars; steward, nine hundred dollars; superintendent of farm and transportation, eight hundred dollars; superintendent of industries and storekeeper, one thousand two hundred dollars; captains of watch, one thousand eight hundred dollars; guards, thirty-nine thousand six hundred dollars; two teamsters, one thousand two hundred dollars; engineer, one thousand two hundred dollars; assistant engineer and electrician, nine hundred dollars; in all, sixty thousand nine hundred dollars;

For foremen, shoemaker, harness maker, carpenter, blacksmith, tailor, and tinner, when necessary, four thousand eight hundred dollars;

In all, one hundred and sixty-six thousand four hundred dollars.

United States penitentiary, Atlanta, Ga.,

Supplies, etc.

UNITED STATES PENITENTIARY, ATLANTA, GEORGIA: For support of the United States penitentiary at Atlanta, Georgia, as follows:

For subsistence, including supplies for prisoners, warden, and deputy warden, tobacco for prisoners; kitchen and dining room furniture and utensils; farm and garden seeds and implements, and for purchase of ice, twenty-five thousand dollars;

Clothing, etc.

For clothing and transportation, including such clothing as can be made at the penitentiary; for the usual gratuities as provided by law to prisoners at release, including transportation to place of conviction or place of bona fide residence in the United States; for expenses of penitentiary officials while traveling on duty; for expenses incurred in identifying and pursuing escaped prisoners, and for rewards for their recapture, twelve thousand dollars;

Miscellaneous.

For miscellaneous expenditures, in the discretion of the Attorney-General, for fuel, forage, hay, straw, light, water, stationery, blank books, blank forms, typewriting supplies, pencils and memorandum books for guards, books for use in chapel, paper, envelopes, and postage stamps for issue to prisoners; for labor and materials for repairing steam heating plant, electric plant, water circulation, and drainage; for labor and materials for construction and repair of buildings; for

general supplies, machinery, and tools for use on farm and in shops, brickyard, quarry, limekiln, laundry, bathrooms, printing office, photograph gallery, stables, policing buildings and grounds; for the purchase of horses, mules, wagons, harness, veterinary supplies; lubricating oils, office furniture, stoves, blankets, bedding, iron bunks, paints and oils, library books, newspapers and periodicals, electrical supplies; for advertising in newspapers; for telegrams, telephone service, notarial and veterinary services; for fees to consulting physicians called to determine mental condition of supposed insane prisoners, and for other services in cases of emergency; and for pay of extra guards when deemed necessary by the Attorney-General, fifteen thousand dollars;

For hospital supplies, including purchase of medicines, surgical instruments, and supplies, and all other articles required for the care and treatment of sick prisoners, and for expenses of interment of deceased prisoners, one thousand five hundred dollars;

For salaries, including pay of officials and employees, as follows: Warden, four thousand dollars; deputy warden, two thousand dollars; assistant deputy warden, or captain of day watch, nine hundred dollars; chaplain, one thousand five hundred dollars; chief clerk, one thousand eight hundred dollars; stenographer and record clerk, one thousand two hundred dollars; physician, one thousand six hundred dollars; engineer and electrician, one thousand two hundred dollars; assistant engineer, nine hundred dollars; captain of night watch, nine hundred dollars; steward and storekeeper, nine hundred dollars; farmer and master of transportation, one thousand dollars; two teamsters, one thousand two hundred dollars; guards (thirty, at seven hundred and twenty dollars each), twenty-one thousand six hundred dollars; in all, forty thousand seven hundred dollars;

In all, ninety-four thousand two hundred dollars.

Provided, That said United States penitentiary at Atlanta, Georgia, shall be carried on in accordance with sections four, five, eight, and nine of the Act approved March third, eighteen hundred and ninety-one, entitled "An Act for the erection of United States prisons and for the imprisonment of United States prisoners, and for other purposes:" *Provided further*, That the Attorney-General is authorized to transfer, in his discretion, to said United States penitentiary at Atlanta, Georgia, such persons now undergoing sentences of confinement, imposed by the United States courts, in other institutions, as can conveniently be accommodated therein: *Provided further*, That convicts in said United States penitentiary at Atlanta, Georgia, may be employed in the manufacture of articles and the production of supplies for said penitentiary; in the manufacture of supplies for the Government that can be manufactured without the use of machinery; in the construction, extension, and repairs of buildings and inclosures of the prison, and in making necessary materials therefor; and in the cultivation and care of the prison grounds and farm.

Hospital.

Salaries.

proviso.
Provisions for conduct of.
Vol. 26, p. 839.

Transfer to Atlanta of certain prisoners.

—limit of employment of convict labor.

UNDER LEGISLATIVE.

Legislative.

SENATE: For compensation of officers, clerks, messengers, and others in the service of the Senate, namely, for ten clerks to Senators who are not chairmen of committees, at the rate of one thousand five hundred dollars per annum, seven thousand five hundred dollars.

For furniture for the new committee rooms of the Senate in the old library portion of the Capitol, twenty-one thousand dollars.

STATEMENT OF APPROPRIATIONS: For preparation, under the direction of the Committees on Appropriations of the Senate and House of Representatives, of the statements showing appropriations made, new offices created, offices the salaries of which have been omitted, increased,

Senate.
Clerks to Senators.

Furniture, new committee rooms.

Statement of appropriations.

Vol. 25, p. 587.

Chester H. Rowell.
Payment to.

Botanic Garden.
Repairs, etc.

Employees, for additional rooms allotted to House, in old library space.

Statue of Rochambeau.
Purchase of replica of, etc.

or reduced, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriation bills passed during the second session of the Fifty-sixth Congress, as required by the Act approved October nineteenth, eighteen hundred and eighty-eight, two thousand dollars, to be paid to the persons designated by the chairmen of said committees to do said work.

For the payment to Chester H. Rowell for the manuscript, together with a complete index, of a Digest of all the Contested Election Cases in the House of Representatives from the First to the Fifty-sixth Congress, inclusive, and for the proof reading and supervising the printing of the same, three thousand five hundred dollars.

BOTANIC GARDEN: For reconstructing roofs of plant house numbered five and propagating houses numbered one and two, south side of Maryland avenue, with cast-iron sills and wrought-iron rafters and purlins, and reconstructing roofs of west side of plant house numbered one and east side of plant house numbered two, south side of Maryland avenue, erecting new soil sheds with tin roof, and for painting, glazing, and general repairs to buildings, heating apparatus, and foot walks, under the direction of the Joint Committee on the Library, five thousand five hundred dollars.

UNDER ARCHITECT OF THE CAPITOL: For the following, who shall be under the supervision and direction of the Architect of the Capitol and be appointed with the approval of the Speaker, for service in connection with the additional rooms allotted to the House in the old library space, from March fourth, nineteen hundred and one, to June thirtieth, nineteen hundred and two, inclusive, namely: One laborer to care for toilet rooms, at the rate of seven hundred and twenty dollars per annum; and two elevator conductors, at the rate of one thousand one hundred dollars per annum each; in all, three thousand eight hundred and seventy-seven dollars and twelve cents.

STATUE OF ROCHAMBEAU: For the purchase by the Joint Committee on the Library of a replica of the bronze statue of Rochambeau by Ferdinand Hamar, and pedestal for the same, seven thousand five hundred dollars.

PUBLIC PRINTING AND BINDING.

Public printing and binding.

For the public printing, for the public binding, and for paper for the public printing, including the costs of printing the debates and proceedings of Congress in the Congressional Record, and for lithographing, mapping, and engraving for both Houses of Congress, the Supreme Court of the United States, the supreme court of the District of Columbia, the Court of Claims, the Library of Congress, the Executive Office, and the Departments, including salaries or compensation of all necessary clerks and employees, for labor (by the day, piece, or contract), and for rents, books of reference, and all the necessary materials which may be needed in the prosecution of the work, four million six hundred and fifty-eight thousand dollars; and from the said sum hereby appropriated printing and binding shall be done by the Public Printer to the amounts following, respectively, namely:

Amount.

Allotment.

For printing and binding for Congress, including the proceedings and debates, and for rents, two million eight hundred and thirty thousand five hundred dollars. And printing and binding for Congress chargeable to this appropriation, when recommended to be done by the Committee on Printing of either House, shall be so recommended in a report containing an approximate estimate of the cost thereof, together with a statement from the Public Printer of estimated approximate cost of work previously ordered by Congress, within the fiscal year for which this appropriation is made.

For the State Department, thirty thousand dollars.

For the Treasury Department, including not exceeding twenty thousand nine hundred and thirty-five dollars for the Coast and Geodetic Survey, three hundred and fifty thousand dollars.

For the War Department, two hundred and twenty-four thousand five hundred dollars, of which sum twelve thousand dollars shall be for the index catalogue of the library of the Surgeon-General's Office.

The unexpended balance of the appropriation of twenty thousand dollars for publication of the Official Records of the War of the Rebellion by the Record and Pension Office is hereby reappropriated and made available during the fiscal year nineteen hundred and two.

For the Navy Department, one hundred and twenty-seven thousand dollars, including not exceeding twelve thousand dollars for the Hydrographic Office, and not exceeding seven thousand dollars, to be immediately available, for publication of the International Code of Signals and copies of said International Code of Signals may be sold to the public at cost of printing, including cost of composition, presswork, folding, paper, binding, engraving, and electrotyping.

For the Interior Department, including the Civil Service Commission, three hundred thousand dollars, including not exceeding ten thousand dollars for rebinding tract books for the General Land Office.

For the Smithsonian Institution, for printing labels and blanks, and for the "Bulletins" and "Proceedings" of the National Museum, the editions of which shall not be less than three thousand copies, and binding, in half turkey, or material not more expensive, scientific books and pamphlets presented to and acquired by the National Museum Library, seventeen thousand dollars.

For the United States Geological Survey as follows:

For engraving the illustrations necessary for the report of the Director, fifteen thousand dollars; and said sum shall complete all engravings and illustrations for said report, and no deficiency shall be made in this appropriation, and said report shall be confined to four volumes.

For engraving the illustrations necessary for the monographs and bulletins, ten thousand dollars.

For printing and binding the monographs and bulletins, twenty thousand dollars.

For the Department of Justice, thirteen thousand dollars.

For the Post-Office Department, exclusive of the Money-Order Office, two hundred and fifty thousand dollars.

For the Department of Agriculture, including twenty thousand dollars for the Weather Bureau, one hundred and thirty thousand dollars.

For the Department of Labor, eight thousand dollars.

For the Supreme Court of the United States, ten thousand dollars; and the printing for the Supreme Court shall be done by the printer it may employ, unless it shall otherwise order.

For the supreme court of the District of Columbia, one thousand five hundred dollars.

For the Court of Claims, twelve thousand dollars.

For the Library of Congress, including the copyright department, and the binding, rebinding, and repairing of library books, seventy-five thousand dollars.

For the Executive Office, two thousand dollars.

For printing and binding the Annual Report of the Secretary of Agriculture, as required by the Act approved January twelfth, eighteen hundred and ninety-five, three hundred thousand dollars, or so much thereof as may be necessary.

Agricultural report.
Vol. 28 p. 612.

And no more than an allotment of one-half of the sum hereby appropriated shall be expended in the first two quarters of the fiscal year, and no more than one-fourth thereof may be expended in either of the last two quarters of the fiscal year, except that, in addition thereto,

Division of appropriation.

Proviso.
Agricultural report
excepted.

in either of said last quarters, the unexpended balances of allotments for preceding quarters may be expended: *Provided*, That so much as may be necessary for printing and binding the Annual Report of the Secretary of Agriculture, as required by the Act approved January twelfth, eighteen hundred and ninety-five, shall not be included in said allotments.

Leaves of absence.

To enable the Public Printer to comply with the provisions of the law granting thirty days' annual leave to the employees of the Government Printing Office, two hundred and thirty-four thousand dollars, or so much thereof as may be necessary.

Webster statue.
Proceedings on re-
ception of; report or-
dered printed, etc.

That there be printed and bound one thousand six hundred copies of the proceedings in connection with the reception of the Webster statue on January eighteenth, nineteen hundred, in the form prescribed by law for eulogies, of which one hundred shall be for the use of the donor of the statue, three hundred delivered to the Senators and Representatives of the States of New Hampshire and Massachusetts, four hundred for the use of the Senate, and eight hundred for the use of the House of Representatives, and that the Public Printer be, and he is hereby, directed to procure a photogravure of the said statue, and photogravures of each of the two bronze panels, and of the unveiling, for insertion in said volumes.

Appropriation for
new building.

For completion of construction of a fire-proof building for the use of the Government Printing Office and for each and every purpose connected therewith, including the cost of all professional and other personal services that the Chief of Engineers of the Army may deem necessary and for necessary books and periodicals, and for the rent of office rooms in a locality convenient to the work, to be expended under the direction and supervision of the said Chief of Engineers, one million three hundred and four thousand dollars, which shall be immediately available.

Appropriation for
salaries to be in full,
etc.

SEC. 2. That all sums appropriated by this Act for salaries of officers and employees of the Government shall be in full for such salaries for the fiscal year nineteen hundred and two, and all laws or parts of laws in conflict with the provisions of this Act be, and the same are hereby, repealed.

Arid lands.
When time limit for
reclamation, etc., by
States begins to run.
Vol. 28, p. 422.

SEC. 3. That section four of the Act of August eighteenth, eighteen hundred and ninety-four, entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-five, and for other purposes," is hereby amended so that the ten years' period within which any State shall cause the lands applied for under said Act to be irrigated and reclaimed, as provided in said section as amended by the Act of June eleventh, eighteen hundred and ninety-six, shall begin to run from the date of approval by the Secretary of the Interior of the State's application for the segregation of such lands; and if the State fails within said ten years to cause the whole or any part of the lands so segregated to be so irrigated and reclaimed, the Secretary of the Interior may, in his discretion, continue said segregation for a period of not exceeding five years, or may, in his discretion, restore such lands to the public domain.

Vol. 29, p. 434.

—failure to reclaim,
etc.
—restoration to pub-
lic domain.

Hot Springs, Ark.
Determination of
value of certain con-
demned buildings de-
stroyed by fire author-
ized.

SEC. 4. That the Secretary of the Interior be, and is hereby, authorized and directed to determine the value of certain condemned buildings formerly located on Hot Springs Mountain Reservation, and on the east side of Valley street, in the city of Hot Springs, in the State of Arkansas, which buildings were condemned by the Hot Springs Commission, and proof of value taken by said commission, under authority of law, and which were destroyed by fire on the night of the fifth day of March, eighteen hundred and seventy-seven, before said commission had issued certificates for the value thereof, as they were authorized and directed, and did afterwards do for buildings similarly

situated, but not burned. That the value of each building so condemned and burned shall be determined by the Secretary from the petitions and evidence filed before said commission by the owners or occupiers thereof, by order of said commission, and now on file in the Interior Department, or such other evidence as the claimants may file, and after such investigation as he may think proper.

SEC. 5. That a sum of money sufficient to pay for such investigation and the claims so ascertained and fixed by the Secretary of the Interior be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated; and the Secretary of the Interior is hereby authorized and directed to pay to such person or persons, claimants, their executors, administrators, the sum or sums of money equal to the values so as aforesaid found by him. —payment of values to claimants.

SEC. 6. That the Secretary of the Interior is required to report to Congress the results of his action under the foregoing sections. —report.

Approved. March 3, 1901.

CHAP. 854.—An Act To establish a code of law for the District of Columbia.

March 3, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following is hereby enacted and declared to be a code of law for the District of Columbia, to go into effect and operation from and after the first day of January, in the year of our Lord nineteen hundred and two.

District of Columbia.
Code of law estab-
lished.

-2. *And be it further enacted,* That in the interpretation and construction of said code the following rules shall be observed, namely:

Rules of interpreta-
tion.

First. Words importing the singular number shall be held to include the plural, and vice versa, except where such construction would be unreasonable.

Second. Words importing the masculine gender shall be held to include all genders, except where such construction would be absurd or unreasonable.

Third. The word "person" shall be held to apply to partnerships and corporations, unless such construction would be unreasonable, and the reference to any officer shall include any person authorized by law to perform the duties of his office, unless the context shows that such words were intended to be used in a more limited sense.

Fourth. Wherever the word "executor" is used it shall include "administrator," and vice versa, unless such application of the term would be unreasonable.

Fifth. Wherever an oath is required an affirmation in judicial form, if made by a person conscientiously scrupulous about taking an oath, shall be deemed a sufficient compliance.

Sixth. The words "insane person" and "lunatic" shall include every idiot, non compos, lunatic, and insane person.

CHAPTER ONE.

LAWS REMAINING IN FORCE.

SECTION 1. The common law, all British statutes in force in Maryland on the twenty-seventh day of February, eighteen hundred and one, the principles of equity and admiralty, all general acts of Congress not locally inapplicable in the District of Columbia, and all acts of Congress by their terms applicable to the District of Columbia and to other places under the jurisdiction of the United States, in force at the date of the passage of this act shall remain in force except in so far as the same are inconsistent with, or are replaced by, some provision of this code.

Laws remaining in
force.

THE JUDICIARY.

- The judiciary. SEC. 2. The judicial power in the District shall continue as at present to be vested in—
- inferior courts. First. Inferior courts, namely, justices of the peace and the police court; and
- superior courts. Second. Superior courts, namely, the supreme court of the District of Columbia, the court of appeals of the District of Columbia, and the Supreme Court of the United States.

SUBCHAPTER ONE.

Justices of the peace.

JUSTICES OF THE PEACE.

Appointment.

Proviso.
Qualifications.

Subdistricts, division of District into, etc.

Justice to sit only where office is located.

Provisos.
—certain temporary assignments excepted.

Suits to be brought in subdistrict of resident.

Proviso.
—suits against two or more corporations.

SEC. 3. APPOINTMENT AND QUALIFICATIONS.—There shall be ten justices of the peace in the District, who shall be appointed by the President of the United States, by and with the advice and consent of the Senate, for a term of four years, unless sooner removed as provided by law: *Provided*, That no person shall be appointed to said office unless he shall have been a bona fide resident of said District for the continuous period of at least five years immediately preceding his appointment, and shall either have held the office of justice of the peace in said District for a period of at least two years or shall have been engaged in the actual practice of law before the supreme court of the District for a period of at least five years prior to his appointment. Each of said justices before entering upon the duties of his office shall take an oath for the faithful and impartial performance of the duties of his office, and shall give bond in such form, in such penalty, and with such surety or sureties as may be prescribed by the supreme court of the District. And said supreme court shall divide the said District into ten subdistricts and prescribe the place in each subdistrict where the justice thereof shall have his office for the transaction of business, and may change the boundaries of such subdistricts and the localities of the offices of the justices therein from time to time as the volume and convenience of the business may require.

SEC. 4. SUBDISTRICTS.—No justice of the peace shall sit for the trial of causes in any subdistrict other than the one in which his office is situated: *Provided*, That in case the office of any justice of the peace shall become vacant by death or otherwise, the said supreme court, or any justice thereof, may designate one of the other justices to preside temporarily in that subdistrict until the vacancy shall be filled: *And provided further*, That if any justice of the peace shall be disqualified to act by reason of interest, illness, or other cause, any other justice of the peace of the District, on the written request of the justice so disqualified, may preside in his absence, or, if no such written request be made, such justice as may be designated by the said supreme court, or one of the justices thereof, shall preside.

SEC. 5. No resident of the District shall be sued in any subdistrict other than the one in which he resides, and no nonresident of the District having a place of business therein shall be sued in any subdistrict other than the one in which such place of business is situated: *Provided*, That where two or more persons are sued together the suit may be brought in the subdistrict in which any one of the defendants resides. When a corporation is a defendant, its place of business shall be deemed its residence for the purpose of this section, and if it shall have in the District more than one place of business the suit may be brought in the subdistrict in which any one of its places of business is situated.

Should a suit be brought against any party or corporation in any district in which he or it does not reside or hold business, and a plea

to the jurisdiction on this account be filed by said defendant, the party or corporation interposing such plea shall disclose under oath the district in which he or it should have been sued; and the justice, upon sustaining such plea, shall certify the cause for trial to the justice sitting in the district where suit should have been instituted; and should no such plea be filed before trial the justice shall be deemed to have had full jurisdiction. In any suit brought before a justice of the peace the defendant, his agent or attorney, may have the cause removed to the next nearest justice, upon filing an affidavit with the justice issuing the writ, on the return day or day of trial of the action, that he does not believe said justice will give him a fair and impartial trial.

SEC. 6. SALARY.—Each of said justices of the peace shall receive an annual salary of three thousand dollars, and the further sum of two hundred and fifty dollars annually for rent, stationery, and other expenses, to be paid monthly by the District of Columbia; and he shall render monthly accounts to the auditor of the District of Columbia of all moneys received by him for fees, and shall pay over such fees to the collector of said District and take his receipt in duplicate therefor, and file one of them with said auditor and retain the other in his office, and the money so collected shall be disposed of by said collector as other moneys belonging to the said District are.

Salary, etc.

SEC. 7. JURY TRIALS.—Trial by jury before justices of the peace is hereby abolished.

Jury trials.

SEC. 8. RULES AND FEES.—The supreme court of the District of Columbia in general term shall make rules regulating the practice and pleading before justices of the peace, and in relation to appeals from their judgments, not inconsistent with law, and may alter and amend the same from time to time, and shall also fix the fees to be charged by said justices of the peace, and alter them from time to time as justice may require: *Provided*, That in all cases of concurrent jurisdiction the defendant may remove the case for trial into the supreme court of the District by a writ of certiorari (to be awarded by said court or one of the justices thereof upon a petition under oath, the form and substance whereof shall be prescribed by said court).

Supreme court District of Columbia to make rules, etc.
Fees.*Provided*.
Removal to supreme court District of Columbia, where jurisdiction concurrent.

SEC. 9. JURISDICTION.—The said justices of the peace shall have jurisdiction in all civil cases in which the amount claimed to be due for debt or damages arising out of contracts, express or implied, or damages for wrongs or injuries to persons or property, does not exceed three hundred dollars, including all proceedings by attachment or in replevin where the amount claimed or the value of the property involved does not exceed said sum, except in cases involving the title to real estate, actions to recover damages for assault or assault and battery, or for malicious prosecution, or actions against justices of the peace or other officers for official misconduct, or actions for slander or libel, or actions on promises to marry; and said jurisdiction shall be exclusive when the amount claimed for debt or damages or the value of personal property claimed does not exceed fifty dollars, and concurrent with the said supreme court when it exceeds fifty dollars.

Jurisdiction.

—exclusive.

—concurrent.

SEC. 10. TRESPASS.—The said jurisdiction of justices of the peace shall extend to cases of trespass upon or injury to real estate: *Provided*, That if the defendant shall file with the justice an affidavit that he claims title or acts under a person claiming title to the real estate, setting forth the nature of his title, the justice shall take no further cognizance of the case.

—to include trespass, etc.
Provided:
—qualification.

SEC. 11. NONRESIDENTS.—Nonresidents shall not commence a suit before a justice of the peace without first giving security for costs.

Nonresidents to give security for costs.

SEC. 12. JUDGMENTS.—It shall be lawful for any justice of the peace, in all cases within his jurisdiction, to try, hear, and determine the matter in controversy between the parties upon their allegations and proofs, and to give judgment according to law; and all judgments for money

Judgments.

rendered by them shall bear interest from their date until paid or satisfied, unless by the terms of the judgment interest runs from an earlier date.

Replevin.

SEC. 13. REPLEVIN.—A justice of the peace shall have authority to issue a writ of replevin whenever a plaintiff shall file with him a declaration in replevin, in the following or an equivalent form, to wit:

—form.

“The plaintiff sues the defendant for wrongfully taking and detaining (or wrongfully detaining) his, said plaintiff’s, goods and chattels, to wit (here describe them), of the value of ——— dollars. And the plaintiff claims that the same may be taken and delivered to him, or, if they are elogned, that he may have judgment for their value and all mesne profits and damages, which he estimates at ——— dollars, besides costs.” And at the same time said plaintiff, his agent, or attorney shall file an affidavit stating, first, that, according to affiant’s information and belief, the plaintiff is entitled to recover possession of the chattels described in the declaration; secondly, that the defendant has seized and detains or detains the same; thirdly, that said chattels were not subject to such seizure or detention, and were not taken under any writ of replevin; fourthly, that said chattels are not of the value of more than three hundred dollars; and at the same time the plaintiff shall enter into an undertaking, with surety approved by said justice, submitting to the jurisdiction of the court, to abide by and perform the judgment of said justice’s court or of the supreme court of the District of Columbia.

Officer’s return.

SEC. 14. OFFICER’S RETURN.—If the officer’s return of the writ of replevin be that he has served the defendant with copies of the declaration, affidavit, and summons, but that he could not get possession of the goods and chattels sued for, the plaintiff may prosecute the action for the value of the goods and damages for the detention, not to exceed in all three hundred dollars, or he may renew the writ, in order to get possession of the goods and chattels themselves.

Publication.

SEC. 15. PUBLICATION.—If the officer’s return be that he has taken possession of the goods and chattels sued for, but that the defendant is not to be found, the said justice may order that the defendant appear to the action by some fixed day, and cause notice of such order to be given by publication in some newspaper of said District at least three times, the first publication to be at least twenty days before the day fixed for the defendant’s appearance; and if the defendant fails to appear, the court may proceed, as in case of default after personal service, to render judgment for the property in favor of the plaintiff.

Pleas.

SEC. 16. PLEAS.—If the defendant appears, he may plead not guilty, in which case all matters of defense may be given in evidence, or he may plead specially.

Marshal to retain property, etc.

SEC. 17. MARSHAL TO RETAIN PROPERTY.—Property taken by the marshal under a writ of replevin, issued by a justice of the peace, shall be retained by him for three days, exclusive of Sundays and legal holidays, before delivering the same to the plaintiff, in order that the defendant or other persons claiming an interest therein may present objections to the said justice to the sufficiency of the security on the undertaking or the jurisdiction of said justice, and if the said justice shall deem said undertaking insufficient, such property may be directed to be retained by the marshal for a further short time, to be designated by said justice, until an undertaking to be approved by him shall be filed, in default of which the marshal shall return the property to the person from whom it was taken; or if it shall be made to appear to the said justice that the property is of the value of over three hundred dollars he shall quash the writ of replevin and direct the property to be returned to the party out of whose possession it was taken.

Damages for plaintiff.

SEC. 18. DAMAGES FOR PLAINTIFF.—Whether the defendant plead and the issue joined be found against him, or his plea be held bad, or

he make default after personal service, the plaintiff's damages shall be the full value of the goods, not to exceed three hundred dollars, if eloiigned by the defendant, and damages for the detention thereof, and judgment shall be given accordingly.

SEC. 19. JUDGMENT FOR DEFENDANT.—If the issue be found for the defendant, or the plaintiff shall dismiss or fail to prosecute his suit, the judgment shall be that the goods, if delivered to the plaintiff, be returned to the defendant, with damages for their detention. or, on failure, that the defendant recover from the plaintiff and his surety the damages sustained by him, to be assessed by the justice.

Judgment for defendant.

SEC. 20. FORCIBLE ENTRY AND DETAINER.—Whenever any person shall forcibly enter and detain any building or inclosed real property, or shall unlawfully, but without force, enter and unlawfully and forcibly detain the same, or whenever any tenant shall unlawfully detain possession of the property leased to him, after his tenancy therein has expired, or any mortgagor or grantor in a mortgage or deed of trust to secure a debt, shall unlawfully detain the possession of the real property conveyed, after a sale thereof under such deed of trust or a foreclosure of the mortgage, or any person claiming under such mortgagor or grantor, after the date of the mortgage or deed of trust, shall so detain the same, or a judgment debtor or any person claiming under him, since the date of the judgment, shall so detain possession of real property, after a sale thereof under an execution issued on such judgment, it shall be lawful for any justice of the peace, on complaint under oath by the person aggrieved by said unlawful detention, to issue a summons to the party complained of to appear and show cause why judgment should not be given against him for the restitution of the possession.

Forcible entry and detainer.

—issue of summons.

SEC. 21. SUMMONS.—The summons shall be served seven days, exclusive of Sundays and legal holidays, before the day fixed for the trial of the action. If the defendant has left the District of Columbia, or can not be found, said summons may be served by delivering a copy thereof to the tenant, or by leaving the same with some person above the age of sixteen years residing on or in possession of the premises sought to be recovered, and if no one be in actual possession of said premises, or residing thereon, by posting a copy of said summons on the premises where it may be conveniently read.

—service, etc.

SEC. 22. JUDGMENT.—If upon the trial it appears that the plaintiff is entitled to the possession of the premises, judgment and execution for the possession shall be awarded in his favor, with costs; if the plaintiff becomes nonsuit or fails to prove his right to the possession, the defendant shall have judgment and execution for his costs.

Judgment.

SEC. 23. PLEA OF TITLE.—If upon the trial the defendant pleads title to the premises, in himself or in another under whom he claims, setting forth the nature of said title, under oath, and shall enter into an undertaking, with sufficient surety, to be approved by the justice, to pay all intervening damages and costs and reasonable intervening rent for the premises, the justice shall certify the proceedings to the supreme court of the District of Columbia, and the same shall be further continued in said court according to its rules.

Plea of title.

SEC. 24. JUDGMENT NOT A BAR.—A judgment, either before the justice or in the supreme court, upon appeal in this proceeding, shall not be a bar to any after action brought by either party or conclude any question of title between them, where title is not pleaded by the defendant as aforesaid.

Judgment not a bar.

SEC. 25. WITNESSES.—Justices of the peace shall have power to compel the attendance of witnesses from any part of the District of Columbia by attachment and to punish them for disobedience, as well as to punish anyone for disorder or contempt committed in their presence, by fine not exceeding ten dollars or imprisonment not exceeding ten days.

Witnesses.

Nonresident wit-
nesses.

Commission to take
testimony of.

Proviso.
—when to issue.

Death of justice.

Satisfaction of judg-
ment.

Docketing judg-
ment in supreme
court.

Appeal.

Undertaking.

Practice.

Claimant of prop-
erty levied on.

—notice to marshal of
claim.

—trials, etc.

SEC. 26. NONRESIDENT WITNESSES.—Where the testimony of nonresident witnesses is required by either party the justice may, upon motion designating the names of such witnesses, appoint an examiner to take such testimony, to whom he shall issue a commission; and said testimony shall be taken on written interrogatories and cross-interrogatories, which written interrogatories shall be filed with said justice at least three days before the issue of such commission: *Provided*, That such commission shall not issue unless the party applying therefor file his affidavit, setting forth that he believes that the testimony of said witnesses is material to the issue in said suit and that the motion is not made for the purpose of delay.

SEC. 27. DEATH OF JUSTICE.—In case of the death of any justice or the expiration of his commission after judgment rendered by him and before execution is issued thereon, any other justice, upon a copy of said judgment being filed with him, may issue execution thereon, which shall be returned to the justice issuing the same.

SEC. 28. SATISFACTION OF JUDGMENT.—No judgment or execution shall be recorded as satisfied without the receipt of the plaintiff or his attorney annexed thereto.

SEC. 29. DOCKETING JUDGMENT IN SUPREME COURT.—After recovering a judgment for twenty dollars or more, exclusive of costs, before a justice of the peace, the judgment creditor may, when execution is returned "No personal property found whereon to levy," file in the clerk's office of the supreme court of the District a certified copy of said judgment, which shall be docketed in the docket of law causes in said office in the same manner as appeals from justices are there docketed; and when it is docketed the force and effect of the judgment for all purposes shall be the same as to lien and execution as if it had been a judgment of the said supreme court.

SEC. 30. APPEAL.—Where the debt or demand or the value of personal property claimed exceeds five dollars, and in actions for the recovery of possession of real estate, as aforesaid, either party who may think himself aggrieved by the judgment or other final order of a justice of the peace may appeal to the supreme court of the District; such appeal to be prayed within six days after the entering of the judgment.

SEC. 31. UNDERTAKING.—No appeal shall be allowed unless the appellant, with sufficient surety, approved by the justice, shall enter into an undertaking to satisfy and pay whatever final judgment may be recovered in the appellate court, and agree that such judgment may be entered against principal and sureties. Such undertaking must be given within six days, exclusive of Sundays and legal holidays, after the entry of judgment. And where said undertaking has been given the justice shall immediately file the original papers, and a copy of his docket entries, in the office of the clerk of the supreme court, and notify the appellant thereof.

SEC. 32. PRACTICE.—The practice and forms of proceeding in trials before justices and in trials of appeals from justices, so far as not herein directed, shall be governed by the rules of said supreme court.

SEC. 33. CLAIMANT OF PROPERTY LEVIED ON.—When personal property taken on execution issued by a justice of the peace is claimed by a person other than the defendant therein, or is claimed by the defendant to be property exempt from execution, and such claimant shall give notice, in writing, to the marshal of his claim, or the defendant shall give notice, in writing, that the property is exempt, the marshal shall notify the plaintiff of such claim and return said notice to the justice who issued the execution, and a trial of said right of property, or said question of exemption, shall be had before said justice.

SEC. 34. The case made by such claim shall be entered on the justice's docket as an action by the claimant or the defendant against the

plaintiff and tried in the same manner as other cases before justices of the peace.

SEC. 35. In case the property shall appear to belong to the claimant or to be exempt from execution, judgment shall be entered against the plaintiff in the execution for costs, and the property levied upon shall be released. If the property shall not appear to belong to the claimant or to be exempt, as aforesaid, judgment shall be entered against said claimant or the defendant, as the case may be, for costs, including additional costs occasioned by the delay in the execution of the writ. An appeal may be taken from the judgment, as in other cases, provided the same is prayed within four days after the entering of the judgment and an appeal bond is given within six days, exclusive of Sundays and legal holidays, thereafter.

—judgment for claimant.

—against.

—appeal.

SEC. 36. In case of an appeal the marshal shall retain the property unless the claimant or the defendant in the execution or his agent shall enter into an undertaking, with sufficient surety, to be approved by the justice, for the delivery of such property to the marshal, if the judgment of the court shall be against the party entering into such undertaking; and said undertaking shall be returned to said supreme court, and it may give judgment thereon.

—marshal to retain property, etc.

SEC. 37. Nothing herein contained shall prevent a claimant other than the defendant from bringing an action of replevin against the officer levying upon the property claimed as aforesaid.

Replevin against officer levying, etc.

SEC. 38. DOCKET.—Each justice of the peace is required to keep a docket, in which he shall enter from day to day concurrently with the respective proceedings—

Docket entries.

First. The title of each action.

Second. The date of the writ issued and the time of its return, the fact of affidavits being filed, with the name of any affiant.

Third. The appearance of the parties.

Fourth. The nature of the pleadings in brief.

Fifth. The names of witnesses sworn, and at whose request.

Sixth. The judgment of the justice and the items of cost.

Seventh. The appeal, if one is taken, by which party taken, the undertaking and the time of giving the same.

Eighth. The satisfaction of the judgment and the date thereof.

And it shall be his duty to furnish a copy of any judgment rendered by him when required by either party to the action. If he shall omit to keep such docket or be guilty of any other negligence or omission whereby the plaintiff, having obtained a judgment before him, shall lose his debt, the justice shall pay and satisfy to the plaintiff the debt, interest, and costs so lost, to be recovered in an action of debt against said justice and his surety or sureties, with any additional interest that may have accrued.

Copy of judgment to be furnished.

Penalty for negligence, etc.

SEC. 39. DEATH OR RESIGNATION.—It is hereby made the duty of every justice of the peace, upon his resignation or removal from office or the expiration of his commission, and that of his executors or administrators in case of his death, to deliver to the clerk of the supreme court of the District all dockets and all original papers in cases not yet closed, which said justice may have had; and any person neglecting to comply with this requirement shall forfeit to the United States the sum of five hundred dollars, to be recovered as other penalties are recovered.

Death or resignation.

SEC. 40. REMOVAL FROM OFFICE.—The supreme court of the District shall have power to remove justices of the peace from office, after due notice and an opportunity given them to be heard in their defense, for incompetency, habitual drunkenness, corruption, or other misconduct in office.

Removal from office.

SEC. 41. PROCESS, SERVICE OF.—The office of constable is hereby abolished, and all process issued by a justice of the peace shall be

Process, service of.

served by the United States marshal for the District of Columbia, or, if he is disqualified, by the coroner, and the fees for such service shall be as prescribed by rule of the supreme court of the District of Columbia.

SUPERSEDEAS.

Supersedes.

On all judgments rendered by a justice of the peace, except as hereinafter provided, stay of execution may be had upon good and sufficient security being entered by a person who may be at the time the owner of sufficient real property located in the District, above all liabilities and exemptions, to secure the debt, costs, and interest.

Stay of execution.

In such cases stay of execution shall be entered as follows:

For the sum of five dollars, and not exceeding twenty dollars, one month.

For all sums over twenty dollars, and not exceeding forty dollars, two months.

For all sums over forty dollars, and not exceeding seventy-five dollars, four months.

For all sums exceeding seventy-five dollars, six months.

There shall be no stay of execution on any judgment for the wages of a servant or common laborer, nor upon any judgment for a less sum than five dollars.

SUBCHAPTER TWO.

Police court.

THE POLICE COURT.

Constitution.

SEC. 42. CONSTITUTION.—There shall continue to be a police court in the District, as at present, consisting of two judges learned in the law, appointed by the President, by and with the advice and consent of the Senate, for the term of six years, who shall each receive a salary of three thousand dollars per annum. The said judges shall hold separate sessions and may carry on the business of said court separately and simultaneously, and are empowered to make rules for the apportionment of the business between them, and the acts of each of the said judges respecting the business of said court shall be deemed and taken to be the acts of the said court. Each judge, when appointed, shall take the oath prescribed for judges of the courts of the United States.

Powers of judges,
oath, etc.

Jurisdiction.

SEC. 43. JURISDICTION.—The said court shall have original jurisdiction concurrently with the supreme court of the District, except where otherwise expressly herein provided, of all crimes and offenses committed in the said District not capital or otherwise infamous and not punishable by imprisonment in the penitentiary, except libel, conspiracy, and violation of the post-office and pension laws of the United States; and also of all offenses against municipal ordinances and regulations in force in the District of Columbia. The said court shall also have power to examine and commit or hold to bail, either for trial or further examination, in all cases, whether cognizable therein or in the supreme court of the District.

Informations.

Trial by jury.

SEC. 44. That prosecutions in the police court shall be on information by the proper prosecuting officer. In all prosecutions within the jurisdiction of said court in which, according to the Constitution of the United States, the accused would be entitled to a jury trial, the trial shall be by jury, unless the accused shall in open court expressly waive such trial by jury and request to be tried by the judge, in which case the trial shall be by such judge, and the judgment and sentence shall have the same force and effect in all respects as if the same had been entered and pronounced upon the verdict of a jury.

—by the court.

In all cases where the accused would not by force of the Constitu-

tion of the United States be entitled to a trial by jury, the trial shall be by the court without a jury, unless in such of said last-named cases wherein the fine or penalty may be fifty dollars or more, or imprisonment as punishment for the offense may be thirty days or more, the accused shall demand a trial by jury, in which case the trial shall be by jury. In all cases where the said court shall impose a fine it may, in default of the payment of the fine imposed, commit the defendant for such a term as the court thinks right and proper, not to exceed one year.

SEC. 45. JURY.—The jury for service in said court shall consist of twelve men, who shall have the legal qualifications necessary for jurors

Jury.
—qualifications, etc.

in the supreme court of the District, and shall receive a like compensation for their services, and such jurors shall be drawn and selected under and in pursuance of the laws concerning the drawing and selection of jurors for service in said court. The term of service of jurors drawn for service in said police court shall be for three successive monthly terms of said court and, in any case on trial at the expiration of such time, until a verdict shall have been rendered or the jury shall be discharged. The said jury terms shall begin on the first Monday in January, the first Monday in April, the first Monday in July, and the first Monday in October of each year, and shall terminate, subject to the foregoing provisions, on the last Saturday of each of said jury terms. When at any term of said court it shall happen that in a pending trial no verdict shall be found, nor the jury otherwise discharged before the next succeeding term of the court, the court shall proceed with the trial by the same jury, as if said term had not commenced.

—term of service.

SEC. 46. At least ten days before the term of service of said jurors shall begin, as herein provided for, such jurors shall be drawn as herein-before directed, and at least twenty-six names so drawn shall be certified by the clerk of the supreme court of said District to the said police court for service as jurors for the then ensuing term. Deficiencies in any panel of any such jury may be filled according to the law applicable to jurors in said supreme court, and for this purpose either judge of said police court shall possess all the powers of a judge of said supreme court and of said court sitting as a special term. No person shall be eligible for service on a jury in said police court for more than one jury term in any period of twelve consecutive months, but no verdict shall be set aside on such ground unless objection shall be made before the trial begins. Service on such jury shall not render any person exempt, ineligible, or disqualified for service as a juror in said supreme court, except during his term of actual service in said police court. The marshal of said District, by himself or deputy, shall have charge of said jury, and may appoint a deputy for that purpose, who shall be paid three dollars a day while so employed.

Drawing of names, etc.

Eligibility.

Marshal to have charge of jury.

SEC. 47. JUDGMENT TO BE FINAL.—In all cases tried before said court the judgment of the court shall be final, except as hereinafter provided.

Judgment to be final.

SEC. 48. POWERS.—The said court shall have power to issue process for the arrest of persons against whom information may be filed or complaint under oath made and to compel the attendance of witnesses; to punish contempts by fine not exceeding twenty dollars and imprisonment for not more than forty-eight hours, or either, and to enforce any of its judgments by fine or imprisonment, or both, and to make such rules and regulations as may be deemed necessary and proper for conducting business in said court. In all cases where the said court shall impose a fine it may, in default of the payment of the fine imposed, commit the defendant for such a term as the court thinks right and proper, not to exceed one year.

Powers.

That every person charged with an offense triable in the police court of the District of Columbia may give security for his appearance

Security for appearance for trial.

—bond.

—money.

—property in when
forfeited.

—in fines.

—penalty for conver-
sion.

Proviso.
Rights of Washing-
ton Humane Society
et al. to fines unaf-
fected.

Seal.

Terms.

Disability of judge

Clerk.

Deputies.

Clerk, etc., may ad-
minister oaths.

Bailiffs.

for trial or for further hearing, either by giving bond to the satisfaction of the court or by depositing money as collateral security with the appropriate officer at the said police court or the station keeper of the police precinct within which such person may be apprehended. And whenever any sum of money shall be deposited as collateral security as hereby provided it shall remain, in contemplation of law, the property of the person depositing it until duly forfeited by the court; and when forfeited it shall be, in contemplation of law, the property of the United States of America or of the District of Columbia, according as the charge against the person depositing it is instituted on behalf of the said United States or of the said District; and every person receiving any sum of money deposited as hereby provided shall be deemed in law the agent of the person depositing the same or of the said United States or the said District, as the case may be, for all purposes of properly preserving and accounting for such money. And all fines payable and paid under judgment of the said police court shall, upon their payment, immediately become, in contemplation of law, the property of the said United States or the said District, according to the charge upon which such fine may be adjudged; and the person receiving any such fine shall be deemed in law the agent of the said United States or the said District as aforesaid, as the case may be; and any person, being an agent as hereinbefore contemplated and defined, who shall wrongfully convert to his own use any money received by him as hereinbefore provided shall be deemed guilty of embezzlement, and upon conviction thereof be punished by a fine not exceeding five thousand dollars or by imprisonment not exceeding five years, or both: *Provided*, That nothing herein contained shall affect the ultimate rights under existing law of the Washington Humane Society, or the policemen's fund (by whatever name the same may be called or known), or the firemen's relief fund, of the District of Columbia, in or to any fines or forfeitures paid and collected in the said police court.

SEC. 49. SEAL.—The said court shall have a seal, and each of the judges shall have power to take the acknowledgment of deeds and to administer oaths and affirmations to public officers.

SEC. 50. TERMS.—The said court shall hold a term on the first Monday of every month, and continue the same from day to day as long as it may be necessary for the transaction of its business.

SEC. 51. DISABILITY OF JUDGE.—In cases of sickness, absence, or disability of either of the judges of said court, any one of the justices of the supreme court aforesaid may designate one of the justices of the peace to discharge the duties of said police judge until such disability be removed. The justice so designated shall take the same oath prescribed for the judge of the police court, and shall receive the sum of ten dollars per day for the time that he shall serve, to be paid in the same manner as the salary of the judge of the police court.

SEC. 52. CLERK.—The court shall have power to appoint a clerk, at a salary of two thousand dollars per annum, who shall hold his office at the pleasure of the court, and he shall give bond with surety and take the oath of office prescribed by law for clerks of the district courts of the United States, and said clerk shall charge no fee for any service rendered by him.

SEC. 53. DEPUTIES.—The said clerk may appoint four deputies, with the approval of the court, if the business of the court requires it, to be paid, each, such compensation as may be allowed by the court, not exceeding one thousand five hundred dollars per annum as to two of such deputies and twelve hundred dollars as to the other two.

SEC. 54. The said clerk and deputy clerks shall have power to administer oaths and affirmations.

SEC. 55. BAILIFFS AND OTHER OFFICERS.—The said court may appoint not exceeding three bailiffs, who shall receive for their services nine

hundred and thirty-nine dollars each per annum, on the certificate of service by the court. Said bailiffs may act as deputies to the marshal for service of process issued by the court. The said court may also appoint a doorkeeper at a salary of five hundred and forty dollars per annum, an engineer at a salary of nine hundred dollars per annum, and a janitor at a salary of four hundred and fifty dollars per annum.

SEC. 56. SALARIES, HOW PAID.—The salaries of the judges, clerk, deputy clerks, bailiffs, deputy marshal, doorkeeper, engineer, and janitor of the said court shall be paid as other salaries of the District of Columbia, from appropriations made by Congress as provided in the Act of June eleventh, eighteen hundred and seventy-eight.

Salaries, how paid.

SEC. 57. EXECUTIONS AND FORFEITED RECOGNIZANCES.—The said court shall have power to issue execution on all forfeited recognizances, upon motion of the proper prosecuting officer, and all writs of fieri facias or other writs of execution on judgments issued by said court shall be directed to and executed by the marshal of the District.

Executions and forfeited recognizances.

SEC. 58. Fines to be paid to the clerk of the police court: All fines, penalties, costs and forfeitures imposed or taxed by the police court shall be paid to the clerk of said court, either with or without process or on process ordered by the court. The clerk of the police court shall, on the first secular day of each week, deposit with the collector of taxes the total amount of all fines, penalties, costs and forfeitures collected by him during the week next preceding the date of such deposit, to be covered into the Treasury to the credit of the District of Columbia, subject to the requirements of the provision of the Act of June eleventh, eighteen hundred and ninety-six, to meet any deficiency in the police fund or the firemen's relief fund. The said clerk shall render an itemized statement of each deposit aforesaid upon such forms and in such manner as shall be prescribed by the auditor of the District of Columbia.

Application of mon-
eys collected.

Vol. 29, p. 404.

SEC. 59. ACCOUNTS, HOW AUDITED.—It shall be the duty of the auditor of the District of Columbia, and he is hereby required, to audit the accounts of the clerk of the police court at the end of every quarter and to make prompt report thereof in writing to the Commissioners of the District of Columbia. In order to enable the auditor of the District to perform the duty hereby imposed upon him, he shall have free access to all books, papers, and records of the said court.

Accounts, how aud-
ited.

SUBCHAPTER THREE.

SUPREME COURT OF THE DISTRICT OF COLUMBIA.

SEC. 60. CONSTITUTION.—The supreme court of the District shall continue as at present constituted, and consist of a chief justice and five associate justices, appointed by the President of the United States, by and with the advice and consent of the Senate, and holding their offices during good behavior. The chief justice and each associate justice shall receive a salary of five thousand dollars per annum, which amounts shall be paid in monthly installments, out of the Treasury of the United States, and one-half thereof shall be charged against the revenues of the District of Columbia.

Supreme court of
the District of Colum-
bia.

Constitution.

Salaries.

SEC. 61. JURISDICTION.—The said court shall possess the same powers and exercise the same jurisdiction as the circuit and district courts of the United States, and shall be deemed a court of the United States, and shall also have and exercise all the jurisdiction possessed and exercised by the supreme court of the District of Columbia at the date of the passage of this code.

Jurisdiction.

SEC. 62. POWERS OF JUSTICES.—The justices of said court, in addition to the powers and jurisdiction possessed and exercised by them as such, shall severally possess the powers and exercise the jurisdiction pos-

Powers of justices.

sessed and exercised by the judges of the circuit and district courts of the United States.

Terms.
—general.

SEC. 63. TERMS.—The said court shall hold a general term and special terms. The general term shall be held by at least three justices and each special term by a single justice.

—special.

SEC. 64. The special terms of said court shall be known, respectively, as the circuit court, the equity court, the criminal court, the probate court, and the district court of the United States.

Powers of court in
general term.

SEC. 65. The general term of said court shall be open at all times for the transaction of business; and said court, by orders passed in general term, may regulate the periods of holding the special terms, fix the number of said terms, and alter the same from time to time, as public convenience may require; may direct as many terms of any of the special terms to be held at the same time as the public business may make necessary; may assign the several justices, from time to time, to the respective special terms; may provide by rule of court for the transfer from time to time, as the occasion shall require, of a jury summoned to any one special term to any other special term having cognizance of jury trials, and for the filling of vacancies arising in such transferred jury; may establish rules of practice in said special terms not inconsistent with the laws of the United States; may appoint a clerk, an auditor, a crier, and a messenger for each court in special term, and all other officers of the court necessary for the due administration of justice, with the exception of all officers and employees in any manner connected with the probate term, and also United States commissioners; may hear charges of misconduct against any justice of the peace, and remove them from office for cause shown; may admit persons to the bar of said court and dismiss them from the same, and may pass all other orders not inconsistent with existing laws which may be necessary to the effective administration of justice in said court, but said court shall not hear any cause in general term.

Acts of special terms
deemed acts of su-
preme court.

SEC. 66. All causes in said court shall be heard and determined in special term. And the several terms are declared to be terms of the supreme court, and the judgments, decrees, sentences, orders, proceedings, and acts of said several terms shall be deemed judgments, decrees, sentences, orders, proceedings, and acts of the supreme court.

Certification of cause
from one justice to
another for trial.

SEC. 67. By mutual consent and arrangement between justices, civil causes may be certified by any justice holding a circuit court to any justice holding a criminal court for trial in the latter; and, by similar arrangement, any cause may be certified by any justice to another justice, to be heard or tried by the latter, except that a criminal case can only be certified for trial from one criminal court to another criminal court. In the absence of any justice assigned to a special term, such special term may be presided over and its business conducted by any other justice.

Writs.

SEC. 68. WRITS.—The said supreme court may, in its appropriate special terms, issue writs of quo warranto, mandamus, prohibition, scire facias, certiorari, injunction, prohibitory and mandatory, ne exeat, and all other writs known in common law and equity practice that may be necessary to the effective exercise of its jurisdiction. Any justice of said court may issue writs of habeas corpus, to inquire into the cause of detention or to discharge on giving bail.

Circuit court.

SEC. 69. CIRCUIT COURT.—All common-law civil causes shall be tried and determined in the circuit court, except as herein provided.

Trial by court.

SEC. 70. TRIAL BY COURT.—Issues of fact in civil causes may be tried and determined by the court without the intervention of a jury whenever the parties or their attorneys of record file with the clerk a stipulation in writing waiving a jury. The finding of the court upon the facts, which may be either general or special, shall have the same effect as the verdict of a jury.

SEC. 71. In such case an exception may be taken to any ruling of the court during the hearing and to such finding on the ground that the evidence was insufficient in law to justify it, and may be stated in a bill of exceptions as in case of a jury trial. —exceptions.

SEC. 72. SPECIAL PANEL.—In all cases called for trial in said court in which either party shall desire a struck jury the clerk shall prepare a list of twenty jurors from the jurors in attendance and furnish the same to each of the parties, and it shall be lawful for each party or his counsel to strike off four persons from said list, and the remaining persons shall thereupon be impaneled and sworn as the petit jury in said cause; and if either party or his counsel shall neglect or refuse to strike off from said list the number of persons hereby directed, the clerk may strike off such names, and the remaining twelve jurors shall be sworn and impaneled as aforesaid. Or, instead of the proceeding aforesaid, if it shall not be insisted upon by either party, it shall be lawful for either party to furnish to the clerk a list of the jurors, not exceeding four in number, whom he wishes to be omitted from the panel sworn in the cause, and the clerk in making up said panel shall omit the jurors objected to as aforesaid: *Provided*, That nothing herein contained shall be construed to take away the right of any person to challenge the array or polls of any panel returned, according to existing law. Special panel. *Proviso.*—right to challenge array or polls unaffected.

SEC. 73. BILL OF EXCEPTIONS.—If, upon a trial of a cause before a jury, an exception be taken, it may be reduced to writing at the time, or it may be entered on the minutes of the justice and afterwards settled in such a manner as may be provided by the rules of the court and stated in a bill of exceptions, with so much of the substance of the evidence as may be material to the questions to be raised, and such bill of exceptions need not be sealed, and shall be considered a part of the record in case of an appeal from the final judgment rendered in the case. Bill of exceptions.

SEC. 74. APPEALS FROM JUSTICES OF THE PEACE.—All appeals from a justice of the peace shall be heard and determined in the circuit court. Appeals from justices of the peace. —where heard.

SEC. 75. In every case of an appeal from a justice of the peace, as soon as the appellant shall have made the deposit for costs required by law, or the rules of the supreme court, or obtained leave from one of the justices or from the court to prosecute his appeal without a deposit, the clerk shall docket the cause, according to its title, for trial before the justice in the said circuit court, and shall issue a summons for the appellee to appear in said court on or before the tenth day, exclusive of Sundays and legal holidays, after the service of said summons. Docketing cause by appellant.

SEC. 76. If the appellant shall fail to prosecute his appeal by making the deposit or obtaining the leave aforesaid within ten days after the approval of the appeal bond, the appellee may, upon making the deposit for costs, have the case docketed and move for affirmance of the judgment of the justice, or he may have a trial of the case upon its merits. —by appellee.

SEC. 77. If the first summons for the appellee be returned "not to be found," a second summons of the same kind and tenor shall be issued. Summons.

SEC. 78. If the appellee shall appear, in obedience to either summons, the case shall stand for trial in such order as the rules of said supreme court shall direct. Appearance of appellee.

SEC. 79. If the appellee shall fail to appear, although duly summoned, or two successive writs of summons shall be returned "not to be found," and the appellee shall not appear, the case may then be heard and determined as if he had regularly appeared. —failure to appear.

SEC. 80. On such appeal the circuit court shall, in a summary way, hear the case de novo upon the proofs and allegations of the parties, and determine the same according to law and the equity and right of the matter; but either party may demand a trial by jury. Hearing de novo on appeal.

Dismissal of appeal because not prayed to term next after judgment, etc.

SEC. 81. No appeal from the judgment of any justice of the peace to the supreme court shall be dismissed because the same had not been prayed to the term next after the rendition of such judgment, unless the court shall be satisfied that the defendant had notice of such judgment at least ten days before the sitting of court.

No further appeal, etc.

SEC. 82. In no case appealed from a justice of the peace shall there be any further appeal from the judgment of the circuit court.

Criminal court.

SEC. 83. THE CRIMINAL COURT.—The trial of crimes and misdemeanors committed in the District of Columbia shall be in the supreme court of the District of Columbia holding a special term as a criminal court, except such misdemeanors as are within the jurisdiction of the police court, as to which said court shall have concurrent jurisdiction with said police court. In all trials in said special term exceptions may be taken by the accused to the rulings of the presiding justice and presented in bills of exceptions in the same manner as in the trial of civil cases, subject to provisions herein elsewhere contained.

Exceptions.

District court.

SEC. 84. THE DISTRICT COURT.—The said district court shall have and exercise the same powers and jurisdiction as the other district courts of the United States, and such further special jurisdiction as may from time to time be conferred by Congress, and of all proceedings instituted in exercise of the right of eminent domain.

Equity court.

SEC. 85. EQUITY COURT.—The equity court shall have jurisdiction of all causes heretofore cognizable in equity and of all petitions for divorce, except where the relief sought is hereby authorized to be given by the probate court only, and shall have the special powers hereinafter provided. And the practice in said court shall be according to the established course of equity and procedure and the rules established by the said supreme court of the District not inconsistent with law.

Dower.

SEC. 86. DOWER.—Whenever any person or persons shall hold real estate, by descent or purchase, in the whole of which a widow is entitled to dower, either the widow or any person entitled to said property or an undivided share therein may apply to said court to have the widow's dower therein assigned; and thereupon the court shall appoint three commissioners to lay off and assign said dower, if practicable, the report of said commissioners to be subject to ratification by the court. In all cases of partition between two or more joint tenants or tenants in common of real estate, in the whole of which a widow is entitled to dower, the said dower shall be laid off and assigned, in like manner, before said partition shall be decreed. When an estate of which a woman is dowable is entire, and the dower can not be set off thereout by metes and bounds, it may be assigned by the court as of a third part of the net rents, issues, and profits thereof.

Widow of tenant in common, etc.

SEC. 87. Whenever the widow of any tenant in common of real estate shall be entitled to dower in his undivided share of said property, and a partition shall be decreed between his heirs or devisees and the other tenants in common, the said dower shall attach to and may, in like manner, be assigned and laid out in the shares assigned in severalty to the said heirs or devisees, and the shares of the other tenants in common shall be assigned to them, respectively, in severalty, free from such dower.

Right of wife to attach on partition, etc.

SEC. 88. Whenever an application is made to the court to decree a partition of real estate between tenants in common, it shall not be necessary to make the wife of any of such persons a party to the proceedings, but her right of dower shall attach to whatever part of such property may be assigned in severalty to her husband, and the other parts thereof shall be assigned free of said right of dower.

Assignment of dower on sale of land without widow's consent, etc.

SEC. 89. Whenever a decree is rendered for the sale of land, in the whole of which a widow is entitled to dower, if she will not consent to a sale of the same free of her dower, the court may, if it appears

advantageous to the parties, cause her dower to be laid off and assigned as aforesaid. If she will consent in writing to the sale of the property free from her dower, the court shall order the same to be sold free of her dower, and shall allow her, in commutation of her dower, such portion of the net proceeds of sale as may be just and equitable, not exceeding one-sixth nor less than one-twentieth, according to the age, health, and condition of the widow.

SEC. 90. Whenever real property is decreed to be sold for the purpose of division of the proceeds between tenants in common because the said property is incapable of being divided between them in specie, the court may decree a sale of the property free and discharged from any right of dower by the wife of any of the parties in his undivided share.

Division of proceeds of sale between tenants in common, etc.

SEC. 91. INFANTS AND PERSONS NON COMPOS MENTIS.—If any infant or person non compos mentis be entitled to any real or personal estate in the District which shall be liable to any mortgage, trust, or lien, or in any way charged with the payment of money, the court shall have the same power to decree in such case as if the infant were of full age or such person non compos mentis were of sound mind.

Infants and persons non compos mentis.

SEC. 92. Where an infant or person non compos mentis is entitled to any real or personal estate in the District bound by any executory contract entered into by the person or persons from whom said infant or person non compos mentis has derived title, or where an infant or person non compos mentis claims any right or interest in such property under and in virtue of any such contract, the court in either case shall have the same power to decree the execution of such contract or to pass any just and proper decree that the court would have if the parties were of full age and sound mind.

—power of court to decree.

SEC. 93. PARTITION.—The court may decree a partition of any lands, tenements, or hereditaments on the bill or petition of any tenant in common, claiming by descent or purchase, or of any joint tenant or coparcener who was such at the date of this code; or if it appear that said lands, tenements, or hereditaments can not be divided without loss or injury to the parties interested, the court may decree a sale thereof and a division of the money arising from such sale among the parties, according to their respective rights; and this section shall apply to cases where all the parties are of full age, to cases where all the parties are infants, to cases where some of the parties are of full age and some infants, to cases where some or all of the parties are non compos mentis, and to cases where all or any of the parties are nonresidents; and any party, whether of full age, infant, or non compos mentis, may file a bill under this section, an infant by his guardian or procchein ami and a person non compos mentis by his committee; and if any contract has been made for the sale of the lands, tenements, or hereditaments by any person or persons interested therein jointly or in common with any infant, idiot, or person non compos mentis, for and in behalf of all the persons so interested, which the court, upon a hearing and examination of all the circumstances, shall consider to be for the interest and advantage both of such infant, idiot, or person non compos mentis and of the other person or persons interested therein to be confirmed, the court may confirm such contract and order a deed to be executed according to the same; and all sales and deeds made in pursuance of such order shall be sufficient in law to transfer the estate and interest of such infant, idiot, or person non compos mentis in such lands, tenements, or hereditaments: *Provided*, That if the parties entitled as heirs at law to the real estate of an intestate can not agree upon a partition thereof, or any of said parties be a minor, or the courts shall be of opinion that said estate can not be divided without loss or injury to the parties interested, before any sale shall be made thereof, the oldest son, child, or person entitled, if of age, shall have the election to take the whole estate and pay to the others their just proportions

Partition.

—sale.

—scope of section.

Who may file bill.

Contracts for sale of property held jointly with infants, etc.

Provido.
Heirs at law unable to agree on partition, etc.

Accountability for rents, etc., by tenant having possession of property.

Trustee to sell.

Bond of trustee.

Mortgages.
—court may decree sale and that proceeds be brought into court, etc.

—where proceeds insufficient decree in personam for residue of debt.

Provided,
qualification.

to apply also to enforce vendor's lien.

Debts of a decedent.
—sale of real estate to pay, etc.

of the value in money; and if the oldest child or person entitled refuses to take the estate and pay to the others money for their proportions, then the next oldest child or person entitled, being of age, shall have the same election, and so on to the youngest child or person entitled; and if all refuse, then the property shall be sold as aforesaid; and in every case of partition any tenant in common who may have received the rents and profits of the property to his own use or may have had the exclusive possession and enjoyment of the property may be required to account to his cotenants for their respective shares of said rents and profits, or, as the case may be, for the value of the use and occupation of their undivided shares of the property; and any amounts found due on said accounting may be charged against the share of the party owing the same in the property or its proceeds in case of sale.

SEC. 94. TRUSTEE TO SELL.—If any person shall die having devised real estate to be sold for the payment of debts or other purposes without having appointed a trustee to sell or convey the property, or if the person so appointed shall neglect or refuse to execute the trust, or shall die before the execution of such trust, the said court shall have authority, on the application of any person interested, to appoint a trustee to sell and convey said property and apply the proceeds of sale to the purposes intended. And in all cases where a trustee shall be appointed by last will and testament to execute any trust, and any person interested in the execution of such trust shall make it appear that it is necessary for the safety of those interested therein that the trustee should give bond and security for the due execution of the trust, the said court may order and direct that such bond be given by the trustee by a day named, and on failure of the trustee to give such bond, with security to be approved by the court as directed, the court may displace such trustee and appoint another in his stead, who shall give such bond; and such bond shall be given to the United States and may be sued on for the use of any person interested.

SEC. 95. MORTGAGES.—In all cases of application to said court to foreclose any mortgage or deed of trust, the said court shall have authority, instead of decreeing that the mortgagor be foreclosed and barred from redeeming the mortgaged property, to order and decree that said property be sold and the proceeds be brought into court to be applied to the payment of the debt secured by said mortgage; and if, upon a sale of the whole mortgaged property, the net proceeds shall be insufficient to pay the mortgage debt, the court may enter a decree in personam against the mortgagor or other party to the suit who is liable for the payment of the mortgage debt for the residue of said debt remaining unsatisfied after applying to said debt the proceeds of such sale: *Provided*, That the complainant would be entitled to maintain an action at law or suit in equity for said residue; which decree shall have the same effect and be enforced by execution in the same manner as a judgment at law. And in suits to enforce a vendor's lien on real estate for unpaid purchase money similar relief may be given by a decree of sale and a decree in personam for the unsatisfied residue of the purchase money due.

SEC. 96. DEBTS OF A DECEDENT.—When any person shall die leaving any real estate in possession, remainder, or reversion, and not leaving personal estate sufficient to pay his debts, the said court, on any suit instituted by any of his creditors, may decree that all the real estate left by such person, or so much thereof as may be necessary, shall be sold to pay his debts; and this section shall apply to cases where the heirs or devisees are residents or nonresidents, are of full age or infants, are of sound mind or non compos mentis, and also to cases where the deceased left no heirs or it is not known whether he left heirs or devisees or the heirs or devisees be unknown; and if

there be no known heirs the attorney of the United States for the District of Columbia shall be notified of said suit and appear thereto.

SEC. 97. SALE OF CONTINGENT INTERESTS.—Where real estate is limited to one or more for life, with a contingent limitation over to such issue of one or more of the tenants for life as shall be living at the death of their parent or parents, and the deed or will does not prohibit a sale, said court may, on the application of the tenants for life, and if the court shall be of opinion that it is expedient to do so, order a sale of such estate and decree to the purchaser an absolute and complete title in fee simple.

Sale of contingent interests.

SEC. 98. Any application for such sale shall be by bill, verified by the oath of the party or parties, in which all the facts shall be distinctly set forth upon the existence of which it is claimed that such sale should be decreed, which facts shall be proved by competent testimony. All of the issue embraced in the limitation who are in existence at the time of the application shall be made parties defendant, together with all who would take the estate in case the limitation over should never vest; and minors of the age of fourteen years or more shall answer in proper person under oath, as well as by guardian ad litem, and all evidence shall be taken upon notice to the parties and the guardian ad litem.

—procedure.

SEC. 99. The proceeds of sale of said real estate shall be held under the control and subject to the order of the court, and shall be invested under its order and supervision upon real and personal security, and the same shall, to all intents and purposes, be deemed real estate and stand in the place of the real estate from the sale of which they are derived, and as such be subject to the limitations of the deed or will.

—disposition of proceeds.

SEC. 100. Wherever one or more persons shall be entitled to an estate for life or years, or a base or qualified fee simple, or any other limited or conditional estate in lands, and any other person or persons shall be entitled to a remainder or remainders, vested or contingent, or an interest by way of executory devise in the same lands, on application of any of the parties in interest the court may, if all the parties in being are made parties to the proceeding, decree a sale or lease of the property, if it shall appear to be to the interest of all concerned, and shall direct the investment of the proceeds so as to inure in like manner as provided by the original grant to the use of the same parties who would be entitled to the land sold or leased; and all such decrees, if all the persons are parties who would be entitled if the contingency had happened at the date of the decree, shall bind all persons, whether in being or not, who claim or may claim any interest in said land under any of the parties to said decree, or under any person from whom any of the parties to such decree claim, or from or under or by the original deed or will by which such particular, limited, or conditional estate, with remainders or executory devises, were created.

Decree of sale and investment of proceeds for benefit of all parties in limited, etc., estates.

SEC. 101. WHEN DECREE SHALL HAVE EFFECT OF CONVEYANCE.—In all cases where a decree shall be made for a conveyance, release, or acquittance, and the party against whom such decree shall pass shall neglect or refuse to comply therewith, such decree shall stand, be considered and taken, in all courts of law and equity, to have the same operation and effect as if the conveyance, release, or acquittance had been executed conformably to such decree.

When decree shall have effect of conveyance.

SEC. 102. PROCESS AGAINST INFANTS.—Whenever an infant is a party defendant in any equity suit, the subpoena issued in said suit shall be served upon him personally, if within the District, and said infant shall be produced in court unless, for cause shown, the court shall dispense with his appearance, and a guardian ad litem shall be appointed to answer the bill and defend the suit for him, the said infant having the right to select his guardian ad litem if of the age of fourteen years or older.

Process against infants.

SEC. 103. If any person shall secrete an infant against whom process has issued, so as to prevent the service of such process, or shall prevent his appearance in court as aforesaid, such person shall be liable to attachment and punishment as for contempt; or if any infant shall secrete himself or evade the service of process, he may be proceeded against as if he were a nonresident.

SEC. 104. PERSONS NON COMPOS MENTIS.—If a person non compos mentis be a party defendant in any equity suit, the subpoena shall be served upon him, if within the District, and upon his committee, if there be one within the District, and if there be no such committee and the court shall be satisfied as to the condition of said party, it may appoint a guardian ad litem to answer and defend for him.

SEC. 105. NONRESIDENTS.—Publication may be substituted for personal service of process upon any defendant who can not be found and who is shown by affidavit to be a nonresident, or to have been absent from the District for at least six months, or against the unknown heirs or devisees of deceased persons, in suits for partition, divorce, by attachment, foreclosure of mortgages and deeds of trust, the establishment of title to real estate by possession, the enforcement of mechanics' liens, and all other liens against real or personal property within the District, and in all actions at law and in equity which have for their immediate object the enforcement or establishment of any lawful right, claim, or demand to or against any real or personal property within the jurisdiction of the court.

SEC. 106. No order for the substitution of publication for personal service shall be made until a summons for the defendant shall have been issued and returned "Not to be found," and the nonresidence of the defendant or his absence for at least six months shall be proved by affidavit to the satisfaction of the court.

SEC. 107. The order of publication shall be in the following or an equivalent form:

A B, complainant, }
versus } In No.
C D, defendant. }

On motion of the complainant, it is this ____ day of ____, A. D. ____, ordered that the defendant cause his appearance to be entered herein on or before the fortieth day, exclusive of Sundays and legal holidays, occurring after the day of the first publication of this order; otherwise the cause will be proceeded with as in cause of default.

SEC. 108. Every such order shall be published at least once a week for three successive weeks, or oftener, or for such further time as may be specially ordered; and no order or decree shall be passed against said absent or nonresident defendant upon proof of notice by such publication unless the complainant, plaintiff, his agent, or solicitor or attorney shall file in the cause an affidavit showing that at least twenty days before applying for such order or decree be mailed, postpaid, a copy of said advertisement, directed to the party therein ordered to appear, at his last known place of residence, or that he has been unable to ascertain the last place of residence of said party after diligent effort to ascertain the same. On failure of the defendant to appear in obedience to said notice within the time named therein, a decree or judgment by default may be entered at the next rule day thereafter: *Provided*, That if the said absent or nonresident defendant be an infant, the court shall appoint a guardian as litem to answer and defend for him.

Where defendant an infant.

SEC. 109. If the court shall be satisfied that said absent or nonresident defendant is non compos mentis, notice may be given to him by publication as aforesaid, and upon his failure to appear such decree or judgment may be passed as the circumstances of the case may require: *Provided*, That no decree or judgment shall be passed unless the case is fully proved; and the court shall assign a solicitor or attorney to represent such nonresident defendant, and such solicitor or attorney shall be paid by the complainant or out of the estate of the defendant, at the discretion of the court.

—or non compos mentis.

Provido.
—case to be fully proved; attorney to represent, etc.

SEC. 110. UNKNOWN HEIRS.—Upon allegation under oath, and proof satisfactory to the court, that it is unknown whether one who, if living, would be a proper party to any judicial proceeding is living or dead, such party may be proceeded against as if he were living, and with like effect, provided no representative of or claimant under such person shall intervene in the suit before final determination thereof, after notice by publication as in the case of nonresident parties. If such person be dead, and it is unknown whether he died testate or left heirs, or his heirs and devisees be unknown, such unknown persons may be described as the heirs or devisees of the person who, if living, would be the proper party, and notice shall be given by publication to such persons according to such description, and the same proceedings shall be had against them as are had against nonresident defendants, except that said notice shall be published at least twice a month for such period as the court may order, which period shall not be less than three months without good cause shown, and which notice shall require said parties to appear on or before the first rule day occurring after the expiration of such prescribed period, and no decree shall be passed against said parties unless the court shall be satisfied that due diligence has been used to ascertain such unknown heirs.

Unknown heirs.

—where dead.

—proceedings, etc.

SEC. 111. ADVERSE POSSESSION.—When title to any real estate in the District of Columbia shall have become vested in any person or persons by adverse possession, the holder thereof may file a bill in the supreme court of the District of Columbia to have such title perfected, in which bill it shall be sufficient to allege that the complainant holds the title to such real estate, and that the same has vested in him, or in himself and in those under whom he claims, by adverse possession; and in such action it shall not be necessary to make any person a party defendant except such persons as may appear to have a claim or title adverse to that of the plaintiff. Upon the trial of such cause, proof of the facts showing title in the plaintiff by adverse possession shall entitle him to a decree of the court declaring his title by adverse possession, and a copy of such decree may be entered of record in the office of the recorder of deeds for said District. In any such action if process shall be returned not to be found, notice by publication may be substituted as in case of nonresident defendants. If in any case it shall be unknown whether one who, if living, would be an adverse party is living or dead, or in the case of a decedent, whether he died testate or left heirs, or his heirs or devisees are unknown, the cause may be proceeded with under the provisions of section one hundred and nine: *Provided*, That the rights of infants or others under legal disability shall be saved for a period of two years after the removal of their disabilities; *Provided, however*, That the entire period during which such rights shall be preserved shall not exceed twenty-two years from the time such rights accrued, either in said claimant or in the person or persons under whom he claims.

Adverse possession.
Perfection of title.

Provisos.
—preservation of rights of infants.
—limit of time.

SEC. 112. CORPORATIONS.—In a suit against a corporation, whether foreign or domestic, if process can not be served, such corporation may be proceeded against as a nonresident defendant, by notice by publication.

Corporations.

- Enforcement of decrees.**
—attachment. SEC. 113. ENFORCEMENT OF DECREES.—The said court may, for the purpose of executing a decree, or to compel obedience to the same, issue an attachment against the person of the defendant, and may order an immediate sequestration of his real and personal estate, or such part thereof as may be necessary to satisfy the decree, or may issue a fieri facias and attachment by way of execution against his lands, tenements, chattels, and credits, or other incorporeal property, to satisfy the decree; or the court may, by order and injunction, cause the possession of the estate and effects whereof the possession or a sale is decreed to be delivered to the complainant, or otherwise, according to the tenor and import of the decree and as the nature of the case may require; and in case of sequestration may order payment and satisfaction to be made out of the estate and effects so sequestered, according to the true intent and meaning of the decree; and in case any defendant shall be arrested and brought into court upon any process of contempt issued to compel the performance of any decree, the court may, upon motion, order such defendant to stand committed, or may order his estate and effects to be sequestered and payment made, as above directed, or possession of his estate and effects to be delivered by order and injunction as above directed, until such decree or order shall be fully performed and executed, according to the tenor and true meaning thereof, and the contempt cleared; but where the decree only directs the payment of money no defendant shall be imprisoned except in those cases especially provided for.
- injunction.**
- commitment.**
- Interlocutory orders.** SEC. 114. All interlocutory orders may be enforced by such process as might be had upon a final judgment or decree to the like effect, and the payment of costs adjudged to any party may be enforced in like manner.
- Decree for delivery of chattels.** SEC. 115. An order or decree for the delivery of chattels may be enforced by the same writs as are used in the action of replevin at common law, as well as those heretofore used for its enforcement in equity practice.
- Probate court.** SEC. 116. PROBATE COURT.—The special term of said supreme court, heretofore known as the orphans' court, shall be designated the probate court, and the justice holding said court shall have and exercise all the powers and jurisdiction by law held and exercised by the orphans' court of Washington County, District of Columbia, prior to the twenty-first day of June, anno Domini eighteen hundred and seventy.
- jurisdiction:**
- plenary as to wills, etc.** SEC. 117. That in addition to the jurisdiction conferred in the preceding section, plenary jurisdiction is hereby given to the said court holding the said special term to hear and determine all questions relating to the execution and to the validity of any and all wills devising any real estate within the District of Columbia, and of any and all wills and testaments properly presented for probate therein, and to admit the same to probate and record in said special term; and neither the execution nor the validity of any such will or testament so admitted to probate and record shall be impeached or examined collaterally, but the same shall be in all respects and as to all persons res judicata, subject, nevertheless, to the provisions hereinafter contained.
- Sessions of court.** SEC. 118. The said court shall hold weekly sessions on such days as it may appoint and on as many days as may be necessary for the dispatch of its business.
- Powers defined.** SEC. 119. POWERS.—It shall have full power and authority to take the proof of wills of either personal or real estate and admit the same to probate and record, and for cause to revoke the probate thereof; to grant and, for any of the causes hereinafter mentioned, to revoke letters testamentary, letters of administration, letters ad colligendum, and letters of guardianship, and to appoint a successor in the place of anyone whose letters have been revoked; to hear, examine, and decree

upon all accounts, claims, and demands existing between executors and administrators and legatees, or persons entitled to a distributive share of an intestate estate, or between wards and their guardians; to enforce the distribution of estates by executors and administrators, and the payment or delivery by guardians of money or property belonging to their wards, and, concurrently with the equity court, to direct the sale of real estate of decedents for the payment of their debts and the application of the proceeds thereof: *Provided*, That the jurisdiction of said probate court shall not be exclusive of the jurisdiction of the said equity court to entertain suits by legatees or next of kin against executors or administrators, or by wards against their guardians for an accounting; and, except in cases provided for in section numbered one hundred and forty-four, any settlement of accounts in said probate court shall only be prima facie evidence as to the correctness of said accounts in any such suits, or in suits by creditors against executors or administrators, or against heirs or devisees, to subject the real estate of decedents to the payments of their debts.

Provided.
—qualification of jurisdiction, etc.

SEC. 120. CLERK.—The register of wills of the District of Columbia shall be, and hereby is, authorized, empowered, and directed to act as clerk of the said probate term, to keep and certify its records and generally, with respect to said term, to exercise all the powers and perform all the duties which might otherwise be properly exercised or performed by the clerk of the supreme court of the District of Columbia.

Clerk.
—register of wills to act.

SEC. 121. The said register of wills may receive inventories and accounts of sales, examine vouchers, and state accounts of executors, administrators, collectors, and guardians, subject to final passage or rejection of same by the court; may take probate of claims against the estates of deceased persons that are proper to be brought before him, and pass any claims not exceeding three hundred dollars; may take the probate of wills and accept the bonds of executors, administrators, collectors, and guardians, subject to approval by the court. It shall be his duty to make full and fair entries of the proceedings of said court, and also to make a fair record in a strong bound book or books of all wills proved before him or said court, and of all other matters by law directed to be recorded in said court, and to lodge every original paper filed with him in such place of safety as the court may appoint. He shall make out and issue every summons, process, and order of the court, and in every respect act under its control and direction in reference to matters coming within the jurisdiction of said court. He shall be, and hereby is, authorized to appoint a deputy, who may, in his absence, do and perform any and all the acts necessary in the administration of his office and the certification of the records of said court which he himself is authorized to do; also to appoint and fix the number and the compensation of the employees of said probate court and office of register of wills: *Provided*, That any expenditures incurred by him in so doing shall not be a charge upon the public treasury, but shall, together with his own compensation, be paid out of the revenues of the office of register of wills.

—powers, etc., of register of wills.

—deputy.

—employees.

—expenditures.

SEC. 122. CONCEALMENT OF ASSETS BY STRANGERS.—If an executor, administrator, or collector shall believe that any person conceals any part of his decedent's estate, he may file a petition in said court alleging such concealment, and the court may compel an answer thereto on oath; and if satisfied, upon an examination of the whole case, that the party charged has concealed any part of the estate of the deceased, the court may order the delivery thereof to the executor, administrator, or collector, and may enforce obedience to such order in the same manner in which orders of said court may be enforced, as hereinafter provided.

Concealment of assets by strangers.

SEC. 123. INVESTMENT OF FUNDS.—The said court may, in its discretion, order an executor, administrator, collector, or guardian, whom

Investment of funds.

it may have appointed, to bring into court or invest in securities, to be approved by the court, any money or funds received by such executor, administrator, collector, or guardian; and if said party shall not, within a reasonable time, to be fixed by the court, comply with the order, his letters may be revoked.

Concealment by executor or administrator.

SEC. 124. CONCEALMENT BY EXECUTOR OR ADMINISTRATOR.—If any person interested in any decedent's estate shall by petition allege that the executor, administrator, or collector has concealed or has in his hands and has omitted to return in the inventory or list of debts any part of his decedent's assets, and the court shall finally adjudge and decree in favor of the allegations of the petition, in whole or in part, it shall order an additional inventory or list of debts, as the case may be, to be returned by the executor, administrator, or collector, and appraisement to be made accordingly, to comprehend the assets omitted; and the court may compel obedience to said order, and, if the same is not complied with, revoke the letters testamentary or of administration or of collection and order the bond of the executor, administrator, or collector to be put in suit.

Joint executors. Complaint of negligence of coexecutor, etc.

SEC. 125. JOINT EXECUTORS.—If any joint executor, administrator, or collector shall apprehend that he is likely to suffer by the negligence or misconduct in the administration or the improper use or misapplication of the assets of the estate by any coexecutor, coadministrator, or cocollector, he may make complaint to said court; and if said complaint shall be adjudged well founded, the court shall have authority, in its discretion, to revoke the powers and authority of the executor, administrator, or collector so complained of and to compel the delivery and surrender to the remaining executor, administrator, or collector of the assets and all books, papers, and evidences of debt of the estate that may be in the possession or control of the person so dismissed from the administration; and the remaining executors, administrators, or collectors shall be entitled to recover, in an action on the case, for any loss or damage they may suffer through the executor, administrator, or collector whose powers shall have been revoked as aforesaid.

—revocation of authority to act, etc.

—enforcement of duty.

SEC. 126. ENFORCEMENT OF DUTY.—The court shall have power to order any executor, administrator, collector, or guardian who appears to be in default in respect to the rendering of any inventory or account or the fulfillment of any duty in said court to be summoned to appear therein and fulfill his duty in the premises, on pain of revocation of his letters testamentary or of administration or collection or of guardianship; and on his appearing the court may pass such order as may be just, and upon his failure to appear, after having been duly summoned, may revoke his letters and make such further order and other appointment as justice may require.

Revocation of letters. Accounting, etc.

SEC. 127. REVOCATION OF LETTERS.—Whenever said court shall revoke letters testamentary or of administration or of collection or of guardianship, it shall be the duty of the party whose letters may be revoked to render forthwith an account of his administration or guardianship up to the period of the rendition of said account and to deliver and turn over to the person appointed in his place all the estate, money and effects remaining in his hands that were received and held by him by virtue of his appointment so revoked; and all moneys in the hands of an executor, administrator, or collector realized by him by the sale of the specific property shall be considered unadministered assets and be turned over in like manner; and the court may compel the performance of said duty in the manner hereinafter mentioned, and may direct the bond of said executor, administrator, or collector whose letters may be revoked to be put in suit for the use of the new administrator or collector appointed in his place.

SEC. 128. COUNTER SECURITY.—If any surety of an executor or administrator shall apprehend himself to be in danger of suffering from the suretyship, he may apply to the probate court, and the said court may call upon the party to give counter security, to be approved by the court; and if the party so called on shall not, within a fixed reasonable time, give counter security, the court may order the property remaining in the hands of such executor or administrator to be delivered up to such surety, and the court may enforce the delivery by proper process; and an inventory of the property delivered to such surety shall be returned without delay, and the property contained in such inventory shall be by the said surety sold, distributed, and delivered up, as the case may require, under the immediate order of the court, as if such surety were executor or administrator; but inasmuch as it would be inconvenient to creditors and others interested in the estate, if there should be a double administration, the executor or administrator shall go on to discharge his trust, unless the court revoke his letters for some just cause, as hereinbefore directed, and he shall be answerable for the property in the same manner as if it were not on his default as aforesaid delivered to the surety; and he shall be entitled to sue the said surety and recover damages in case he shall suffer from the misconduct of such surety, in diminishing any part of the property, without obtaining an allowance for the same from the court; and the said surety shall bring into court, to be deposited with the register of wills, the money arising from the sale of any property as aforesaid, to be applied according to the meaning of this code.

Counter security.

—failure to give.

—inventory, etc.

SEC. 129. ENFORCEMENT OF JUDGMENTS, AND SO FORTH.—The said court, in addition to the powers hereinafter specially conferred, shall have power to enforce its judgments, orders, and decrees in like manner as orders and decrees may be enforced in the equity court.

Enforcement of judgments, etc.

SEC. 130. CITATION.—Upon the filing of a petition for probate of a will a citation shall be issued to all persons who would be entitled to or interested in the estate of the testator in case such will had not been executed to appear in said court on a day named, not earlier than ten days, exclusive of Sundays, after the filing of said petition, and show cause why the prayer of the petition should not be granted. If said citation shall appear from the return thereof to have been served upon all said persons at least five days before the day named as aforesaid, the said court shall proceed, if no caveat be filed, to take the proofs of the execution of said will. But if any of the parties interested, as aforesaid, as heirs, next of kin, or otherwise, shall be returned "Not to be found," the said court shall cause not less than thirty days' notice of the application of such probate to be published once in each of three successive weeks in some newspaper of general circulation in said District, and may order such other publication as the case may require, and shall cause a copy of such publication to be mailed to the last known post-office address of each of the parties so returned not to be found. If the parties in interest, or any of them, be unknown, upon statement of that fact in the petition under oath, they may be described therein, and in the notice by publication, as the unknown heirs and next of kin of the decedent, with like effect as if known and specifically named in the petition, notice, and proceedings.

Citation.

Publication.

SEC. 131. PROBATE.—On the day appointed as aforesaid, or such subsequent day as the court may appoint, due proof of such publication and mailing being made, the court shall proceed to take proof of the will. All the witnesses to such will who are within the District and competent to testify must be produced and examined, or the absence of any of them satisfactorily accounted for.

Probate.

SEC. 132. ATTESTING WITNESSES.—In case the will contains a devise of real estate, and any attesting witness thereto residing in the District

Attesting witnesses.

Where proof of signature sufficient.

is unable, from sickness, age, or other cause, to attend court, the register of wills may, with such will, attend upon said witness and take his testimony. If the testimony of resident attesting witnesses or witness to such will shall have been taken, and any other such witness to said will shall reside out of the District or be temporarily absent therefrom, but within the United States, it shall be sufficient to prove the signature of such witness so out of the District.

If the sole witnesses to such will shall be out of said District as aforesaid, or if one or more should be within the United States and one or more be in some foreign country, then it shall be sufficient to take the testimony of any one or all within the United States, as the court may determine, and to prove the signatures of those whose testimony is not required to be taken.

If all such witnesses shall be out of the United States, then it will be sufficient to take the testimony of such of them as the court may require, and to prove the signature or signatures of the others.

Commission to take testimony.

The testimony of such witnesses out of the District to be taken hereunder shall be under a commission issued by the court to one or more competent persons, and in such case the original will or codicil shall accompany the commission and be exhibited to the witnesses.

—notice.

No notice need be given of the time and place of taking such testimony, unless in a case in which probate is opposed.

Who may appear.

SEC. 133. WHO MAY APPEAR.—Any person, although not cited, who may be interested in sustaining or defeating the will may appear and support or oppose the application to admit the same to probate.

Admission to probate.

SEC. 134. ADMISSION TO PROBATE.—If, upon hearing the proofs submitted, the court shall be of opinion that the will was duly executed and the testator was competent to execute the same, and no caveat shall be filed against the admission of the same to probate, the court shall decree that the said will be admitted to probate and record.

Probate by consent.

SEC. 135. If all parties interested adversely to the will shall waive the notice aforesaid and consent that the will be admitted to probate and record, it may be so admitted to probate and record without the proceedings directed as aforesaid: *Provided*, That in no case shall any will or testament be admitted to probate and record save upon formal proof of its proper execution.

Proviso.
—proof of execution required.

Caveat.

SEC. 136. CAVEAT.—If, upon or prior to the hearing of the application to admit the will to probate, any party in interest shall file a caveat in opposition, duly verified, and setting forth facts inconsistent with the validity of the will, the said will shall not be admitted to probate until the issues raised by said caveat shall be determined, as hereinafter directed.

—time for filing.

SEC. 137. If, upon the hearing of the application to admit a will to probate, the court shall decree that the same be admitted to probate, any person in interest may file a caveat to said will and pray that the probate thereof may be revoked at any time within three months after such decree, if it be a will of personal property, and as far as it is a will of personal property; and if it be a will of real estate, and as far as it is such will of real estate, any person interested actually served with process or personally appearing in such proceedings may file such caveat within one year after such decree; any person interested who at said time was returned "Not to be found" and was proceeded against by publication may file such caveat within two years after such decree; and any person interested who at the time of said decree is within the age of twenty-one years may file such caveat within one year after he becomes of age.

Infants interested.

SEC. 138. INFANTS INTERESTED.—Whenever it shall appear that any party interested as aforesaid is under age, or non compos; the court shall appoint a guardian ad litem to represent said party at the hearing

of the application to admit the will to probate, and with authority to file a caveat, as he may be advised, in behalf of said party.

SEC. 139. PLENARY PROCEEDINGS.—The court may, in all cases of controversy therein, direct a plenary proceeding to be had, by bill or petition, to which there shall be answer under oath, which may be compelled by the usual process, and all the depositions shall be taken down in writing and filed; or, if either party shall require it, the court shall direct an issue to be made up to be tried by a jury.

Plenary proceedings.

SEC. 140. TRIAL OF ISSUES AS TO WILLS.—Whenever any caveat shall be filed issues shall be framed under the direction of the court for trial by jury: *Provided*, That in all cases in which all persons interested are sui juris and before the court the issues may be tried and determined by the court, without a jury, upon the written consent of all such parties. If they are to be tried by a jury they shall be triable in said probate court; and at least ten days prior to the time of trial all of the heirs at law or next of kin of the decedent, or both together, as the case may require, and all persons claiming under the will shall be each served with a copy of said issues and a notification of the time and place of the trial thereof. If any one of them be an infant or of unsound mind he shall have a guardian ad litem appointed for him by the court before such trial shall proceed. If, as to any party in interest, the notification shall be returned "Not to be found," the court shall assign a new day for such trial, and shall order publication, at least twice a week for a period of not less than four weeks, of a copy of the issues and notification of trial, in some newspaper of general circulation in the District, and may order such further publication as the case may require. And the supreme court of the District of Columbia may from time to time prescribe and revise rules and regulations for service personally upon such party outside of the District of Columbia of a copy of such issues and notification. Personal service on absent parties shall not be essential to the jurisdiction of the court. Before the time of trial the justice holding said court shall direct twenty-four jurors to be drawn for service in said court, having the qualifications prescribed by law, in the manner provided by law for the drawing of jurors to serve in the circuit court. The proceeding for impaneling a jury for the trial of said issues shall be the same as if they were being tried in the said circuit court. In all cases in which such issues shall be tried the verdict of the jury and the judgment of the court thereupon shall, subject to proceedings in error and to such revision as the common law provides, be res judicata as to all persons; nor shall the validity of such judgment be impeached or examined collaterally. When a jury is sworn for such trial the other jurors who have been summoned, but not sworn for such trial, shall be discharged and their names returned to the jury box. Any jury so sworn may also be employed in the trial of other issues pending in said court not relating to wills, and also, if the parties interested shall consent, in the trial of issues relating to wills other than those for the trial of which they were specifically summoned. Any jury summoned for service in any of the circuit or criminal courts of the District may, with the concurrence of the justice presiding in said court, be used for the trial of issues in the probate court.

Trial of issues as to wills.

Proviso.
—without a jury.

—by a jury.

Service.

Jurors, etc.

SEC. 141. RE-PROBATE OF WILLS AFFECTING REAL ESTATE.—That the foregoing sections shall not apply to wills and testaments offered for probate prior to the eighth day of June, anno Domini eighteen hundred and ninety-eight; and in cases of intestacy shall apply only to the estates of such persons as shall have died after said date and shall hereafter die: *Provided*, That any person interested under any will filed in the office of the register of wills for the District of Columbia prior to said date may offer the same for probate as a will of real

Sections not applicable to wills probated before June 8, 1898, etc.

Proviso.
Re-probate of wills affecting real estate.

estate, whereupon such proceedings shall be had as by this code are authorized in regard to wills offered for probate after said date.

Trial of other issues.

SEC. 142. TRIAL OF OTHER ISSUES.—The trial of other issues, pending in said court, than such as relate to the execution or validity of wills shall also be had in said court; and no person shall be required to serve as a juror more than twenty secular days in any one year, except in a trial pending and not determined when said term of twenty days expires; and such length of service shall exempt him from further service in the supreme court of the District for one year from the commencement of said service.

For the trial of issues not relating to wills the justice holding said court shall have authority to fix the time of trial and determine the notice thereof to be given.

Costs.

SEC. 143. COSTS.—The said court shall have authority to render judgment for costs against the unsuccessful party in any trial conducted in said court and to issue execution therefor.

Depositions, judgment, and appeal.

SEC. 144. DEPOSITIONS, JUDGMENT, AND APPEAL.—The said court shall have authority to issue commissions to take the testimony of non-resident witnesses, and such depositions, as well as depositions de bene esse, taken according to law, may be read at the trial of any issue in said court. On the trial of any such issue exceptions may be taken to the rulings of the court, and the said court may set aside the verdict and grant a new trial for the same causes and in the same manner as in case of a trial in the circuit court. Unless the same be reversed, any final order or decree admitting a will to probate shall be conclusive evidence of the validity of such will in any collateral proceeding in which such will may be brought into question, and a transcript of the record of such will, and of the decree admitting the same to probate, shall be sufficient proof thereof.

Arbitration.

SEC. 145. ARBITRATION.—The said court shall have power, with the consent in writing of both parties, to arbitrate between a complainant and an executor or administrator, or between an executor or administrator and a person against whom the estate represented by him has a claim, or, with like consent, may refer the matter in dispute to an arbitrator. If reserved by the parties in their submission, exception as to matters of law may be filed to the award of such arbitrator, and the court may confirm or overrule the award, and said award, when confirmed, shall be conclusive between the parties.

Sale of real estate to pay debts and legacies.

SEC. 146. SALE OF REAL ESTATE.—The said court shall have plenary authority to administer also the real estate situated in the District of Columbia of decedents so far as may be necessary for the payment of debts and legacies, and to distribute among those entitled thereto any surplus proceeds of any sale of real estate made in the course of such administration, and the bonds hereafter executed of all executors and administrators shall be responsible for the proceeds of sale of all real estate sold by them under the order of the said justice for such purposes of administration: *Provided, however,* That no such sale shall be made unless the same be required for the purposes of paying debts and such legacies as are chargeable upon the real estate, nor until the auditor of the court shall have ascertained and reported a deficiency of personal assets for such purposes; and such report shall be subject to exception.

Proviso.
—qualifications.

No sale if bond given, etc.

SEC. 147. An order for the sale of the real estate shall not be granted if any of the persons interested in the estate shall give bond to the United States, with security to be approved by said court, conditioned to pay all the debts or legacies, or both, as the case may be, that shall eventually be found due, and the costs of administration.

Surplus after sale deemed real estate; distribution.

SEC. 148. If the said court shall be satisfied, upon a report of the auditor, that it is necessary to sell said real estate, or part thereof, it

shall authorize the same, or so much thereof as may be necessary for the payment of the debts or legacies, or both, to be sold by the executor or administrator, on such terms as the court may direct. Any surplus of the proceeds of such sale, after payment of debts and legacies and costs of administration, shall be deemed real estate, and shall be distributed among the heirs or devisees as the right may appear.

SEC. 149. WIDOW'S DOWER.—Where there shall be a widow entitled to dower in the real estate of the decedent, the court, before authorizing a sale of said real estate, shall issue a commission to one or more suitable persons to set off and assign her dower out of such estate, and her dower shall be assigned to her; or, if the court shall find the widow's dower can not be set off without injury to the property, if she shall consent thereto by her answer to the petition, the real estate may be sold free of her dower, and she shall receive out of the proceeds a commutation of her dower according to the practice in equity.

Widow's dower.

SEC. 150. GUARDIANS.—The said court shall have power to appoint a guardian or guardians to any infant orphan entitled to any property, real, personal, or mixed, within the District, or whose person and residence may be within the District, except where such orphan may have a testamentary guardian.

Guardians.

SEC. 151. BOND.—The court shall require of guardians so appointed, and of testamentary guardians, unless it be otherwise directed by the will appointing them, bond, with sufficient security, conditioned for the due discharge of their duties.

Bond of.

SEC. 152. When any infant whose father or mother may be living shall, by gift or otherwise, be entitled to any property, the court may require the father or mother, as guardian, to give bond and security to account for the property, and on his or her failure or refusal so to do may appoint another person guardian, who shall give bond as in other cases.

—of father or mother of infant.

SEC. 153. The court may at any time require any guardian to give bond or additional bond, when the interests of the infant require it, and on his failure or refusal so to do may revoke his appointment and appoint another guardian in his place, and require the estate of the infant to be forthwith delivered to the newly appointed guardian, and may direct him to bring suit upon the bond of his predecessor.

Additional bond.

SEC. 154. COUNTER SECURITY.—If any surety of a guardian shall by petition set forth that he apprehends himself to be in danger of loss in consequence of his suretyship, and shall pray the court that he may be relieved, the court, after summoning the guardian to answer said petition, may require him to give counter security to indemnify his original surety or to deliver his ward's estate into the hands of the surety or of some other person; in either of which cases the court shall require sufficient security to be given by the person into whose hands said estate shall be delivered, and make such other order as may seem just.

Counter security.

SEC. 155. ELECTION OF GUARDIAN.—Every orphan or other infant to whom said court is authorized to appoint a guardian shall be entitled, on arriving at the age of fourteen years, notwithstanding any appointment of guardian before made by the court, to elect a guardian for himself; but such guardian must be approved by the court and shall be required to give bond as in other cases, and be subject to the control of the court as other guardians are.

Election of guardian.

SEC. 156. SALE OR EXCHANGE OF INFANT'S REAL ESTATE.—Whenever the guardian or, in case of his refusal to act, a next friend of any infant shall deem that the interests of the ward will be promoted by a sale of his freehold or leasehold estate in lands, for the purpose of reinvesting the proceeds in other property, or by an exchange of his said property for other property, he may file a bill in said court, verified

Sale or exchange of infant's real estate.
—filing of bill.

by his oath, setting forth all the estate of said infant, real and personal, and all the facts which, in his opinion, tend to show whether the infant's interest will be promoted by said sale or exchange or not.

-answer, etc.

SEC. 157. The infant, together with those who would succeed to the estate if he were dead, shall be made parties defendant; and it shall be the duty of the court to appoint some fit and disinterested person to be guardian ad litem for the infant, who shall answer the bill under oath. The infant also, if above the age of fourteen, shall answer the bill in proper person, under oath.

-proof, etc.

SEC. 158. Every fact material to determine the propriety of such sale or exchange shall be clearly proved by disinterested witnesses, whose testimony shall be taken in writing in the presence of the guardian ad litem or upon interrogatories agreed upon by him.

-decree of sale.

SEC. 159. If the court shall be satisfied from the evidence that the interests of the infant require a sale or exchange, as prayed, and the rights of others will not be violated thereby, such sale or exchange may be decreed, and the costs of the suit shall be paid out of the infant's estate; otherwise they shall be paid by the complainant.

-disposition of proceeds, etc.

SEC. 160. Any such sale may be made upon such terms as to cash and credit as the court may direct, and a lien shall be retained on the property sold for the purchase money; and the proceeds of such sale shall be invested for the infant's benefit in other real estate or in such other manner as the court may direct; and if the infant, after any such sale, shall die intestate or under twenty-one years of age, the proceeds of such sale, or so much thereof as may remain at his death, if not reinvested in other real estate, shall be considered as real estate, and shall pass accordingly to such persons as would have been entitled to the estate if it had not been sold.

Court not bound to require equality in quantity of estate, etc.

SEC. 161. In decreeing an exchange of the infant's estate for other property the court shall not be bound to require equality or sameness in the quantity or character of the estate or interest, and the court may appoint trustees to execute the deeds necessary to carry such exchange into effect.

Sale of particular estate or remainder.

SEC. 162. SALE OF PARTICULAR ESTATE OR REMAINDER.—Where an infant is entitled to a particular estate, as for life or years, and another person is entitled to an estate in remainder or reversion in the same property, or such other person is entitled to the particular estate and the infant is entitled in remainder or reversion or by way of executory devise, the court shall have the same power to decree a sale or exchange as aforesaid, having reference solely to the interests of the infant: *Provided*, The other person so interested will consent to such sale or exchange and execute the conveyances necessary to carry the same into effect. And the court shall direct the annual income from the fund or property acquired by such sale or exchange to be applied according to the interests of the respective parties. And in case of the death of said infant under twenty-one years of age the proceeds of any such sale not invested in real estate shall be deemed real estate and pass to those who would be entitled if the property had not been sold.

Proviso.

-consent to sale, etc.

SEC. 163. LEASE OF INFANT'S ESTATE.—In cases where it shall appear to the court, by proof taken in a similar proceeding to that provided for in the foregoing sections, that it will be to the advantage of the infant that his real estate shall be demised, the said court shall have the power to decree that the same be so demised for a term of years not to exceed the minority of the infant, yielding such rents and on such terms and conditions as the court may direct: *Provided*, That where the infant is entitled only to a part of the estate, as tenant of the particular estate, or remainder-man, or otherwise, all the other owners of the other interests assent to the passing of such decree.

Lease of infant's estate.

Proviso.
Consent to decree, etc.

Mortgage of infant's estate.

SEC. 164. MORTGAGE OF INFANT'S ESTATE.—In cases where it shall appear to the court by proof, as provided in the foregoing section, that it would be for the benefit and advantage of the infant to raise

money by mortgage to improve his real property or to pay off charges, liens, or incumbrances thereon, the court may, on the application of the guardian or of the infant by next friend, decree a conveyance of said property, by mortgage or deed of trust, to be executed by the guardian, on such terms as may seem to the court expedient; and this section shall apply to cases where the infant holds jointly or in common with other persons of full age or holds a portion of the estate, as a particular estate, for life or years or in remainder or reversion: *Provided*, That the other owners interested, all being of full age, will consent to such decree and unite in said mortgage or deed of trust.

Proviso.
Consent to decree.

SEC. 165. SALE OF INFANT'S PRINCIPAL FOR MAINTENANCE, AND SO FORTH.—Wherever it shall appear, upon the petition of the infant by next friend or of the guardian of an infant, and the appearance and answer of such infant by guardian to be appointed by the court, and proof by depositions of one or more disinterested witnesses, that a sale of the principal of the infant's estate, or of some part thereof, whether real or personal, is necessary for his maintenance or education, regard being had to his condition and prospects in life, the said court may decree such sale on such terms as to it may seem proper.

Sale of infant's principal for maintenance, etc.

SEC. 166. INDIGENT BOYS.—The court shall have power to appoint guardians to indigent boys for the purpose of securing their enlistment in the naval or marine service of the United States, as provided by law, free of all costs on account of such proceeding.

Indigent boys.

SEC. 167. LUNACY PROCEEDINGS.—All writs de lunatico inquirendo shall issue from said probate court, and the justice holding said court shall preside at all inquisitions of lunacy, and, when necessary, may use a jury from either the circuit or criminal court, or may cause a special jury to be summoned for such inquisitions.

Lunacy proceedings

SEC. 168. ESTATES OF LUNATICS.—The said court shall have full power and authority to superintend and direct the affairs of persons non compos mentis, and to appoint a committee or trustees for such persons, and to make such orders and decrees for the care of their persons and the management and preservation of their estates, including the collection, sale, exchange, and reinvestment of their personal estate, as to the court may seem proper. The court may, upon such terms as under the circumstances of the case it may deem proper, decree the conveyance and release of any right of dower of a person non compos mentis, whether the same be inchoate or otherwise.

Estate of lunatics.

Release of dower of.

SEC. 169. The court shall have the same power in respect of the freehold or leasehold estates of such persons as is provided for in relation to the estates of infants, to be exercised upon the application of the guardian, trustee, or committee of such person; and upon the death of any such person non compos mentis the proceeds of any sale of his estate which may have been invested otherwise than in real estate shall be deemed real estate, and shall descend as the property or estate would if it had not been sold.

Power of court the same as with infants, etc.

SEC. 170. The said court may order any part of the estate of a person non compos mentis, for whom a committee, guardian, or trustee has been appointed, to be sold, when necessary for his maintenance, upon application of said committee, guardian, or trustee, and full proof of the necessity of such sale. Upon the application of any judgment creditor of a person non compos mentis the court may decree a sale of the real or personal estate of such non compos mentis, or such part thereof as may be necessary to pay the claim of such creditor, upon being satisfied that such claim is just and there are no other means of paying the same.

Sale.

SEC. 171. No sales of the property of infants or persons non compos mentis made by authority of the foregoing sections shall be valid and effectual to pass title to the property sold until they have been reported to and ratified by the court.

—ratification of sale necessary.

Drunkards.
—appointment of committee to manage estate of.

SEC. 172. DRUNKARDS.—Whenever any person residing in said District, and owning any estate, real or personal, situate therein, is unfit from the habitual use of intoxicating liquors to properly manage or control the same, the said court, on the petition of any creditor or relative of such person, or if there be no creditor or relative, upon the petition of any person living in said District, and upon summons being regularly served upon such person so alleged to be unfit to manage or control his property as aforesaid, commanding him to appear and answer such petition, may order a jury to be summoned to ascertain whether such person be an habitual drunkard and unfit from that cause to manage and control his property, and if the jury shall find that such person is an habitual drunkard and unfit to manage or control his property, such finding when confirmed by the court, shall be entered of record in said cause, and it shall be the duty of the court thereupon to appoint some fit person to be committee of the person so declared unfit to manage or control his property as aforesaid.

—bond of committee.

Such committee before entering upon the discharge of his duties shall execute a bond, with surety, to be approved by the said court or one of the justices thereof, to the United States in a penalty equal to the amount of the personal property and the yearly rents to be derived from the real estate of such person, conditioned for the faithful performance of his duties as such committee; and he shall have control of the said estate, real and personal, with power to collect all debts due said drunkard, and to adjust and settle all accounts owing by him, and to sue and be sued in his representative capacity. He shall apply the annual income of the estate of such habitual drunkard to the support of said person, and the maintenance of his family and education of his children; and shall in all other respects perform the same duties and have the same rights as pertain to committees of lunatics and idiots.

—powers, etc.

Restoration to drunkard of his estate, etc.

When any person for whom a committee has been appointed under the provisions of this section shall become competent to manage his property on account of reformation in his habits, he may apply to said court to have said committee discharged and the care and control of his property restored to him; and if it shall appear by the verdict of a jury summoned therefor, or by affidavits, or other evidence to the satisfaction of the court, that said applicant is a fit person to have the care or control of his property, an order shall be entered restoring such person to all the rights and privileges enjoyed before said committee was appointed.

Apprentices.

SEC. 173. APPRENTICES.—The said probate court shall also have authority to approve contracts of apprenticeship, to determine questions between masters and apprentices, and to protect the rights of apprentices, as herein elsewhere provided for.

Clerk of Supreme Court.
—oath, etc.
—powers.

SEC. 174. THE CLERK.—The clerk of said supreme court shall take the oath and give bond, with security, in the manner prescribed by law for the clerks of the district courts of the United States. The said clerk shall have power to appoint assistant clerks, at such compensation as may be authorized by the supreme court of the District of Columbia in general term, and may assign any of the assistant clerks in his office to duty in the said general or special terms of the court, except in the probate term. Any of the duties of the clerk may be performed in his name by any of the assistant clerks, and such assistants may sign the name of the clerk to any process, certificate, and other official act required by law or by the practice of the court to be performed by the clerk, and may authenticate said signature by affixing the seal of the court thereto when the seal is necessary to its authentication. In such cases the signature shall be—

Assistant clerk may act, etc.

_____, Clerk,
By _____, Assistant Clerk.

SEC. 175. COSTS.—At the commencement of every suit in said supreme court the plaintiff shall deposit at least ten dollars with the clerk, to be appropriated toward the costs of the suit; and the court is hereby authorized to prescribe rules as to any further costs to be paid by either the plaintiff or defendant during the progress of the case, and as to the collection thereof. Upon the termination of the case any surplus of costs shall be refunded by the clerk.

Costs.

The defendant in any suit instituted by a nonresident of the District of Columbia, or by one who becomes such after the suit is commenced, may, upon notice served on the plaintiff or his attorney, at any time after service of process on the defendant, require the plaintiff to give security for all costs and charges that may be adjudged against him on the final disposition of the cause. But such right of the defendant shall not entitle him to delay in pleading, and his pleading before the giving of such security shall not be deemed a waiver of his right to require such security for costs. In case of noncompliance with the foregoing requirements, within a time to be fixed by the court, judgment of nonsuit or dismissal shall be entered. The security required may be by an undertaking, with security, to be approved by the court, or by a deposit of money in amount to be fixed by the court.

Defendant may require nonresident plaintiff to give security, etc.

A nonresident may, at the commencement of his suit, deposit with the clerk such sum in money as the court shall deem sufficient as security for all costs that may accrue in the cause, which deposit may afterwards be increased on application, in the discretion of the court: *Provided*, That this section shall not apply to proceedings in the probate term, in which all deposits and costs as now required by law, and the orders of said term, shall be paid to the register of wills as heretofore.

—deposit by nonresident as security for costs.

—qualifications.

SEC. 176. POOR SUITORS.—Suits may be prosecuted by poor persons upon the order of the court, or of one of the justices, passed upon satisfactory evidence of inability to make such deposit, without making the deposit prescribed by the preceding section.

Poor suitors.

SEC. 177. COSTS PAYABLE IMMEDIATELY.—All costs and fees for services rendered by the clerk and the register of wills and chargeable to others than the United States shall be payable immediately after the services are performed, and shall be collected by such rules and regulations, not incompatible with law, as may be prescribed by the court, but shall in no case be paid by the United States. The District of Columbia shall not be required to pay fees to the clerk of the court of appeals of the District, or to the marshal of the District, and shall be entitled to the services of said marshal in the service of all civil process.

Costs payable immediately.

The District exempt, etc.

SEC. 178. The clerk shall have power to administer oaths in all cases and also to take the acknowledgment of deeds, and shall receive the same fees for the latter service as other officers authorized to take such acknowledgments.

Fees of clerk for acknowledging deeds, etc.

SEC. 179. SALARY.—The salary and compensation of the clerk shall not exceed the sum of five thousand dollars per annum, and the excess of fees received by him above said salary, after defraying thereout the necessary expenses of his office, shall be paid into the Treasury of the United States.

—salary.

SEC. 180. RETURNS TO TREASURY.—The clerk shall make semiannual returns of the amount of fees received by him to the Secretary of the Treasury. His accounts of his earnings and expenses shall be adjusted by the regular auditor of the court, or by a special auditor to be appointed by the court for the purpose, within thirty days after the first day of January and July in each year; and the auditor shall immediately report his adjustment to the court, with such exceptions thereto as the clerk shall, within four days after such adjustment, take and file with the auditor. The court shall pronounce such decree upon the

—returns to Treasury.

report and exceptions as may seem to it equitable and just, and such decree shall be final and binding on the United States and the clerk.

Accounting.

SEC. 181. ACCOUNTING.—If upon such account a balance be found due from the clerk to the United States, the court shall order payment by the clerk into the Treasury, and enforce its order by execution, process of contempt, or otherwise; and if the clerk refuse to pay the money, shall remove him from office.

SEC. 182. If a balance be found due from the United States to the clerk, the same shall be paid upon presenting to the Treasurer a copy of the decree duly certified. The clerk shall, as in other cases to which the United States is a party, furnish the Solicitor of the Treasury a copy of the decree immediately after it is pronounced.

United States attorney for the District of Columbia.

SEC. 183. UNITED STATES ATTORNEY FOR THE DISTRICT OF COLUMBIA.—There shall be an attorney for the United States for the District, who shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and who shall take the oath and perform all the duties required of district attorneys of the United States.

—may administer oaths, etc.

SEC. 184. The district attorney and every assistant or deputy duly appointed by him is empowered to administer oaths or affirmations to witnesses in criminal cases and in all cases where a justice of the peace is authorized to do so; and if any person to whom such oath or affirmation shall be administered shall willfully and falsely swear or affirm touching any matter or thing material to the point in question whereto he shall be examined, he shall be deemed guilty of perjury, and upon conviction thereof shall be sentenced to suffer imprisonment at hard labor for the first offense for not less than two nor more than ten years, and for the second offense for not less than five nor more than fifteen years.

—penalty for false oath.

Clerks, etc., to attend criminal court.

SEC. 185. The clerk, marshal, and district attorney shall attend the criminal court and perform all the duties required of them by law in relation to the criminal business of the court. The clerk of the court in which any proceeding for divorce shall be instituted shall immediately notify the United States attorney of the institution of such proceeding, and it shall be the duty of said attorney to enter his appearance therein in order to prevent collusion and to protect public morals.

Marshal.

SEC. 186. THE MARSHAL.—There shall continue to be a marshal for the District, who shall be appointed by the President of the United States, by and with the advice and consent of the Senate, for the same term, take the same oath, give bond with security in the same manner, and have generally, within the District, in addition to the powers and duties herein imposed upon him, the same powers and perform the same duties as provided for by the general statutes relating to marshals of the United States.

—fees.

SEC. 187. The fees and emoluments herein elsewhere authorized shall be charged for services rendered by the marshal of the District, and collected as far as possible, and covered into the Treasury of the United States; and the said marshal shall be paid in full compensation for all services rendered by him a salary of five thousand five hundred dollars per annum.

—salary.

—of bailiffs, etc.

SEC. 188. The marshal shall pay to each bailiff and crier, and to each deputy marshal performing the duties of a bailiff or crier, who shall be required to attend upon the several terms of said court, one hundred dollars per month, and to each messenger appointed for the several courts, sixty dollars per month, said payments to be allowed in said marshal's accounts.

Vacancies.

SEC. 189. VACANCIES.—In case of a vacancy in the office of United States attorney or marshal for the District of Columbia, the supreme court of the District of Columbia may appoint persons to exercise the duties of such officers until such vacancy shall be filled.

SEC. 190. THE CORONER.—There shall continue to be a coroner of said District, who shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and shall receive a salary of one thousand eight hundred dollars per annum. Coroner.

SEC. 191. BOND.—The coroner before he acts as such shall, within thirty days after his appointment, give bond to the United States, with security to be approved by the said supreme court and deposited with the clerk thereof, in the penalty of three thousand dollars, with a condition that he will well and truly execute the duties of his office, and well and faithfully execute and return all writs or other process to him directed, and will also pay and deliver to the person or persons entitled to receive the same all sums of money and all goods and chattels by him levied upon, seized, or taken, agreeably to the directions of the writ or process under which the same shall have been levied upon, seized, or taken, and shall also satisfy and pay all judgments which may be rendered against him as coroner. —bond of.

SEC. 192. DUTIES.—It shall be the duty of the coroner to hold an inquest over any person found dead in the District when the manner and cause of death shall not already be known as accidental or in the course of nature. He shall make a monthly report to the Commissioners of the District of all inquests held by him during the month last past before said report, with a description as far as may be of the age, sex, color, and nationality of persons and the causes of their death, with such particulars as may be necessary to their identification; and as soon as possible after holding such inquest he shall deliver to the property clerk of the police department all moneys and other property and effects found upon the person of anyone on whom he shall hold an inquest. —duties.

SEC. 193. He shall not summon any jury of inquest over the body of a deceased person where it is known that the deceased came to his death by accident, mischance, or natural causes. Accidental deaths.

SEC. 194. WITNESSES.—Witnesses may be summoned and compelled by the coroner to attend before him and give evidence, and shall be liable in like manner as if the summons had been issued by a justice of the peace. And it shall be his duty, upon every inquisition taken before him, where any person is charged with having unlawfully caused the death of the person on whom the inquest is held, to reduce the testimony of the witnesses to writing, and if the jury find that murder or manslaughter has been committed on the deceased, he shall require such witnesses as he thinks proper to give a recognizance to appear and testify in said supreme court, and shall return to said court the said inquisition and testimony and recognizance by him taken. Witnesses.

SEC. 195. There shall be paid to the jurors and witnesses who may be lawfully summoned in any inquest the same fees and compensation as are allowed to the jurors and witnesses attending the supreme court. A coroner's jury shall consist of six persons. Pay of jurors and witnesses.

SEC. 196. DEPUTY CORONER.—The Commissioners of said District shall have authority to appoint a deputy coroner, who shall assist the coroner in the performance of his duties aforesaid, and shall perform the same duties in case of the absence or disability of the coroner. He shall, while acting, receive compensation at a rate not exceeding five dollars per day, to be paid as other expenses of said District, and he shall give bond in the penalty of two thousand five hundred dollars, with security to be approved by the said supreme court, conditioned for the due performance of his duties. Six persons to constitute jury.
Deputy coroner.

SEC. 197. WHEN TO EXECUTE PROCESS.—Whenever the marshal is a party to any cause or interested therein, or it is unfit on other grounds that he should serve and execute the process to be issued therein, such process shall be issued to the coroner, and he shall be paid the same fees and compensation for serving and executing the When coroner to execute process.

same which would be payable to the marshal in similar cases, and shall account therefor to the Treasury of the United States. And if he shall fail in the proper performance of his duties in the premises, like redress may be had against him, his sureties, and his and their heirs, devisees, and personal representatives, as could have been had against the marshal, his sureties, and his and their heirs, devisees, and personal representatives, for a like failure on the part of said marshal.

Jurors.
Commission to make
list.

SEC. 198. JURORS.—The clerk of the supreme court of the District of Columbia, the United States marshal, and the collector of taxes for said District are hereby constituted a commission to from time to time make the list of jurors for service in said court and fix the number of jurors to be listed therefor.

From where select-
ed.

SEC. 199. The said jurors shall be selected, as nearly as may be, from the citizens in the different parts of the District.

Jury box.

SEC. 200. JURY BOX.—The names shall be written on separate and similar pieces of paper, which shall be so folded or rolled up that the names can not be seen, and placed in a box to be provided for the purpose.

—sealing, etc.

SEC. 201. The box shall be sealed and, after being thoroughly shaken, shall be delivered to the clerk of the supreme court for safe-keeping.

Term of service.

SEC. 202. TERM OF SERVICE.—The respective terms of service of jurors drawn for service in the circuit court, or as petit jurors in the criminal court, shall begin on the first Tuesday of October, December, February, April, and June of each year, and shall terminate on the Monday preceding the first Tuesday of the second month thereafter, except when the jury shall be discharged by the court at an earlier day, or when a jury shall be impaneled and it shall happen that no verdict shall be found, nor the jury otherwise discharged before the day appointed by law for the commencement of the next succeeding term, in which case the court shall proceed with the trial by the same jury in every respect as if said term had not commenced; and all proceedings to final judgment, if such judgment shall be rendered, shall be entered and have legal effect and operation as of the term at which the jury shall have been impaneled.

—grand jury.

SEC. 203. The term of service of the grand jury in the criminal court shall begin with each term of that court, and shall end with such term unless the jury shall be sooner discharged by the court.

Drawing jurors.

SEC. 204. DRAWING JURORS.—At least ten days before the first Tuesday of each month specified in section two hundred and one when jury trials are to be had, the clerk shall publicly break the seal of the jury box and proceed to draw therefrom the names of twenty-six persons to serve as jurors in each of the circuit courts, and of twenty-six other persons to serve as petit jurors in each of the criminal courts; and at least ten days before the commencement of each term of the criminal courts, the names of twenty-three persons, required to serve as grand jurors in said criminal courts, shall be drawn in like manner.

—death, etc., of person
drawn.

SEC. 205. If any person whose name is drawn from the box shall have died or removed from the District, the clerk shall destroy the slip containing the name of such person, and in such case, or if any person has become otherwise disabled or excused from serving as a juror, the clerk shall draw from the box the name of another person to serve in his stead.

Resealing box after
drawing, etc.

SEC. 206. After the requisite number of jurors shall have been drawn the jury box shall be again sealed and remain in the custody of the clerk, and the names of the persons drawn shall not be placed again in the box for one year, unless said jurors shall be excused or for other reasons shall fail to serve.

Exemption from
further service, etc.

SEC. 207. Any person who shall have been regularly drawn as a juror and shall thereupon have served as such for the period of twenty days or more shall be exempt from further service as a juror in said

court for the period of one year from the beginning of his said term of service; but nothing hereih contained shall render said juror ineligible to serve during said year, except that no person shall serve as a juror for two consecutive terms.

SEC. 208. If any persons selected as jurors can not be found, or shall prove to be incompetent, or shall be excused from service by the court, the clerk, under the direction of the court, shall draw from the box the names of other persons to take their places. And if, after the organization of the jury, any vacancies occur therein, they shall be filled in like manner. Drawing to fill vacancies, etc.

SEC. 209. If at any time during the impaneling of a jury, in any other than a capital case, the regular panel, by reason of challenge or otherwise, shall be exhausted before the jury is complete the court may, in its discretion, direct the clerk to draw from the box the names of other persons to serve as jurors and cause them to be summoned, or order the marshal to summon as many talesmen as may be necessary to complete the jury. —to fill regular panel.

SEC. 210. It shall be the duty of the marshal, at least five days before the meeting of the court for which a jury is required, to notify each person drawn by serving on him a notice in writing of his selection as a juror of the court he is to attend and of the day and hour when he is to appear. Such notice shall be given to each juror in person or be left at his usual place of residence. Notice of selection as juror.

SEC. 211. A copy of the notice, with his certificate stating when and in what manner the original was served, shall be returned by the marshal to the court before the commencement of the term for which the jurors were drawn. —copy to be returned to the court.

SEC. 212. DEFAULTS.—If any person selected as a juror and duly notified to attend shall, without sufficient cause, neglect to attend agreeably to notice he shall be fined by the court in a sum not exceeding twenty dollars for every day that he shall be absent during the sitting of the court. Defaults.

SEC. 213. FRAUDS.—If any officer shall put on or leave off the list the name of any person at his own request or on the request of any other person, or shall be guilty of any fraud or collusion with respect to the drawing of jurors, he shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than one hundred dollars or imprisonment in the District jail not less than sixty days, or both, for each offense. Frauds.
—penalty to officers.

SEC. 214. If the clerk of the court shall willfully draw from the box a greater number of names than is required by the court, in accordance with the law, or shall put any name into the box after the same has been delivered to him, or shall be guilty of any fraud or collusion in regard to the drawing of jurors, he shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than one hundred dollars or imprisonment in the District jail not less than sixty days, or both, for each offense. —clerk of the court.

SEC. 215. QUALIFICATIONS.—No person shall be competent to act as a juror unless he be a citizen of the United States, a resident of the District of Columbia, over twenty-one and under sixty-five years of age, able to read and write and to understand the English language, and a good and lawful man, who has never been convicted of a felony or a misdemeanor involving moral turpitude. Qualifications of jurors.

SEC. 216. EXCUSES.—A person may be excused by the court from serving on a jury when for any reason his interests or those of the public may be materially injured by his attendance, or when he is a party in any action or proceeding to be tried or determined by the intervention of a jury at the term for which he may be summoned, or where his own health or the death or sickness of a member of his family requires his absence. Excuses.

Exempt from duty.

SEC. 217. All executive and judicial officers, salaried officers of the Government of the United States and of the District of Columbia and those connected with the police or fire departments, counselors and attorneys at law in actual practice, ministers of the gospel and clergymen of every denomination, practicing physicians and surgeons, keepers of hospitals, asylums, almshouses, or other charitable institutions created by or under the laws relating to the District, captains and masters and other persons employed on vessels navigating the waters of the District shall be exempt from jury duty, and their names shall not be placed on the jury lists.

Attorneys.

—qualifications, etc.

SEC. 218. ATTORNEYS.—The said supreme court shall have full power and authority, from time to time, to make such rules as it may deem proper respecting the qualifications, examination, and admission of attorneys to practice in said court; and every person so admitted, before he shall be at liberty to practice therein, shall take the following oath: “I, A B, do solemnly swear that I will honestly demean myself in the practice of an attorney uprightly and according to law, and that I will support the Constitution of the United States. So help me God.”

—oath of.

—refusal to deliver money collected.

SEC. 219. Any attorney receiving or collecting the money of his client and refusing unlawfully to pay the same when demanded may be proceeded against in a summary way on notice by said court, which may suspend him from practice or dismiss him from its bar.

—suspension, etc., for moral turpitude.

SEC. 220. Each of the courts in said District may suspend or dismiss from its bar any attorney who shall be convicted of any offense involving moral turpitude.

SUBCHAPTER FOUR.

Court of Appeals.

THE COURT OF APPEALS.

Constitution.

SEC. 221. CONSTITUTION.—The court of appeals of said District shall continue as at present organized, and shall consist of one chief justice and two associate justices, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall hold office during good behavior.

Salaries of justices.

SEC. 222. SALARY.—The said justices shall each receive an annual salary of six thousand dollars, payable quarterly at the Treasury of the United States, except the chief justice, who shall receive six thousand five hundred dollars.

Oath.

SEC. 223. OATH.—Each of said justices, before he enters upon the duties of his office, shall take the oath prescribed by law to be taken by the judges of the courts of the United States.

Clerk.

SEC. 224. CLERK.—There shall be a clerk of said court of appeals, to be appointed by the court, who shall receive as compensation for his services, in the discretion of the court, an annual salary not to exceed the sum of three thousand dollars, payable monthly at the Treasury of the United States, and who shall give bond, such as the court may determine to be satisfactory, for the faithful performance of his duties, and his duties shall be such as the court may from time to time prescribe. The said clerk of the court of appeals shall, with the approval of the court, appoint one assistant or deputy clerk, who shall receive as compensation for his services, in the discretion of the court, an annual salary not to exceed the sum of two thousand dollars, payable monthly at the Treasury of the United States, and who may sign the name of the clerk to any official act required by law or by the practice of the court to be performed by the clerk, and may authenticate said signature by affixing the seal of the court thereto when the impress of the seal is necessary to its authentication. In such case the signature shall be—

Deputy.

— — —, Clerk,
By — — —, Assistant Clerk.

The court shall regulate from time to time the fees to be charged by the said clerk, which shall be accounted for at least once in each quarter and paid into the Treasury of the United States, and said clerk shall receive such allowance for necessary expenditures in the conduct of his office as the court may determine by special or general order in the premises, but not to exceed the sum of five hundred dollars in any one year, payable, as aforesaid, at the Treasury of the United States.

Fees, etc.

SEC. 225. TERMS AND RULES.—The said court of appeals shall establish by rule of court such terms of the court in each year as to it may seem necessary: *Provided, however,* That there shall be at least three terms in each year; and it shall make such rules and regulations as may be necessary and proper for the transaction of its business and the taking of appeals to said court. And said court of appeals shall have the power to prescribe what part or parts of the proceedings in the court below shall constitute the record on appeal, except as herein otherwise provided, and the forms of bills of exceptions, and to require that the original papers be sent to it instead of copies thereof, and generally to regulate all matters relating to appeals, whether in the court below or in said court of appeals. If any member of the court shall be absent on account of illness or other cause during the session thereof, or shall be disqualified from hearing and determining any particular cause by having been of counsel therein, or by having as justice of the supreme court of the District of Columbia previously passed upon the merits thereof, or if for any reason whatever it shall be impracticable to obtain a full court of three justices, the member or members of the court who shall be present shall designate a justice or justices of the supreme court of the District of Columbia to temporarily fill the vacancy or vacancies so created, and the justice or justices so designated shall sit in said court of appeals and perform the duties of a member thereof while such vacancy or vacancies shall exist: *Provided,* That no justice of the supreme court of the District of Columbia shall, while on the bench of said court of appeals, sit in review of any judgment, decree, or order which he shall have himself entered or made: *Provided also,* That if the parties to any cause shall so stipulate in writing, by their attorneys and solicitors, such cause may be heard and determined by two justices of the court without calling in any of the justices of the supreme court of the District of Columbia: *And provided also,* That all motions to dismiss appeals and other motions may be heard by two justices in the event of the absence or disqualification of any one of the justices as aforesaid: *And provided further,* That if in any cause heard before two justices as aforesaid the court shall be divided in its opinion, then the judgment or decree of the lower court shall stand affirmed.

Terms.

Providos.
To be at least three a year.

Power of court to make regulations, etc.

When justice of supreme court may sit.

—may not hear decree, etc., made by himself.

Two justices may hear cause on stipulation of counsel.

—may hear motions, etc.

—division in opinion.

Jurisdiction.

SEC. 226. JURISDICTION.—Any party aggrieved by any final order, judgment, or decree of the supreme court of the District of Columbia, or of any justice thereof, "including any final order or judgment in any case heard on appeal from a justice of the peace," may appeal therefrom to the said court of appeals; and upon such appeal the court of appeals shall review such order, judgment, or decree, and affirm, reverse, or modify the same as shall be just, except as provided in the following sections. Appeals shall also be allowed to said court of appeals from all interlocutory orders of the supreme court of the District of Columbia, or by any justice thereof, whereby the possession of property is changed or affected, such as orders for the appointment of receivers, granting injunctions, dissolving writs of attachment, and the like; and also from any other interlocutory order, in the discretion of the said court of appeals, whenever it is made to appear to said court upon petition that it will be in the interest of justice to allow such appeal.

SEC. 227. APPEALS FROM POLICE COURT.—If, upon the trial of any cause in the police court, an exception be taken by or on behalf of

Appeals from police court.

Bill or exceptions.

Writ of error, etc.

Proviso.
—bond.Appeals from Com-
missioner of Patents.
Vol. 27, p. 436.

Opinions.

Reporter.

Reports to be fur-
nished justices, etc.

the United States, the District of Columbia, or any defendant to any ruling or instruction of the court upon matter of law, the same shall be reduced to writing and stated in a bill of exceptions, with so much of the evidence as may be material to the question or questions raised, which said bill of exceptions shall be settled and signed by the judge within such time as may be prescribed by rules and regulations which shall be made by the court of appeals of the District of Columbia for the transaction of business to be brought before it under this section, and for the time and method of the entry of appeals and for giving notice of writs of error thereto from the police court of the District of Columbia; and if, upon presentation to any justice of the court of appeals of the District of Columbia of a petition which, in the case of a defendant, shall be verified, setting forth the matter or matters so excepted to, such justice shall be of opinion that the same ought to be reviewed, he may allow a writ of error in the cause, which shall issue out of the said court of appeals, addressed to the judge of the police court, who shall forthwith send up the information filed in the cause and a transcript of the record therein, certified under the seal of said court, to said court of appeals for review and such action as the law may require, which record shall be filed in said court of appeals within such time as may be prescribed by the court of appeals, as hereinbefore provided. Any party desiring the benefit of the provisions of this section shall give notice in open court of his or its intention to apply for a writ of error upon such exceptions and thereupon proceedings therein shall be stayed for ten days: *Provided*, That the defendant seeking an appeal shall then and there enter into recognizance, with sufficient surety to be approved by the judge of the police court, conditioned that in the event of a denial of his application for a writ of error he will, within five days next after the expiration of said ten days appear in said police court and abide by and perform its judgment, and that in the event of the granting of such writ of error he will appear in said court of appeals of the District of Columbia and prosecute the writ of error and abide by and perform its judgment in the premises. Upon failure of any defendant to enter into the recognizance provided for in this section the sentence of the police court shall stand and be executed; otherwise execution shall be stayed pending proceedings upon his application for a writ of error and until final disposition thereof by the said court of appeals.

SEC. 228. APPEALS FROM COMMISSIONER OF PATENTS.—The determination of appeals from the decisions of the Commissioner of Patents shall remain vested in said court of appeals, as provided by the Act approved February ninth, eighteen hundred and ninety-three, chapter seventy-four, entitled "An Act to establish a court of appeals for the District of Columbia, and for other purposes," and any party aggrieved by a decision of the Commissioner of Patents in any interference case may appeal therefrom to said court of appeals.

SEC. 229. OPINIONS.—The opinion of the said court of appeals in every case shall be rendered in writing, and shall be filed in such case as a part of the record thereof, and the said court of appeals is authorized to appoint a reporter, who shall serve during the pleasure of the court and with a salary of one thousand dollars per annum, and whose duty shall be to report, edit, and publish, in form to be prescribed by the court, its opinions.

And the said reporter shall furnish and deliver one copy of each volume of the reports of said opinions which shall have been published at the date of the passage of this code to each of the justices of the said court of appeals, the supreme court, and the judges of the police court of said District, immediately after the passage hereof, and shall thereafter furnish and deliver one copy of each volume of the reports of said opinions that shall thereafter be published immediately after the

issue thereof to each of said justices and judges, and the copies so received by each of them shall, in case of his death, resignation, or removal from office, be delivered to his successor. And there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary to pay the said reporter therefor at the rate of not exceeding five dollars per volume; and such appropriations shall be deemed permanent and annual appropriations, and one-half thereof shall be paid out of the revenues of the District of Columbia.

Appropriation.

SEC. 230. WRITS.—The said court of appeals shall have power to issue all necessary and proper remedial prerogative writs in aid of its appellate jurisdiction.

Writs.

SEC. 231. MARSHAL TO EXECUTE ORDERS.—The marshal of the United States for the District of Columbia shall execute the orders and processes of the court of appeals in the same manner as he executes those of the supreme court of the District.

Marshal to execute orders.

SEC. 232. HALF OF SALARIES PAID BY DISTRICT OF COLUMBIA.—One-half of the amounts paid on account of salaries of the justices of the court of appeals shall be paid from the revenues of the District of Columbia.

Half of justices' salaries paid by District of Columbia.

SUBCHAPTER FIVE.

THE SUPREME COURT OF THE UNITED STATES.

The Supreme Court of the United States.

SEC. 233. Any final judgment or decree of the court of appeals may be reexamined and affirmed, reversed, or modified by the Supreme Court of the United States, upon writ of error or appeal, in all cases in which the matter in dispute, exclusive of costs, shall exceed the sum of five thousand dollars, in the same manner and under the same regulations as existed in cases of writs of error on judgments or appeals from decrees rendered in the supreme court of the District of Columbia on February ninth, eighteen hundred and ninety-three, and also in cases, without regard to the sum or value of the matter in dispute, wherein is involved the validity of any patent or copyright, or in which is drawn in question the validity of a treaty or statute of, or an authority exercised under, the United States.

Appeal, etc., to from court of appeals.

SEC. 234. In any case heretofore made final in the court of appeals it shall be competent for the Supreme Court of the United States to require, by certiorari or otherwise, any such case to be certified to said Supreme Court for its review and determination, with the same power and authority in the case as if it had been carried by appeal or writ of error to said Supreme Court.

—certiorari

CHAPTER TWO.

ABATEMENT.

Abatement.

SEC. 235. RIGHT OF ACTION TO SURVIVE.—On the death of any person in whose favor or against whom a right of action may have accrued for any cause except an injury to the person or to the reputation, said right of action shall survive in favor of or against the legal representatives of the deceased; but no right of action for an injury to the person, except as provided in chapter forty-five of this code, or to the reputation, shall so survive.

What rights of action survive.

SEC. 236. DEATH, EFFECT OF.—No action at common law shall abate by the death of either or any of the parties thereto if the right of action would survive as aforesaid; but upon the death of any defendant the action shall continue pending, and the heir, devisee, executor, administrator, or other person interested in the place of the deceased

Death, effect of.

Summons to heirs,
etc., of defendant to
appear, etc.

defendant, as the case may require, may appear to such action. And in case the proper person to defend such action shall not appear to the same during the term of the court in which such death may be suggested, the plaintiff may cause a summons to be issued, directed to the proper person to defend such action, to be served on such person, if found in the District of Columbia and legally suable therein, requiring him to appear thereto on or before the twentieth day, exclusive of Sundays and legal holidays, occurring after the service thereof, and show cause why such action should not be prosecuted to judgment; and if it shall appear to the court that such summons has been duly served, and the person so summoned shall not appear as thereby required, then the court may cause the appearance of such person to be entered, and there shall be the same proceedings in said action as if said person had voluntarily appeared; and all the proceedings had before the death of the defendant shall be considered as proceedings in the action, and such further proceedings shall be had to bring the cause fairly to trial as the court may deem proper. If the proper representative of a deceased defendant be not made a party to the action within one year from the death of said defendant, the action shall abate as to such defendant: *Provided, however,* That where the representative of the deceased is an executor or administrator the plaintiff shall have six months after the issuance of letters testamentary or of administration within which to make such representative a party: *And provided further,* That in case the summons above provided for shall be returned "Not to be found," publication may be substituted therefor in all cases in which proceeding by publication is authorized by this code.

New parties to be
made within one
year.

Provisos.
—where representa-
tive of deceased an
executor.

Substitution of pub-
lication for summons.

Summons to ex-
ecutor, etc., of plain-
tiff.

SEC. 237. SUMMONS TO EXECUTOR, AND SO FORTH.—If the plaintiff in any such action shall die before judgment is given, the heir, devisee, executor, administrator, or other proper person to prosecute such action may appear and prosecute the same; and if such person does not appear to prosecute such action during the term of said court in which the death may be suggested, the defendant may cause a summons to be issued, directed to the proper person to prosecute such action, requiring him to appear and prosecute the same on or before the twentieth day, exclusive of Sundays and legal holidays, occurring after service of the same; and if it shall appear to the court that such summons has been duly served, and the party summoned shall fail to appear in obedience thereto to prosecute the action, or if said party be not found in the District of Columbia and shall not appear to prosecute such action by the fourth day of the second term of the court after the term at which the death is suggested, the action shall abate; but if the proper person to prosecute such action shall appear therein, either voluntarily or after being summoned as aforesaid, before said suit shall so abate, all proceedings in the action had before the death of the plaintiff shall be considered as proceedings in the cause, and such other proceedings shall be had to bring the cause fairly to trial as the court may deem proper.

Abatement of ac-
tion on nonappear-
ance, etc.

Death of new party.

SEC. 238. DEATH OF NEW PARTY.—In all cases where a new party has been made to any action under the provisions aforesaid, and the new party so made shall die before judgment, or if an executor or administrator shall be removed from his office, the proper person to prosecute or defend such action in the place of the party so dying or removed may be made a party thereto by the same proceeding herein authorized on the death of the original plaintiff or defendant.

Pleadings.

SEC. 239. PLEADINGS.—Any new party to any action may use and rely upon any pleadings put in by his predecessor in such action, or shall have the same right to amend the pleadings or proceedings in such action as if he had been an original party thereto.

SEC. 240. COSTS.—In all cases where a new party is made to an action the costs which accrued before such new party was made shall be taxed as part of the costs in such action, and the judgment rendered shall be the same as if the action had been originally commenced between the persons who are parties to such action: *Provided*, That no defendant who is made a new party to such action shall be burdened with debts, damages, or costs beyond the amount of property or assets descended or come to his hands from the deceased.

Costs before new party is made to be taxed, etc.

Proviso.
—limit, defendant, etc.

SEC. 241. JOINT PARTIES.—In case of the death of one of several joint defendants to an action, where the right of action will survive as aforesaid; the same proceedings shall be had to make the proper representative of the deceased a party to the action as in the case of a sole defendant.

Joint parties.

SEC. 242. APPEALS FROM JUSTICES OF THE PEACE.—An appeal from a judgment rendered by any justice of the peace shall be deemed an action within the meaning of the foregoing provisions.

Appeals from justices of the peace.

SEC. 243. EQUITY SUITS.—No suit in equity shall abate by the death of any of the parties in cases where the rights involved in the suit survive.

Equity suits.

SEC. 244. DEATH OF PARTY TO EQUITY SUIT.—If any of the parties to a suit in equity, whether complainant or defendant, shall die after the filing of the bill or petition, it shall not be necessary to file a bill of revivor; but any of the surviving parties may file a suggestion of such death, setting forth when the death occurred, and who is the legal representative of such deceased party, and how he is the representative, whether by devise, descent, or otherwise.

Death of party to equity suit.

SEC. 245. SUBPENA TO REPRESENTATIVES.—Upon such a suggestion a subpoena shall issue for the legal representative of the deceased party, commanding him to appear and be made a party to such suit, if such representative reside within the District of Columbia; and if such representative is a nonresident, then such notice shall be given instead of the subpoena as is herein elsewhere provided for nonresident defendants.

Subpoena to representatives.

SEC. 246. DEATH AFTER DECREE FOR ACCOUNT, AND SO FORTH.—If any defendant shall die after a decree for an account, sale, or partition, or after such other proceedings shall have been had after appearance as would have warranted the passing of such a decree, or if such deceased defendant shall have answered, confessing the facts stated in the bill, or shall have set up no defense to the relief therein prayed, the court may, in its discretion, order the cause to be proceeded in as if no death had occurred, or may order a bill of revivor or a supplemental bill to be filed, and the proper representative of such deceased defendant to be made a party, as may seem best calculated to advance the purposes of justice: *Provided*, That the heir or other proper representative of such deceased defendant, at any time before final decree, may appear and be made a party on such reasonable terms as the court may direct; and such new party may file an answer to the original bill, subject to such terms as the court may impose, in which he may insist on such defenses, and none other, as might have been made to a bill of revivor or supplemental bill in the nature of a bill of revivor filed against him.

Death after decree for account, etc.

Proviso.
Appearances before final decree, etc.

SEC. 247. MARRIAGE OF PARTY.—No suit at law or in equity shall abate by the marriage of any of the parties; but on application of any of the parties the court may, on such terms and notice as it shall deem proper, allow and order any amendment in the pleadings and the making of any new or additional parties that such marriage may render necessary or proper.

Marriage of party.

SEC. 248. DEATH AFTER FINAL DECREE.—If any of the parties to a suit die after final decree, the court may order execution of such decree as if no death had occurred, or the court may order a subpoena scire

Death after final decree.

Proviso.
Appearance before
execution.

facias to be issued, or a bill of revivor to be filed against the proper representatives of such deceased party, or pass such other order or direct such other proceedings as may seem best calculated to advance the purposes of justice: *Provided*, That the heir or other proper representative may appear at any time before execution of said decree and be admitted as a party to the suit, on such terms as the court may prescribe, and such further proceeding may be had as may be appropriate to the merits of the cause.

Failure to appear.

SEC. 249. FAILURE TO APPEAR.—If any representative of a deceased party shall fail to appear, after being summoned, within the time therein limited, or shall fail to appear after notice by publication, the court may order the appearance of such representative to be entered, to have the same effect as if such representative had appeared in person and been made a party.

Evasion of service
of process.

SEC. 250. EVASION OF SERVICE OF PROCESS.—In all cases where any representative of a deceased party to a suit shall evade any process issued against him, or shall leave the District before any such process can be served on him, he may be proceeded against as a nonresident defendant.

Bill of revivor.

SEC. 251. BILL OF REVIVOR.—A bill of revivor or supplemental bill in the nature of a bill of revivor may be filed, instead of a suggestion of the death of a party, and notice thereof shall be given to the defendant by subpoena or the service of a copy of such bill, if he be found within the District, as the court may direct; or, if the party be a nonresident or secrete himself or evade the service of the summons, or if his residence be unknown, then notice by publication may be given as against nonresident defendants.

CHAPTER THREE.

Absence for seven
years.

ABSENCE FOR SEVEN YEARS.

Presumption of
death.

SEC. 252. PRESUMPTION OF DEATH.—If any person shall leave his domicile without any known intention of changing the same, and shall not return or be heard from for seven years from the time of his so leaving, he shall be presumed to be dead, in any case wherein his death shall come in question, unless proof be made that he was alive within that time.

Person found living.

SEC. 253. PERSON FOUND LIVING.—If the person so presumed to be dead be found to have been living, any person injured by such presumption shall be restored to the rights of which he shall have been deprived by reason of such presumption.

CHAPTER FOUR.

Account.

ACCOUNT.

Auditor's report.

SEC. 254. AUDITOR'S REPORT AND EXCEPTIONS.—In actions at common law grounded upon an account, or in which it may be necessary to examine and determine upon accounts between the parties, the court, in its discretion, at any stage of the cause, may order the accounts and dealings between the parties to be audited and stated by the auditor of the court or by a special auditor to be appointed by the court for the purpose; in which case, if a jury shall have been sworn, they shall be discharged. The course of proceedings before the auditor shall be the same as in cases in equity referred to him. When his audit is completed the auditor shall file his report and account in the clerk's office and give notice thereof to the parties or their attorneys, and at the expiration of thirty days after said notice judgment may be entered, on

motion of either party, in accordance with said report and account, unless exceptions are filed thereto for errors in law or fact therein. The party excepting thereto shall point out particularly the item or items in such report and account excepted to, and state the grounds of such exception, and annex to his exceptions a certificate of counsel that, in his opinion, the matters of law therein stated are well founded in law, and an affidavit of such party that the exceptions are not filed for delay, and that the allegations of fact in said exceptions are true, and a copy of said exceptions shall be served on the opposite party or his attorney. —exceptions to.

SEC. 255. TRIAL OF EXCEPTIONS.—When such exceptions are filed, the court shall enter the cause on the trial calendar of the term in which they are filed in its proper place, and the issues made by said exceptions shall be tried and determined in the same manner as other issues of law or fact made by the pleadings in an action at common law, and any part of such report and account not so excepted to shall be adjudged to be conclusive between the parties on such trial. —trial of exceptions.

SEC. 256. DIRECTIONS TO JURY.—If, in the opinion of the court, such issues are so numerous as to create confusion the court may, in its discretion, direct evidence to be received and considered by the jury as to a part of said issues, and direct the jury to retire and conclude as to the same before hearing the evidence as to the other issues, and this to repeat as often as may be necessary, the final conclusion of the jury as to all the issues to be announced as their verdict; or may submit the different issues to the same jury at different times for their separate verdicts thereon, or submit such issues to different juries; or may pursue such other course as the rules of the court may prescribe to facilitate the determination of such issues. —directions to jury as to part of issues, etc.

SEC. 257. FRIVOLOUS EXCEPTIONS.—If only general, immaterial, or frivolous exceptions are made or they are filed without the certificate of counsel and affidavit of exceptant, required as aforesaid, they may be overruled by the court or a justice at chambers, on notice and motion, and judgment entered as if no exceptions had been filed. Frivolous exceptions.

SEC. 258. JUDGMENT.—Upon the conclusion of such trial or trials the court shall enter judgment upon the auditor's report as affirmed or corrected by the findings of the jury. Judgment.

CHAPTER FIVE.

ADMINISTRATION.

Administration.

SUBCHAPTER ONE.

EXECUTORS, ADMINISTRATORS, AND COLLECTORS.

Executors, administrators, and collectors.

SEC. 259. ESTATE TO BE ADMINISTERED.—On the death of any person domiciled in the District of Columbia leaving real or personal estate, or both, therein, all his personal estate and so much of his real estate as shall be necessary in addition thereto for the payment of his debts shall be the subject of administration under authority and direction of the probate court. Estate to be administered.

SEC. 260. LIEN OF CREDITORS.—On the death of any person not domiciled in the District of Columbia at the time of his death so much of his real estate in the District of Columbia as may be necessary for the payment and discharge of just claims against him of creditors and persons domiciled in the District of Columbia shall also be the subject of administration under authority and direction of the probate court, irrespective of the personal estate of such decedent: *Provided*, The prosecution of such claims is begun in said court within one year after the death of such decedent. Administration of real estate of nonresident to pay claims of resident creditors.

Provided.
—time for prosecuting claims.

Competency of ex-
ecutors, etc.

SEC. 261. COMPETENCY OF EXECUTORS, AND SO FORTH.—No letters testamentary or of administration shall be granted to a person convicted of an infamous offense, or to an idiot or lunatic, or person non compos mentis, or one under eighteen years of age, or to an alien; and all questions as to the disqualification on any of said grounds of any person claiming to be entitled to letters testamentary or of administration shall be determined by the probate court, after such notice to the said persons as the court may direct.

Letters testamen-
tary.

SEC. 262. LETTERS TESTAMENTARY.—When any will or codicil respecting either real or personal property shall have been authenticated and admitted to probate, letters testamentary thereon shall be issued to the executor named therein, if he is legally competent and will accept the trust: *Provided*, That he shall first execute a bond to the United States, with security to be approved by the court, in such penalty as the court may require, with a condition that he will administer according to law and to the will of the testator all his goods, chattels, rights, and credits, and the proceeds of all his real estate that may be sold for the payment of his debts or legacies which shall at any time come to the possession of the executor or to the possession of any other person for him, and in all other respects faithfully perform the trusts reposed in him: *And provided further*, That said executor shall take and subscribe and file an oath that he will well and truly administer the estate of the deceased according to law and will give a just account of his administration when thereto lawfully called: *Provided*, That the above conditions as to bond and oath shall not apply to corporations authorized to act as executors.

Provisos.
Bond of executor.

—oath.

—corporations not in-
cluded.

Where testator re-
quests that executor
be relieved from giv-
ing bond.
—penalty of.

Provisos.
—limit of penalty.

—increase where as-
sets in danger, etc.

SEC. 263. BOND, WHEN NOT REQUIRED.—Whenever a testator shall, by last will and testament, request that his executor be not required to give bond for the performance of his duty, in such case the bond required of the executor shall be in such penalty as the court may consider sufficient to secure the payment of the debts due by the testator: *Provided, however*, That the penalty of such bond shall not exceed double the value of the personal estate; and when less than this sum it may be increased, or an additional bond may be required, whenever it shall be made to appear to the court that the bond as given is insufficient to secure the payment of the debts of the testator: *And provided further*, That whenever any creditor, distributee, or legatee entitled to take under the will shall make it appear to the court that any executor who has given such bond only as is herein provided for is wasting the assets of the estate, or that the assets are in danger of being lost, wasted, or misappropriated, then the said executor may be removed or required to give additional bond with security in a penalty sufficient to secure the interests of all the creditors, distributees, and legatees entitled to take said estate, and on his failure to give bond as required his letters may be revoked; and upon such revocation the same results shall ensue as hereinafter provided in section two hundred and ninety-six.

Bond of executor
who is residuary lega-
tee, etc.

SEC. 264. EXECUTOR RESIDUARY LEGATEE.—If the executor is the residuary legatee of the personal estate of the testator, or provided the residuary legatee of full age shall notify his consent to the court, he may, instead of the bond prescribed as aforesaid, give bond with security approved by the court, and in a penalty prescribed by the court, conditioned to pay all the debts and just claims against the testator, and all damages which shall be recovered against him as executor, and all legacies bequeathed by the will, in which case he shall not be required to file any inventory or render any account. And if such bond be given by the executor, he shall be answerable for the full amount of all debts, claims, and damages that may be recovered against him as executor as if he were sued in his own right, and any legatee may recover the full amount of his legacy in a suit on the

executor's bond or in equity, and the giving of the bond shall be considered an assent to the legacy: *Provided*, That the surety or sureties in said bond shall not be liable for a greater amount than the penalty thereof.

Proviso.
—liability of sureties.

SEC. 265. JOINT EXECUTOR.—When two or more persons are appointed executors, the court may take a separate bond with security from each of them or a joint bond with security from all of them together.

Joint executor.

SEC. 266. LETTERS OF ADMINISTRATION CUM TESTAMENTO ANNEXO.—If there be only one executor named in the will, and he shall have been present at the probate of the will, and shall not within twenty days thereafter file a bond and qualify as executor by taking the oath aforesaid, letters of administration with the will annexed may be granted as if no executor had been named.

Letters of administration cum testamento annexo.

SEC. 267. ABSENT EXECUTOR.—If said executor shall not have been present at the probate of the will, but shall be within the District, a summons may be issued to him, either at the instance of any person interested or ex officio by the register of wills, requiring him to appear and file his bond as required by law within twenty days after service of said summons; and if he be not found in said District, notice shall be given to him by publication to appear within thirty days after the first publication of said notice, and on his failure to appear and give his bond and qualify by taking the prescribed oath, as aforesaid, administration may be granted as if no executor had been named in the will.

Absent executor.

SEC. 268. SUMMONS TO EACH OF SEVERAL EXECUTORS.—If there be more than one executor named in a will, there may be the same proceeding with respect to each of them as if he were the sole executor, and any circumstances under which letters of administration may be granted on failure of a sole-named executor shall authorize the granting of letters testamentary to one or more of the executors on failure of one or more of the others; and any circumstances under which letters of administration may be granted on failure of a sole-named executor shall authorize the granting of such letters of administration on failure of all the executors named to appear and qualify as aforesaid.

Summons to each of several executors.

SEC. 269. RENUNCIATION.—If any executor named in a will shall file or transmit to the probate court an attested renunciation of his executorship, there shall be the same proceeding with respect to granting letters testamentary or of administration as if the party so renouncing had not been named in the will.

Renunciation.

SEC. 270. EXECUTOR DISQUALIFIED.—If any person named as executor be disqualified from serving, letters testamentary or of administration may be granted as if he had not been named as executor.

Executor disqualified.

SEC. 271. NO POWER TO ACT WITHOUT LETTERS.—In case letters testamentary shall be granted to one or more of the executors named in a will on failure of the rest, no executor not named in said letters shall in any manner interfere with the administration; and if letters of administration with the will annexed shall be granted, no executor named in the will shall in any manner interfere with the administration; and no executor named in a will shall, before letters testamentary are granted to him, have any power to dispose of any part of the estate of the deceased or to interfere therewith, further than is necessary to collect and preserve the same.

No power to act without letters.

SEC. 272. FORM.—The following shall be the form of letters testamentary to be issued under the seal of the probate term of the supreme court of the District of Columbia:

Form of letters.

District of Columbia, to wit:

The United States of America.

To all persons to whom these presents shall come, greeting:

Know ye that the last will and testament of _____, of _____, deceased, hath, in due form of law, been exhibited, proved, and recorded in the office of the register of wills of the District of Colum-

bia, a copy of which is to these presents annexed, and administration of all the goods, chattels, and credits of the deceased is hereby granted and committed unto -----, the executor by said will appointed.

Witness (A B) the chief justice of the supreme court of the District of Columbia, this ----- day of -----.

Test:

C D, Register of Wills.

Letters of admin-
istration.

SEC. 273. LETTERS OF ADMINISTRATION.—On the death of any person leaving real or personal estate in the District, letters of administration on his estate may be granted, on the application of any person interested, on proof, satisfactory to the probate court, that the decedent died intestate.

Bond.

SEC. 274. BOND.—Every administrator, except corporations authorized to act as administrators, shall, before entering on his duties, file in the probate court his bond to the United States, with security approved by the court, in such penalty as the court shall direct, with condition to administer according to law all the money, goods, chattels, rights, and credits of the deceased; and when the court shall have ordered the sale of the decedent's real estate, he shall give a like bond conditioned to administer the proceeds of the real estate that may be sold for the payment of the decedent's debts which shall come into his possession, or to the possession of any other person for him, and in all other respects perform the trust reposed in him, and shall also take and subscribe an oath similar to that prescribed for executors.

—oath.

Special bond of ad-
ministrator entitled to
residue of estate.

SEC. 275. SPECIAL BOND.—If the person appointed as administrator shall be entitled to the residue of the estate after the payment of the debts, he may, instead of the bond herein provided for, execute a bond, with security approved by the court, in such penalty as the court may consider sufficient, conditioned for the payment of all the debts and claims against the deceased, and all damages which shall be recovered against him as administrator, in which case he shall not be required to return any inventory or account; and in such case the administrator shall be personally answerable for all debts, claims, and damages that may be recovered against him, in like manner as the executor who gives a similar bond: *Provided*, That the surety or sureties in said bond shall not be liable for a greater amount than the penalty thereof.

Proviso.
—sureties' liability.

Persons entitled.

SEC. 276. PERSONS ENTITLED.—If the intestate leave a widow and a child or children, administration, subject to the discretion of the court, shall be granted either to the widow or child, or one or more of the children, qualified to act as administrator, and further subject to the discretion of the court as follows:

SEC. 277. If there be a widow and no child the widow shall be preferred, and next to the widow or children a grandchild shall be preferred.

SEC. 278. If there be neither widow, nor child, nor grandchild to act, the father shall be preferred; and if there be no father the mother shall be preferred.

SEC. 279. If there be neither widow, nor child, nor grandchild, nor father, nor mother to act, brothers and sisters shall be preferred.

SEC. 280. If there be neither widow, nor child, nor grandchild, nor father, nor mother, nor brother, nor sister, the next of kin shall be preferred.

SEC. 281. Males shall be preferred to females in equal degree.

SEC. 282. Relations of the whole blood shall be preferred to those of the half blood in equal degree, and relations of the half blood shall be preferred to relations of the whole blood in a remoter degree.

SEC. 283. Relations descending shall be preferred to relations ascending, in the collateral line; that is to say, for example, a nephew shall be preferred to an uncle.

SEC. 284. None shall be preferred in the ascending line beyond a father or mother, or in the descending line below a grandchild.

SEC. 285. A feme sole shall be preferred to a married woman in equal degree.

SEC. 286. Relations on the part of the father shall be preferred to those on the part of the mother, in equal degree.

SEC. 287. If any person described in the foregoing sections should be incompetent to serve, then administration shall be granted as if such person were not living. —incompetence of above to serve.

SEC. 288. If there be no relations, or those entitled decline or refuse to appear and apply for administration, on proper summons or notice, administration may be granted to the largest creditor applying for the same; and if creditors neglect to apply, it may be granted at the discretion of the court. Administration by creditor, etc.

SEC. 289. NOTICE OF APPLICATION.—Upon any application for letters of administration, such notice thereof shall be given, by publication or otherwise, as the rules of the court may require; but it shall not be necessary to notify any collateral relatives more remote than brothers and sisters of the intestate. Notice of application.

SEC. 290. WILL PROVED AFTER LETTERS GRANTED.—If administration be granted, and a will disposing of the estate of the deceased shall afterwards be proved, according to law, and letters testamentary shall have issued thereon, the same shall be considered a revocation of the letters of administration. But all acts done by the administrator according to law, before any actual or implied revocation of his letters, shall be valid and effectual, and the executor obtaining letters shall be authorized to prosecute any actions at law or in equity commenced by the administrator and obtain judgment in his own name, and likewise to defend any suit commenced against the administrator; and said executor shall have the benefit of all judgments obtained by the administrator and be bound by all judgments obtained against him to the extent of assets received by said executor, unless said judgments were obtained by fraud. And it shall be the duty of said administrator to account for and deliver to the executor without delay all goods, chattels, and personal estate and proceeds of any realty sold in his possession, belonging to the deceased, in default of which his bond may be put in suit by the executor or administrator cum testamento annexo. Will proved after letters granted.

SEC. 291. DECLINING ADMINISTRATION.—If any person entitled to administration shall, in writing, decline the same, the court shall proceed as if such person were not entitled. Declining administration.

SEC. 292. RESIGNATION.—If any person, after having accepted the office of executor or administrator, shall desire to retire from and resign the same, he may file his petition to that effect, accompanied by a full and particular account, under oath, of his receipts and disbursements, if any, and the court shall thereupon direct such notice as it may think proper to be given of said application, and, if no cause be shown to the contrary, may release and discharge him from his office and pass such order as to costs and commissions and impose such terms in other respects as the nature of the case may require: *Provided*, That such executor or administrator shall not, by said discharge, be released from any liability for past acts, defaults, or omissions of duty. Resignation of executor, etc.

SEC. 293. FORM.—The form of letters of administration shall be as follows: Proviso.
—liability after release for past acts.
Form.

District of Columbia, to wit:

The United States of America.

To all persons to whom these present shall come, greeting:

Know ye that administration of the goods, chattels, and credits of _____, late of _____, deceased, is hereby granted and committed unto _____, of _____.

Witness (A B) the chief justice of the supreme court of the District of Columbia.

Test:

C D, Register of Wills.

Bond of persons over
18 years of age, etc.,
binding.

SEC. 294. PERSONS OVER EIGHTEEN YEARS OF AGE.—In case letters testamentary or of administration shall be granted to any person above eighteen but under twenty-one years of age, the bond executed by him for the faithful performance of his duties shall be as binding as if he were of full age.

Application for let-
ters.

SEC. 295. APPLICATION FOR LETTERS.—Whenever any person shall apply to the probate court for letters testamentary or of administration, he shall set forth, under oath, as fully as possible, all the personal and real estate left by the decedent and the amount of his debts as far as can be ascertained; and the penalty of the bond required of him, except in the cases provided for in section two hundred and sixty-three, two hundred and sixty-four, and two hundred and seventy-five aforesaid, shall be sufficient to secure the proper application of all the personal estate of the testator or intestate; and when it shall become necessary to sell the real estate of the decedent, in part or in whole, the executor or administrator shall give such additional bond, with approved security, as shall be directed by the court, to secure the proper application of the proceeds arising from such sale or sales. And whenever an executor is empowered by the will to make sale of the real estate of the testator, for any purpose, he shall account for said proceeds in said court.

Additional bond.

SEC. 296. ADDITIONAL BOND.—Whenever the probate court shall be satisfied that the bond already given by an executor or administrator is insufficient, the said executor or administrator may be required to file an additional bond, and on his failure to do so his letters may be revoked. And upon the revocation of letters testamentary or of administration under this provision, the executor or administrator whose letters are so revoked shall forthwith deliver to any substituted executor or administrator all the assets of his testator or intestate in his possession or under his control.

Bonds to be re-
corded, etc.

—copy of, to be fur-
nished.

—actions on.

SEC. 297. ACTIONS ON BONDS.—Every bond executed by an executor or administrator shall be recorded in the office of the register of wills; and any person conceiving himself to be interested in the administration of the estate shall be entitled to have or demand a copy of such bond, under the hand and seal of the register of wills, on which an action may be maintained, in the name of the United States, for the use of the party interested, and judgment may be recovered in such action for the damage actually sustained. And an administrator appointed in the place of an executor or administrator who has resigned, been removed, or whose letters have been revoked, may in like manner maintain an action against the executor or former administrator and his sureties, on his administration bond, for all loss and damage to the estate resulting from this breach of duty. No creditor shall be entitled to maintain an action on a testamentary or administration bond for any claim against a testator or intestate until an action has been commenced against the executor or administrator of the deceased and a summons issued therein has been returned "Not to be found," or a writ of fieri facias or of attachment, issued on a judgment against such executor or administrator, has been returned "nulla bona," or until such apparent insolvency of the executor or administrator or insufficiency of his effects as in the judgment of the court before which such action may be tried shall show the said creditor to be without remedy except by such action on the executor's or administrator's bond.

Death, etc., of ex-
ecutor named.

—to whom adminis-
tration granted.

Proviso.

SEC. 298. DEATH, AND SO FORTH, OF EXECUTOR NAMED.—In case any will admitted to probate shall not appoint an executor, or the executor therein appointed shall have died or renounced the executorship, or shall be incompetent to serve, administration shall be granted with the will annexed to the person who would have been entitled to administration in case of the intestacy of the deceased testator: *Provided, how-*

ever, That if there be a residuary legatee named in such will, he shall be preferred to all, except a widow. And the condition of the bond of the administrator so appointed and the oath to be taken by him and his duties and liabilities shall be the same if he had been appointed executor in the will and had received letters testatmentary.

—persons preferred.
—bond and oath of appointee.

SEC. 299. LETTERS DE BONIS NON.—If an executor or administrator shall die before the administration of the estate is completed, letters of administration de bonis non or de bonis non cum testamento annexo, as the case may require, shall be granted, in the discretion of the court, giving preference, however, to the person who would be entitled in the order hereinbefore given, if he shall actually apply for the same; and the form of the letters shall be the same as in the case of an original administration, except that it shall be confined to the property of the deceased not already administered, and the authority shall be to administer all property herein described as assets and not distributed and delivered or retained by the executor or former administrators, under the court's direction.

Letters de bonis non

—form.

SEC. 300. EXECUTOR OF EXECUTOR.—In no case shall the executor of an executor, as such, be entitled to administration de bonis non on the estate of the first deceased.

Executor of executor.

SEC. 301. ORDERS AGAINST REPRESENTATIVE OF DECEASED.—On the application of an administrator de bonis non the court may order the executor or the administrator of a deceased executor or administrator to deliver over to him all the personal property that was in the hands of the said deceased executor or administrator, as such, and also all the money, bonds, notes, accounts, and evidences of debt which the said deceased executor or administrator may have taken, received, and had at the time of his death, including the proceeds of sale of either personal or real estate made by said deceased executor or administrator, which shall be deemed unadministered assets.

Orders against representative of deceased.

SEC. 302. On the failure of said executor or administrator to comply with said order by a day named, the court may enforce its order by attachment against such executor or administrator, and may direct the bond of the deceased executor or administrator, or that of the executor or administrator so failing, or both, to be put in suit for the use of the administrator de bonis non.

—failure of said executor or administrator to comply.

SEC. 303. The executor or administrator of the deceased executor or administrator shall return, on oath, to the court, on or before the day named as aforesaid, a list of the bonds, notes, accounts, and money aforesaid, and shall be entitled to retain out of the money such commission as the court shall allow, not exceeding ten per centum on the principal inventory, and the personal estate and money turned over by him shall be assets in the hands of the administrator de bonis non, to be accounted for by him as such.

—return of list of bonds, etc.

SEC. 304. LETTERS AD COLLIGENDUM.—Letters ad colligendum may be granted to one or more persons in case of a contest in relation to a will, or the absence of the executor from the District, or his delay in qualifying, or for other sufficient cause, and the form of such letters shall be as follows:

Letters ad colligendum.

To all persons to whom these presents shall come, greeting:

Know ye that, whereas _____, of _____, deceased, had, as is said, at his decease, personal property within the District of Columbia, administration whereof can not immediately be granted, but which, if speedy care be not taken, may be lost, destroyed, or diminished, to the end that the same may be preserved for those who may appear to have a legal right or interest therein, we do hereby request and authorize _____, of _____, to secure and collect said property, wheresoever the same may be, in said District, whether the same be goods, chattels, debts, or credits, and to make a true inventory

—form.

thereof and exhibit the same with all convenient speed, with an account of his collections, into the office of the register of wills.

Witness (A B) the chief justice of the supreme court of the District of Columbia.

Test:

C D, Register of Wills.

Bond of collector.

SEC. 305. Every collector, except corporations authorized to act as such, before letters shall be issued to him, shall execute a bond to the United States, in a penalty and with security to be approved by said court, with the following condition:

"The condition of the above obligation is such that if the above bounden shall well and honestly discharge the office of collector of the goods, chattels, and personal estate of, deceased, in the District of Columbia, and shall make or cause to be made a true and perfect inventory or inventories of such of said goods, chattels, personal estate, and debts as shall come to his possession or knowledge and make return of the same to the probate court of the District, and shall also deliver to the person or persons who shall be authorized by the court to receive them such of said goods, chattels, personal estate, and debts as shall come to his possession, except such as shall be allowed for by said court, then the said obligation shall be void; it shall otherwise be in full force and virtue at law." And he shall also take and subscribe the following oath: "I,, do swear that I will well and truly discharge the office of collector of the goods, chattels, and personal estate of, deceased, according to the tenor of the letters granted me by the probate court of the District of Columbia and the directions of law, to the best of my knowledge, so help me God."

Duties of collector.

SEC. 306. DUTIES OF COLLECTOR.—The collector shall collect the goods, chattels, and personal estate of the deceased, including the debts due him, and cause the same to be appraised and return an inventory thereof, as an administrator is required to do, and may, under the authority of the court, sell perishable articles and bring suits for debts or other property, as an administrator may do, and shall account for the money recovered. Said collector may be allowed a commission on the property and debts actually collected, and afterwards delivered to the executor or administrator, not exceeding three per centum, and said collector may be authorized and directed by the court to discharge, pendente lite, all or any of the duties of an administrator, including the payment of debts.

When powers to cease.

SEC. 307. WHEN POWERS TO CEASE.—On the granting of letters testamentary or of administration the power of any such collector shall cease, and it shall be his duty to deliver, on demand, all the property and money of the decedent in his hands, except as before excepted, to the person obtaining such letters, and the executor or administrator may be permitted to prosecute any suit commenced by said collector as if the same had been begun by said executor or administrator.

Refusal to deliver property.

SEC. 308. If the said collector shall neglect or refuse to deliver over the property and estate to the executor or administrator, the court may, by citation and attachment, compel him to do so, and the executor or administrator may also proceed, by civil action, to recover the value of the assets from him and his sureties by action on his bond. Such collector shall not be liable to an action by any creditor of the deceased.

SUBCHAPTER TWO.

INVENTORY.

Inventory.

Inventory to be made.

SEC. 309. INVENTORY TO BE MADE.—Every executor, administrator, or collector shall, within three months after his appointment, or such longer time as the court may allow, make and return, upon oath, into court a true inventory of all the goods, chattels, moneys, and credits

of the deceased which are by law to be administered and which shall have come to his possession or knowledge; and if the court shall think fit it may also order him to include in the inventory all the real estate of the deceased: *Provided*, That this section shall not apply to the cases provided for in sections two hundred and sixty-four and two hundred and seventy-five of this code.

Proviso.
Scope of section limited.

SEC. 310. APPRAISERS.—On the granting of letters testamentary or of administration, except in the aforesaid excepted cases, a warrant shall issue to two suitable persons not interested in the estate, to appraise the estate of the deceased, known to them or shown to them by the executor or administrator, and they shall severally take and subscribe an oath well and truly, without partiality or prejudice, to value the goods, chattels, and personal estate and real estate (if so directed) of the deceased, as far as the same shall come to their knowledge, to the best of their skill and judgment.

Appraisers.

—oath.

SEC. 311. On the death, refusal, or neglect of any appraiser to act another person may be appointed in his stead.

—refusal to act.

SEC. 312. NOTICE.—It shall be the duty of the executor, administrator, or collector and of the appraisers to give notice to the persons immediately interested in the administration, or at least two of them, if they are numerous, of the time and place of making said appraisal, and thereupon they shall proceed at said time and place to value said property and estate, setting down each article or item separately, with the value thereof, in dollars and cents, and when such appraisal shall have been completed they shall certify the same under their hands and seals, and the same shall be returned with the inventory.

Notice.

SEC. 313. CONTENTS OF INVENTORY.—The inventory shall contain a particular statement of all bonds, mortgages, notes, and other securities for the payment of moneys belonging to the deceased, and of all other debts and accounts due him, which are known to the executor, administrator, or collector, who shall designate those debts which he considers sperate and those which he considers desperate, and also an account of all moneys belonging to the deceased which shall come to his hands. And whenever, after an inventory has been returned, assets not therein included shall come to the knowledge of the executor, administrator, or collector an additional inventory and appraisal shall be promptly prepared and filed in the manner aforesaid.

Contents of inventory.

SEC. 314. EXCEPTIONS.—There shall be excepted from the inventory the wearing apparel of the deceased, family pictures, the family Bible, and schoolbooks used in the family, and provisions for the support of the family on hand at the time of decedent's death. But if said decedent shall have been the head of a family, or a householder, the property exempt under chapter twenty-seven, as therein stated, shall so continue exempt from all claims against said decedent, and shall be distributed by the court to such members of the family or household as in the judgment of the court the necessity and exigencies of the particular case may require.

Exceptions from inventory.

SEC. 315. COLLECTOR'S INVENTORY.—In case an inventory shall be returned by a collector, duly appointed, the executor or administrator thereafter administering shall, within three months after his appointment, either return a new inventory in place of the collector's inventory or an acknowledgment in writing that he has received from the collector the articles contained in the first inventory, and consents to be answerable for the same, as if said inventory had been made out by him as administrator, unless it shall appear that he has been prevented from making such return by the improper detention of the personal estate of the deceased by the collector.

Collector's inventory.

SEC. 316. EXECUTOR, AND SO FORTH, NEGLECTING.—If there be more than one executor or administrator, any one or more of them, on the neglect of the rest, may, if authorized by the court, return an inventory.

Executor, etc., neglecting.

SUBCHAPTER THREE.

Assets.

ASSETS.

What are assets.

SEC. 317. WHAT ARE ASSETS.—Leases for years, estates for the life of another person or other persons, and all goods, wares, merchandise; utensils, furniture, things annexed to the freehold which may be removed without prejudice thereto, the growing crop on the land of the deceased, and every other species of personal property, not including the clothing of the widow and minor children of the deceased and personal ornaments suitable to their station, shall be included in the inventory, and, together with the proceeds of any real estate sold for the payment of debts, shall be considered assets to be administered by an executor or administrator.

Debtor appointed executor.
—discharge of debt in will, construction of, as against creditors.

SEC. 318. DEBTOR APPOINTED EXECUTOR.—The discharge or bequest, in a will, of any debt or demand of a testator against any executor named in a will, or against any other person, shall not be valid as against the creditors of the deceased, but shall be construed only as a specific bequest of such debt or demand, and the amount thereof shall be included in the inventory of the effects of the deceased and be assets for the payment of his debts, if necessary for that purpose, and, if not so necessary, shall be paid in the same manner and proportion as other specific legacies.

—naming of persons as executor not to discharge testator's claim, etc.

SEC. 319. The naming of any person as executor in a will shall not operate as a discharge or bequest of any just claim which the testator had against such executor; but such claim shall be included among the credits and effects of the deceased in the inventory, and the executor shall be liable for the same, as for so much money in his hands, at the time such debt or demand becomes due; and he shall apply and distribute the same, in the payment of debts and legacies and among the next of kin, as part of the personal estate of the deceased.

—executor's failure to give in such claim.

SEC. 320. On the failure of the executor to give in such claim in the list of debts due the deceased, any person interested in the administration may allege the same by petition to said probate court, and the said court, with consent of the parties, may decide on the same, or it may be referred by the parties, with the court's approval; or at the instance of either party the court may direct an issue to be tried by a jury; and if said claim shall in any of such proceedings be decided to be a just claim of the decedent against the executor, said executor shall be charged with the amount thereof as aforesaid.

Debt due by administrator.

SEC. 321. DEBT DUE BY ADMINISTRATOR.—In like manner it shall be the duty of every administrator to give in a claim against himself, and on his giving it, or failure so to do, there shall be the same proceeding as above described with regard to an executor.

SUBCHAPTER FOUR.

Sales.

SALES.

Sales of personal estate.

SEC. 322. SALES OF PERSONAL ESTATE.—In case any executor or administrator shall not have money sufficient to discharge the just debts of and claims against the decedent, the probate court shall, on his application, made after the return of an inventory, direct a sale of the personal property therein contained, or of such part as the court may think proper, and in such manner and on such terms as the court may direct. The court shall have power to direct a sale as aforesaid, if deemed by the court advantageous to the persons interested in the administration, on the application of any of the said persons:

Order for sale.

SEC. 323. ORDER FOR SALE.—No executor or administrator shall sell any property of his decedent without an order of the probate court

authorizing such sale; and any such sale made without a previous order authorizing it shall be void and pass no title to the purchaser. If any executor or administrator shall sell, pledge, or dispose of any property without such previous order, his letters may be revoked and an administrator appointed, whose duty it shall be immediately to recover possession of said property, and such removed executor or administrator may be proceeded against by attachment; but where there are two or more executors or administrators, and a sale, pledge, or disposition of property has been made without the consent of all, the revocation shall only extend to the person or persons so offending, and the remaining executors or administrators shall have power to discharge the duties of their office and institute proceedings for the recovery of the property and attachment as aforesaid.

SEC. 324. The preceding section shall not be construed to apply to any case where an executor shall be authorized by will of his testator to make sale of any property. —scope of section limited.

SEC. 325. POWER OF SALE TO EXECUTOR.—In all cases in which a testator has directed his real estate to be sold for the payment of his debts or legacies, the executor may sell and convey the same, and shall account for the proceeds thereof to the probate court in the same manner that he is bound to account for the proceeds of personal estate; but such sale shall not be valid unless ratified by said court after notice given by publication according to the practice in equity. In case the executor shall refuse or decline to act, or shall die without executing the power vested in him, it shall be lawful for the court, on the application of any person interested, to appoint an administrator de bonis non with the will annexed to execute such power in the same manner in which the executor appointed by the will might have done. Power of sale to executor. —refusal to act.

SEC. 326. SURVIVOR OF SEVERAL TRUSTEES.—In all cases where two or more trustees shall be appointed by last will to execute a trust, or shall be empowered to sell, dispose of, or convey lands or other property devised to them jointly, upon the death of any one or more of them the survivor or survivors shall be held authorized to execute such trust or power; and if any one of such trustees shall in writing, signed by him and attested by a witness, relinquish or disclaim said trust or refuse to act under said will, and shall deliver such writing to the probate court of the District for record, the right of such trustee to act shall cease, and the remaining trustee or trustees appointed by said will shall be authorized to execute the trusts of said will and make all sales and execute all conveyances and other acts necessary for that purpose. Survivor of several trustees may act.

SUBCHAPTER FIVE.

SUITS.

Suits.

SEC. 327. SUITS BY AND AGAINST EXECUTORS, AND SO FORTH.—Executors and administrators shall have full power and authority to commence and prosecute any personal action at law or in equity which the testator or intestate might have commenced and prosecuted, except actions for slander and for injuries to the person; and they shall also be liable to be sued in the supreme court of said District in any action at law or in equity; except as aforesaid, which might have been maintained against the deceased; and they shall be entitled to or answerable for costs in the same manner as the deceased would have been, and shall be allowed for the same in their accounts, unless it shall appear that there were not probable grounds for instituting or defending the suits in which judgments or decrees shall have been given against them. Suits by and against executors, etc. —costs.

Judgments against
executors, etc.

SEC. 328. JUDGMENTS AGAINST EXECUTORS, AND SO FORTH.—If the verdict of the jury in any suit against an executor or administrator be against such executor or administrator, or if he shall be willing to confess judgment, and the debt or damages which the deceased (if he or she were alive) ought to pay be ascertained by verdict, or confession, or otherwise, the court shall thereupon assess the sum which the executor or administrator ought to pay, regard being had to the amount of assets in his hands and the debts due to other persons; and if it shall appear to the court that there are assets to discharge all just claims against the deceased, the judgment shall be for the whole debt or damages found by the jury, or confessed, or otherwise ascertained, and costs; and if it shall appear to the court that there are not assets to discharge all such just claims, the judgment shall be for such sum only as bears a just proportion to the amount of the debt or damages and costs, regard being had to the amount of all the just claims and of the assets—that is to say, as the amount of all the said claims shall be to the assets, so shall the amount of the said debt or damages and costs be to the sum required, for which judgment is to be given.

Judgment not to be
passed until time for
filing account has ex-
pired.

Proviso.
Executor's oath of
insufficient assets, etc.

And in no case shall the court proceed to assess as aforesaid and to pass such judgment against an executor or administrator until the time limited by law or by the court for the executor or administrator to pass his account shall have expired: *Provided*, That the said executor or administrator shall make oath (or affirmation, as the case may require) that he hath not assets to discharge all such just claims; and the account settled by the probate court, in which the debt or damages sued for ought to be stated, shall be evidence to show the amount of assets and claims; and the court shall have power, when the real debt or damages are ascertained, to refer the matter to an auditor to ascertain the sum for which judgment shall be given; and in case the judgment shall be for a sum inferior to the real debt or damage and costs, it shall go on and say "that the plaintiff be entitled to such further sum as the court shall hereafter assess on discovery of further assets in the hands of the defendant;" and the court, at any time afterwards, when applied to by the plaintiff, on three days' notice to the defendant or his attorney, may assess and give judgment for such further proportionable sum as the plaintiff shall appear entitled to, regard being had as aforesaid to the amount of the debt and other claims; and on any judgment passed as aforesaid a fieri facias may issue against the defendant, and either his own goods or the goods of the deceased may be thereupon taken and sold, and it shall be the duty of the executor or administrator to discharge said judgment or put it on a footing with other just claims, and on failure his administration bond may be put in suit by the plaintiff.

Foreign executors,
etc., may act in the
District.

SEC. 329. FOREIGN EXECUTORS AND ADMINISTRATORS.—It shall be lawful for any person or persons to whom letters testamentary or of administration have been granted by the proper authority in any of the United States or the Territories thereof to maintain any suit or action and to prosecute and recover any claim in the District in the same manner as if the letters testamentary or of administration had been granted to such person or persons by the proper authority in the said District; and the letters testamentary or of administration, or a copy thereof certified under the seal of the authority granting the same, shall be sufficient evidence to prove the granting thereof, and that the person or persons, as the case may be, hath or have administration: *Provided, nevertheless*, That the probate court of the District shall have the power, upon the petition of anyone interested, to require from such person or persons the security required by law in like cases from a resident administrator or executor, or the said court may grant auxiliary or ancillary letters, as the case may require, to the same or other persons.

Proviso.
—bond of, etc.

SUBCHAPTER SIX.

DEBTS.

Debts.

SEC. 330. DEBTS TO BE PROVED.—No executor or administrator shall discharge any claim against his decedent (otherwise than at his own risk) unless the same be first passed by the probate court, or unless the said claim shall be proved according to the following rules:

Rules for proving.

SEC. 331. VOUCHERS.—The voucher or proof of a judgment or decree shall be a short copy thereof under seal, attested by the clerk of the court where it was obtained, who shall certify that the said judgment or decree hath not been satisfied. There shall likewise be a certificate of some person authorized to administer an oath, indorsed on or annexed to a statement of the debt due on such judgment or decree, that the creditor or his agent since the death of the deceased hath taken before him the following oath, to wit: "That the creditor hath not received any part of the sum for which the judgment or decree was passed except such part (if any) as is credited;" and if the creditor on the judgment or decree be an assignee of the person who obtained it, the oath shall go on and say further, "and that to the best of his knowledge or belief no other person hath received any parcel of the said sum except such part (if any) as is credited," and an assignee shall also produce the assignment under the hand of the assignor; and if there be more than one assignment, each assignment shall be produced under the hand of the party assigning.

Voucher of judgment of decree.

SEC. 332. In case of a specialty, bond, note, check, or protested bill of exchange, the vouchers shall be the instrument of writing itself, or a proved copy in case it be lost, with a certificate of the oath made as aforesaid since the death and indorsed on or annexed to the instrument, or a statement of the claim "that no part of the money intended to be secured by such instrument hath been received or any security or satisfaction given for the same except what (if any) is credited."

Voucher of bond, note, etc.

SEC. 333. If the creditor in such instrument be an assignee, there shall be the same oath of the creditor or agent, according to the best of his knowledge and belief, with respect to any payments prior to the time of the assignment.

—where creditor an assignee.

SEC. 334. In case of a bill of exchange or other commercial paper, the protest or other things which would be required (if the deceased were alive) shall be necessary to justify an executor or administrator in making payment or distribution.

Voucher of bill of exchange, etc.

SEC. 335. If the claim be for rent, there shall be produced the lease itself, or the deposition of some credible witness or witnesses, or an acknowledgment in writing of the deceased, establishing the contract and the time which hath elapsed during which rent was chargeable, and a statement of the sum due for such rent, with an oath of the creditor or agent indorsed thereon "that no part of the sum due for said rent or any security or satisfaction for the same hath been received except what (if any) is credited."

—claim for rent.

The proof of a claim for rent in arrear, so as to render the same a preferred claim, shall be the proofs and vouchers for rent aforesaid, and proof that the claim is such that an attachment therefor might be levied on said deceased's goods and chattels in the hands of the administrator, but the preference given for rent is not to impair the landlord's right of attachment if he thinks proper to exercise it.

—proof of.

SEC. 336. The vouchers or proofs of any claim on open account shall be a certificate of an oath taken by the creditor or agent since the death, indorsed on or annexed to the account, that the account as stated is just and true, and that he, the creditor, or any one for him, hath not received any part of the money stated to be due or any security or satisfaction for the same except what (if any) is credited.

—vouchers or open account.

Deposition to prove claims taken out of the District.

SEC. 337. When an affidavit or deposition to prove claims shall have been taken out of the District, the same shall be good if taken and certified as aforesaid by a notary public, or by some person there authorized to administer an oath, and certified to be such under the seal of the clerk of any court of record, or by any officer having official cognizance of the fact, and the said oath shall be as available as if taken before an officer authorized to administer an oath within this District.

Where creditor an executor, etc.

SEC. 338. If the creditor be an executor or an administrator the claim shall not be received, although vouched and approved as aforesaid, unless he make oath, to be certified as aforesaid, "that it does not appear from any book or writing of his decedent that any part of the said claim hath been discharged except what (if any) is credited, and that to the best of the deponent's knowledge and belief no part of the said claim hath been discharged and no security or satisfaction given for the same except what (if any) is credited."

Claims of executors, etc.

SEC. 339. CLAIMS OF EXECUTORS, AND SO FORTH.—In no case shall an executor or administrator be allowed to retain for his own claim against the decedent, unless the same be passed by the probate court, and every such claim shall stand on an equal footing with other claims of the same nature.

—no allowance in accounts of, except on proof, etc.

SEC. 340. No executor or administrator shall be allowed in his account for any claim discharged by him, unless he produce the claim passed by the probate court, or proven as herein directed.

Plea of limitations.

SEC. 341. PLEA OF LIMITATIONS.—It shall not be considered as the duty of an executor or administrator to avail himself of the act of limitations to bar what he supposes to be a just claim, but the same shall be left to his honesty and discretion.

Claims may be disputed.

SEC. 342. CLAIMS MAY BE DISPUTED.—No executor or administrator shall be obliged to discharge any claim of which vouchers and proofs shall be exhibited as aforesaid, but may reject and at law dispute the same in case he shall have reason to believe that the deceased never owed the debt, or had discharged the same, or a part thereof, or had a claim in bar.

Passing of claims not conclusive.

SEC. 343. PASSING OF CLAIMS NOT CONCLUSIVE.—In no case shall the order made by the probate court that an account or claim will pass when paid be deemed of validity to establish such claim or account; but in case the executor or administrator thinks fit to contest the same such account or claim shall derive no validity from the order aforesaid, but shall be proved in the same manner as if no such order had been made.

Payment of claims.

SEC. 344. PAYMENT OF CLAIMS.—An executor or administrator shall, within thirteen months from the date of his letters, or within such further time, not exceeding four months longer, as shall be allowed by the probate court on his making oath that he has reason to apprehend that the personal estate and assets which are or shall be in his hands will be insufficient to discharge the just debts of and claims against the deceased, discharge all such claims known to him or pay each claimant his just proportion of the money then in his hands (retaining as herein directed); it shall likewise be his duty once in every term of six months after the first distribution to make a distribution of the money which hath since come to his hands until he shall have fully administered, and on failure his administration bond may be put in suit.

Notice of time and place of distribution.

SEC. 345. NOTICE OF DISTRIBUTION.—In all cases where an executor or administrator is to make payment or distribution among the creditors of his decedent, he may give notice three successive weeks previously in some convenient newspaper of the time and place for making it; and in case the creditor shall not attend in person or by agent or attorney to receive the amount or proportionable part of his claim, all

—failure of creditor to attend.

interest on such claim or proportionable part shall cease from that time: *Provided*, That the executor or administrator shall at any time thereafter on demand pay the said claims, or a proportionable part, to the party, his agent, or attorney duly authorized; and whenever the executor or administrator shall proceed to make an additional payment or dividend he may advertise as aforesaid, and interest shall stop as aforesaid; and if at the time for the making of any additional dividend a just claim, established as hereinbefore directed, shall be exhibited, the creditor shall be entitled to such sum as will place him on an equal footing with those who have already received a dividend.

Proviso.
—subsequent
ment to. pay-

Additional
dividends, etc. divi-

SEC. 346. RETAINING FOR CLAIMS.—It shall be the duty of an executor or administrator to pay all just claims against his decedent exhibited to him, or a just proportionable part thereof, according to the assets; and if any claim be known to him (although the same be not exhibited) he shall retain the same, or a just proportionable part, for the benefit of the creditor: *Provided*, That if any executor or administrator shall have actual knowledge of a claim which has not been exhibited or passed he shall give notice in writing to the creditor, requiring the claim to be either exhibited or passed, as herein provided, within thirty days if such creditor be a resident and within ninety days if he be a nonresident of said District, and after the expiration of such period, and after the expiration of the period for distribution provided by section three hundred and forty-four hereof, the executor or administrator shall not be required to retain any part of the estate for the benefit of such creditor, unless in the meantime such claim shall have been so exhibited or passed.

Retaining for claim
not exhibited.

Proviso.
—notice to creditor.

SEC. 347. And if any action shall be commenced against an executor or administrator for the recovery of a larger debt or damages than he shall think due, so that the same can not be ascertained before verdict, the executor or administrator shall be allowed to retain such sum to meet the said debt or damages as the probate court shall allow, and if more than enough be allowed, the party shall afterwards account for it, but nothing shall be retained on account of such further debt or damages where the court shall be satisfied that there will be money sufficient coming in after such dividend to meet the said damages, or a just proportion thereof, regard being had to other claims.

Retaining for judg-
ment larger than ex-
ecutor thinks due.

SEC. 348. If a claim be exhibited against an executor or administrator which he shall think it his duty to dispute or reject, he may retain in his hands assets proportioned to the amount of the claim, which assets shall be liable to other claims, or to be delivered up or distributed in case the claim be not established; and if on any claims exhibited and disputed as aforesaid the creditor or claimant shall not, within nine months after such dispute or rejection, commence a suit for recovery the creditor shall be forever barred; and the executor or administrator may plead this section in bar, together with the general issue or other plea proper to bring the merits of the cause to trial; and on any dividend to be made nine months after such dispute or rejection and failure to bring suit the executor or administrator may proceed to pay or distribute as if he had not knowledge or notice of such claim or as if it did not exist; but if the claim be put in suit within the nine months it may be ascertained by verdict or otherwise, and the court shall proceed as herein directed, regard being had to the rules herein laid down as to the notice to be given by the executor or administrator and distribution or payment be made after such notice.

—for claims which he
thinks disputable, etc.

SEC. 349. CLAIMS MADE AFTER DISTRIBUTION.—In case all the assets have been paid away, delivered, or distributed as herein directed, and a claim shall afterwards be exhibited of which the executor or administrator hath not knowledge or notice by the exhibition of the claim legally authenticated, as herein required, he shall not be answerable for the same; and if he be sued for any claim and shall make it appear

Claims made after
distribution.

—Executor not an-
swerable, etc.

to the court in which suit is brought that he hath so paid away, delivered, or distributed, and the plaintiff can not prove that the defendant had notice as aforesaid before such payment, delivery, or distribution, the court shall not proceed to give judgment (although the amount of the claim against the deceased may be ascertained) until the plaintiff shall be able to show further assets coming into the defendant's hands, but if the plaintiff shall prove notice, as aforesaid, of the said claim against the defendant, judgment may be immediately given for such sum as the plaintiff ought to have received at the dividend, and fieri facias may issue and have effect, and further judgment may be given on coming in of further assets.

Notice to creditors
to file claims.

SEC. 350. NOTICE TO CREDITORS TO FILE CLAIMS.—No executor or administrator who shall, after the lapse of one year after the date of his letters, have paid away assets to the discharge of just claims shall be answerable for any claim of which he had no knowledge or notice by an exhibition of the claim legally authenticated: *Provided*, That at least six months before he shall make distribution he shall have caused to be inserted in so many newspapers as the probate court may direct an advertisement as follows, or fully to the following effect, namely: "This is to give notice that the subscriber, of _____, hath obtained from the probate court of the District of Columbia letters testamentary (or of administration) on the personal estate of _____, late of _____ deceased. All persons having claims against the deceased are hereby warned to exhibit the same, with the vouchers thereof legally authenticated, to the subscriber on or before the _____ day of _____ next; they may otherwise by law be excluded from all benefit of said estate.

—report and proof of
notice.

"Given under my hand this _____ day of _____."

SEC. 351. REPORT AND PROOF OF NOTICE.—The executor or administrator may report to the court, with an affidavit of the proof thereof annexed, the fact of having given such notice, and the court, on being satisfied that their order has been complied with and the said notice has been given, shall indorse on said report their certificate that it has been proven to their satisfaction that said notice hath been given as therein reported, and shall order said report and certificate to be recorded among the records of the court.

—weight of, as evi-
dence.

SEC. 352. The said report and certificates shall be prima facie evidence, in all cases whatever, of the giving of such notice as therein stated.

—of copy.

SEC. 353. A copy of said report, certificate, and order, under the seal of the register of wills, shall be legal and competent evidence.

Docket of claims.

SEC. 354. DOCKET OF CLAIMS.—The register of wills shall enter in a suitable book, to be provided by him for that purpose, all claims against a decedent as they are regularly passed by the probate court, giving the date of the passage, the name of the creditor, the character of such claim, whether on note or open account, bond, bill, obligation, judgment, or other evidence of debt, and the amount thereof, and the entry of a claim upon such docket shall be taken as notice to the executor or administrator of its existence.

—entry to be notice to
executor.

—not evidence of jus-
tice of debt, etc.

SEC. 355. The claim thus entered shall not afford any evidence as to the justice or correctness of any debt therein entered whenever the same shall be controverted by an executor or administrator in any suit instituted for the recovery of such debt; nor shall the same be construed to take any debt out of the operation of a plea of limitations.

Priorities.

SEC. 356. PRIORITIES.—In paying the debts of a decedent, after the payment of funeral expenses according to the condition and circumstances of the deceased, not exceeding six hundred dollars, an executor or administrator shall observe the following rules: Claims for rent in arrear against deceased persons, for which an attachment might be levied by law, shall have preference. Judgments and decrees of courts

in the District of Columbia shall next be wholly discharged. After such claims for rent, judgments, and decrees shall be satisfied, all other just claims shall be on an equal footing without priority or preference. If there be not sufficient to discharge all such judgments and decrees, a proportionate dividend shall be made between the judgment and decree creditors.

SEC. 357. NO CLAIMS TO BE NOTICED UNLESS LEGALLY AUTHENTICATED.—No executor or administrator shall be bound to discharge any claim against his decedent unless the same shall be exhibited to him, legally authenticated, or unless such claim shall have been passed by the probate court and entered by the register of wills upon his docket.

No claims to be noticed unless legally authenticated.

SEC. 358. MEETING OF CREDITORS.—Any executor or administrator shall be entitled to appoint a meeting of creditors on some day by the court approved, and passage of claims, payment, or distribution may be there made under the court's direction and control.

Meeting of creditors.

SEC. 359. DISTRIBUTION OF RESIDUE.—Whenever it shall appear by the first or other account of an executor or administrator that all the claims against, or debts of, the decedent which have been known by or notified to him have been discharged or allowed for in his account, it shall be his duty to deliver up and distribute the surplus or residue of the personal estate not disposed of by any will, as hereinafter directed: *Provided*, That his power and duty with respect to future assets shall not cease; and after such delivery he shall not be liable for any debts afterwards notified to him, provided he shall have advertised as hereinbefore directed, unless assets shall afterwards come into his hands which shall be answerable for such debts.

Distribution of residue.

Proviso.
Executor's powers as to future assets to continue, etc.

SEC. 360. SUITS ON BONDS AGAINST HEIRS.—No creditor by a bond which purports to bind the heirs of the obligor shall be entitled to sue the heirs at common law in respect of assets descended to them, but debts by specialty and by simple contract, without distinction, shall be payable primarily out of the personal estate, and, if that be insufficient, shall be payable equally and without preference out of the proceeds of the real estate.

Suits on bonds against heirs.

SUBCHAPTER SEVEN.

ACCOUNTS.

Accounts.

SEC. 361. FIRST ACCOUNT WITHIN TWELVE MONTHS.—Every executor and administrator shall render to the probate court within the period of twelve months from the date of his letters the first account of his administration.

First account within twelve months.

SEC. 362. SUBSEQUENT ACCOUNTS.—If the first account shall not show the estate which was on hand to be fully administered, another account shall be returned within six months thereafter, and within every term of six months thereafter an account shall be returned until the estate shall appear to be fully administered; and whenever a discovery or receipt of assets shall take place after rendering an account another account shall be rendered within six months thereafter; but an administrator shall not be obliged to render accounts when it appears to the court that the estate has been fully administered, except as to debts which the court shall deem desperate.

Subsequent accounts.

SEC. 363. FAILURE TO ACCOUNT.—If an executor or administrator shall fail to return an account, as before directed, within the time limited by law, or within such further time as the probate court shall allow, not exceeding six months, his letters, on application of any person interested, may be revoked, and administration may be granted at the discretion of the court; and the administrator to whom letters may be granted shall be entitled to put the delinquent's bond in suit, and to recover such damages thereon as the jury may find; and in assessing

Failure to account.

such damage the jury shall allow such sum as will be equal to six per centum per annum on the amount of the inventory or inventories from the time of the return or returns to the time of the verdict over and beyond the damages for such loss or injury as the estate may have sustained by the delinquent's conduct.

Assets to be charged.

SEC. 364. ASSETS TO BE CHARGED.—In such account shall be stated, on one side, the assets which have come to his hands, according to the inventory or inventories returned to the court or received and appraised as herein directed, after the inventory or inventories returned, and the sales made under the court's direction—that is to say, the inventory or inventories are to show the articles of the estate, and the sales the amount of their value, where they have been sold, and for articles so sold he shall be charged the price according to the return; and if any articles have been sold for credit and not yet paid for they shall be accounted for in a subsequent account, and all moneys received for debts due the decedent shall be included in said account.

Disbursements and allowances.

SEC. 365. DISBURSEMENTS AND ALLOWANCES.—On the other side shall be stated the disbursements by him made, namely: First. Funeral expenses, to be allowed at the discretion of the court, according to the condition and circumstances of the deceased, not exceeding six hundred dollars. Second. The debts of the deceased proved or passed as herein directed, and paid or retained. Third. The allowance for things lost, or which have perished without the party's fault, which allowance shall be according to the appraisement. Fourth. His commissions, which shall be at the discretion of the court, not under one per centum nor exceeding ten per centum on the amount of the inventory or inventories, excluding what is lost or perished. Fifth. His allowance for costs, attorneys' fees, and extraordinary expenses which the court may think proper to allow.

Bequests to executors.

SEC. 366. BEQUESTS TO EXECUTORS.—If anything be bequeathed to an executor by way of compensation, no allowance of commission shall be made unless the said compensation shall appear to the court to be insufficient; and if so, it shall be reckoned in the commission to be allowed by the court.

Return to court of list of debts.

SEC. 367. LIST OF DEBTS.—Every executor or administrator may within one year after the date of his letters, return to the probate court a list of the debts due from his decedent which may be made known to him, stating the principal and the time at which interest is to commence on each respective debt, to which list of debts shall be annexed the oath of the administrator that the same is a correct list of the debts due from his decedent so far as the said debts have come to his knowledge; and every six months thereafter until the estate may be finally settled a similar return may be made of such debts as shall come to the knowledge of the executor or administrator within that period, which list of debts shall be recorded by the register of wills, and a copy thereof, certified under the hand of the register of wills and the seal of his office, shall be prima facie evidence of the amount of debts due by the decedent in any court where the administrator alleges that he has not assets sufficient to discharge the claim in controversy or any part thereof.

—weight as evidence.

SEC. 368. Such lists shall not afford any evidence of the justice or correctness of any claim therein when controverted by the executor or administrator in any suit instituted for the recovery of such debt, nor shall the same be construed to take any debt out of the operation of any plea of limitation.

Court may decree investment of funds.

SEC. 369. INVESTMENT OF FUNDS.—Whenever, under the provisions of a will, it shall be necessary for an executor or an administrator cum testamento annexo to retain in his hands the personal estate or any part thereof after all just claims are discharged, as where money or some other thing is directed to be paid at a distant period or upon a contin-

gency, the probate court shall have the power, on the application of such executor or administrator or of a party interested, to decree or give directions in relation thereto; and it shall be the duty of said executor or administrator to apply to the said probate court, and the said court shall have full power to decree or direct what part of the personal estate shall be retained or appropriated for the purpose and in what manner it shall be disposed of, and the legacy or benefit intended by the will shall be secured to the person to be entitled at a future period or contingency, and how the necessary part of the personal estate to be appropriated for the purpose shall be prevented from lying dead or being unproductive, and how it shall be applied, agreeably to the intent of the will or the construction of law, in case the contingency shall not take place.

SEC. 370. EXECUTOR OF DECEASED EXECUTOR, AND SO FORTH.—The executor or administrator of a deceased executor or administrator who shall die before an account of his administration hath been rendered shall render an account showing the amount of the assets received and the payments made by his decedent, and the account shall, if found by the court to be correct, be admitted to record as other administration accounts.

Account of executor of deceased executor.

SEC. 371. ACCOUNTS OF DECEASED EXECUTRIX, AND SO FORTH.—The husband of an executrix or administratrix who shall die before a final account of her administration shall have been settled shall render such account, if required by the court, showing thereby the amount of money and property received and of payments and disbursements made by such executrix or administratrix, or that may have been received or paid by him, and not before accounted for with the court; and the account so rendered shall, if found by the court to be correct, be admitted to record as other administration accounts in cases where the executrix or administratrix rendered them in person; and in case of refusal of the husband to render such account, the court may proceed against him by attachment, and may commit him until he shall render such account.

—of deceased executrix, etc.

SEC. 372. LOST PROPERTY.—The probate court shall have power to make allowance to any executor, administrator, or collector for property of the decedent which hath perished or been lost without the fault of the party; and no profit shall be made and no loss sustained by an executor or administrator in the increase or decrease of the estate under his management; but he shall return an inventory and account for such increase, and may be allowed for such decrease on the settlement of the final or other account.

Allowance to executor for lost property.

—decrease, etc., of estate.

SUBCHAPTER EIGHT.

DISTRIBUTION TO NEXT OF KIN AND LEGATEES.

SEC. 373. PARTIES ENTITLED.—When the debts of an intestate, exhibited and proved or notified and not barred, shall have been discharged or settled, or allowed to be retained for as herein directed, the administrator shall proceed to make distribution of the surplus as follows:

Distribution of surplus to next of kin and legatees.

Parties entitled.

SEC. 374. If the intestate leave a widow and no child, parent, grandchild, brother, or sister, or the child of a brother or sister of the said intestate, the said widow shall be entitled to the whole.

—widow's share.

SEC. 375. If there be a widow and a child or children, or a descendant or descendants from a child, the widow shall have one-third only.

SEC. 376. If there be a widow and no child or descendants of the intestate, but the said intestate shall leave a father or mother, or brother or sister, or child of a brother or sister, the widow shall have one-half.

—exclusive of widow's share.

SEC. 377. The surplus, exclusive of the widow's share, or the whole surplus (if there be no widow), shall go as follows:

SEC. 378. If there be children and no other descendants, the surplus shall be divided equally among them.

Proviso.
—advances to child, etc.

SEC. 379. If there be a child or children and a child or children of a deceased child, the child or children of such deceased child shall take such share as his, her, or their deceased parent would, if living, be entitled to, and every other descendant or descendants in existence at the death of the intestate shall stand in the place of his, her, or their deceased ancestor: *Provided*, That if any child or descendant shall have been advanced by the intestate, by settlement or portion, the same shall be reckoned in the surplus, and, if it be equal or superior to a share, such child or descendant shall be excluded, but the widow shall have no advantage by bringing such advancement into reckoning: *And provided further*, That, if any child or descendant shall have received from the intestate any real estate by way of advancement, which shall not be equalized under the provisions of section nine hundred and fifty-nine of this code, the value of any such advancement shall be treated as personality for the purposes of this section; but maintenance or education or money or realty, given without a view to a portion or settlement in life, shall not be deemed advancement; and in all cases those in equal degree claiming in the place of an ancestor shall take equal shares.

—maintenance not deemed advancement.

Order of distribution.

SEC. 380. If there be a father and no child or descendant, the father shall have the whole; and if there be a mother and no father, child, or descendant, the mother shall have the whole.

SEC. 381. If there be a brother or sister, or child or descendant of a brother or sister, and no child, descendant, or father or mother of the intestate, the said brother, sister, or child or descendant of a brother or sister shall have the whole.

SEC. 382. Every brother and sister of the intestate shall be entitled to an equal share, and the child or children, or descendants of a brother or sister of the intestate, shall stand in the place of their deceased parents, respectively.

SEC. 383. After children, descendants, father, mother, brothers, and sisters of the deceased and their descendants, all collateral relations in equal degree shall take, and no representation among such collaterals shall be allowed; and there shall be no distinction between the whole and half blood.

SEC. 384. If there be no collaterals, a grandfather may take, and if there be two grandfathers they shall take alike; and a grandmother, in case of the death of her husband, the grandfather, shall take as he might have done.

Death before distribution.

SEC. 385. If any person entitled to distribution shall die before the same shall be made, his or her share shall go to his or her representatives.

Posthumous children.

SEC. 386. Posthumous children of intestates shall take in the same manner as if they had been born before the decease of the intestate, but no other posthumous relation shall be considered as entitled to distribution in his or her own right.

Illegitimate children.

SEC. 387. The illegitimate child or children of any female and the issue of any such illegitimate child or children shall be capable to take from their mother, or from each other, or from the descendants of each other, in like manner as if born in lawful wedlock. When an illegitimate child or children shall die leaving no descendants, or brothers or sisters, or the descendants of such brothers or sisters, then and in that case the mother of such illegitimate child or children, if living, shall be entitled as next of kin, and if the mother be dead the next of kin of the mother shall take in like manner as if such illegitimate child or children had been born in lawful wedlock.

SEC. 388. If there be no widow or relations of the intestate within the fifth degree, which shall be reckoned by counting down from the common ancestor to the more remote, the whole surplus shall belong to the District of Columbia, to be disbursed by the Commissioners of the District for the benefit of the poor.

Escheat.

SEC. 389. DISTRIBUTION OF SPECIFIC PROPERTY.—In case the surplus remaining in the administrator's hands after payment of all just debts exhibited and proved or notified and not barred, or after retaining for the same, shall consist of specific property or articles mentioned in the inventory or inventories, the administrator, if he can not satisfy the parties, may apply to the court to make distribution, and the court may appoint a day for making distribution and by summons call on the said parties to appear; and the said court may, at the appointed time, proceed to distribute. But if a majority in point of value shall neglect to appear, or appearing shall object to the distribution of the articles, or if the court shall deem a sale of the said articles or any part of them more advantageous, a sale shall be directed accordingly, and the rules herein laid down relative to a sale by order of the said court shall be observed.

Distribution of specific property.

SEC. 390. Whenever a distribution of specific articles is to be made the probate court may appoint two disinterested persons, not in any way related to the parties concerned, to make such distribution among the persons entitled as to them shall seem meet and proper; or if, in their opinion, upon a view of such articles, no distribution among the persons entitled could be by them made which would operate equally, but a sale thereof would be more advantageous to such persons, they shall return to the probate court their opinion in writing, and the court shall thereupon order a sale of such articles, upon reasonable notice, and cause the proceeds of such sale to be equally distributed among the parties entitled.

—by two disinterested persons.

—sale.

SEC. 391. PARTIAL DISTRIBUTION.—When any person entitled, after payment of debts, shall be in want of subsistence or greatly straitened in his circumstances; and shall apply to the probate court by petition, and satisfy the court that he is in want of subsistence or greatly straitened in circumstances, and that it probably will not require more than one-half of the assets to discharge the debts, the court may direct the administrator to deliver to the petitioner any part of what the court shall suppose will be his distributive share, or any part of a legacy or bequest in money not exceeding one-third part, the said petitioner giving bond, with security approved by the court, to the administrator for returning the same or an equivalent, with interest, whenever so directed by the court; and the court shall have power to determine in a summary way on any such petition, after summons against such administrator duly returned "summoned" or "non est."

Partial distribution.

SEC. 392. SPECIFIC BEQUESTS.—And the court, in like manner, on any petition by a person in such circumstances to whom a specific legacy or bequest has been made, being satisfied that the assets, exclusive of all specific legacies, will not be nearly exhausted by debts, may direct the executor or administrator with the will annexed to deliver to the petitioner the said specific legacy or bequest on his giving bond as aforesaid.

Specific bequests.

SEC. 393. BEQUEST TO FEMALE.—Where a bequest of personal property or money is made to a female and directed by the will to be paid on her attaining to full, mature, or to a lawful age, such female shall be entitled to receive and demand such personal property or money on her arriving at the age of eighteen years or being married.

Bequest to female.

SEC. 394. MEETING OF LEGATEES OR NEXT OF KIN.—Any administrator shall be entitled to appoint a meeting of persons entitled to distributive shares or legacies or a residue, on some day by the court approved, and payment or distribution may be there made under the court's direction and control.

Meeting of legatees or next of kin.

CHAPTER SIX.

ADOPTION OF CHILDREN.

Adoption of chil-
dren.

-petition.

-order, etc.

SEC. 395. Jurisdiction is hereby conferred on any judge of the supreme court of the District of Columbia to hear and determine any petition that may be presented by a person or a husband and wife residing in the District of Columbia, praying the privilege of adopting any minor child as his or her or their own child, and making such minor child an heir at law. If the judge shall find, upon the hearing of such petition, that the petitioner is a proper person to have custody of such child, and that the parent or parents or guardian of such child have given their permission for such adoption, he shall enter an order upon the records of the court legalizing such adoption and making such child an heir at law of such petitioner, the same as if such child was born to such petitioner. If the child has no parent or guardian the judge shall appoint a guardian ad litem.

CHAPTER SEVEN.

ALIENS.

Aliens.

Right to hold real
estate.Proviso.
—where secured by
treaty.

SEC. 396. REAL ESTATE.—It shall be unlawful for any person not a citizen of the United States or who has not lawfully declared his intention to become such citizen, or for any corporation not created by or under the laws of the United States or of some State or Territory of the United States, to hereafter acquire and own real estate, or any interest therein, in the District of Columbia, except such as may be acquired by inheritance: *Provided*, That the prohibition of this section shall not apply to cases in which the right to hold and dispose of lands in the United States is secured by existing treaties to the citizens or subjects of foreign countries, which rights, so far as they exist by force of any such treaties, shall continue to exist so long as such treaties are in force, and no longer, and shall not apply to the ownership of foreign legations or the ownership of residences by representatives of foreign governments or attaches thereof.

Corporations.

SEC. 397. CORPORATIONS.—No corporation or association of which more than twenty per centum of the stock is or may be owned by any person or persons, corporation or corporations, association or associations not citizens of the United States shall hereafter acquire or own any real estate hereafter acquired in the District of Columbia.

Forfeiture.

SEC. 398. FORFEITURE.—All property acquired or held or owned in violation of the provisions of this chapter shall be forfeited to the United States, and it shall be the duty of the United States attorney for the District to enforce every such forfeiture by bill in equity or other proper process. And in every such suit or proceeding that may be commenced to enforce the provisions of this chapter it shall be the duty of the court to determine the very right of the matter, without regard to matters of form, joinder of parties, multifariousness, or other matters not affecting the substantial rights either of the United States or of the other parties concerned.

CHAPTER EIGHT.

AMENDMENTS.

Amendments.

Proceedings.

SEC. 399. PROCEEDINGS.—In all actions at law the court shall have power to order and allow amendments to be made in all proceedings whatsoever, so as to have the merits of the controversy fairly tried, before the jury retire to make up their verdict, in cases of jury trial,

and at any time before judgment is entered in cases of issues of law or fact tried by the court.

SEC. 400. CONTINUANCE.—No such amendment shall entitle either party, as of course, to a postponement of the trial or to a continuance of the case to the next term of the court; but the court shall allow a postponement or continuance in case the ends of justice require it, and upon such terms as the court shall deem proper. If such amendment is ordered and a postponement or continuance is allowed after the jury have been sworn the jury shall be discharged.

Continuance.

SEC. 401. COSTS.—In all cases of amendment such costs shall be allowed the party against whom the amendment is made as the court may determine.

Costs.

CHAPTER NINE.

APPRENTICES.

Apprentices.

SEC. 402. BY WHOM BOUND.—A minor child may be bound as an apprentice by his guardian; or, if none, by his father; or, if neither father nor guardian, by his mother, with the consent, entered of record, of the probate court, or without such consent if the minor, being fourteen years of age, agree in writing to be so bound; or by the probate court as hereinafter provided.

By whom bound.

SEC. 403. TERM.—The utmost term of any apprenticeship shall be until the apprentice attains the age of twenty-one if a boy, or eighteen years if a girl.

Term.

SEC. 404. CONTRACT.—The writing by which such minor is bound as apprentice shall specify his age and what art, trade, or business he is to be taught. The master shall be bound to teach the same, and also to teach him reading, writing, and common arithmetic, and to supply him with suitable clothing and maintenance, and pay such amount, if any, as may be agreed upon for his services and expressed in the contract. The writing by which any minor is bound shall be filed in the office of the register of wills, and until it be so filed the master shall not be entitled to the services of said apprentice.

Contract.

SEC. 405. COMPLAINTS.—The probate court, during the term of any apprenticeship, may hear complaint of the apprentice, indentured child, or anyone in his behalf, against the master or person to whom indentured, for undeserved or excessive correction, want of instruction, insufficient allowance of food, clothing, or lodging, or nonpayment of what was agreed to be paid; or the complaint of the master or person to whom indentured against the apprentice or indentured child for desertion or other misconduct; and, after reasonable notice of the complaint to the party against whom it is made, may determine the matter in a summary way and discharge either party from the contract of apprenticeship, or make such order as the case may require.

Complaints.

SEC. 406. REMOVAL OF APPRENTICE.—No master of an apprentice shall send or carry his apprentice out of the District, except in the case of mariners; and the said probate court, on being credibly informed that any master designs so to remove his apprentice, may require him to give bond conditioned against such removal, and on his refusal so to do may discharge the apprentice.

Removal of apprentice.

SEC. 407. ASSIGNMENTS.—The contract of apprenticeship, with the approbation of said court, may be assigned by the master, or, after his death, by his personal representatives, on such terms as the court may prescribe.

Assignments.

SEC. 408. CONCEALMENT.—If any person shall conceal, harbor, or facilitate the running away of an apprentice, he shall be liable to an action therefor by the master, either in the said supreme court or

Concealment.

before any justice of the peace, according to the amount of damages claimed.

Form of contract.

SEC. 409. FORM OF CONTRACT.—The form of the contract of apprenticeship shall be the following, or to the same effect:

This indenture witnesseth, that it is mutually agreed between and that, a minor, aged years shall be taken and held as an apprentice for the term of years, by the said; and the said contracts and covenants with the said to faithfully and carefully instruct the said in all the handicraft of a (And the said further contracts and covenants that the said minor shall be allowed, as compensation for his services, at the rate of).

Witness our hands and seals this day of
 [Seal.]
 [Seal.]

Acknowledged before me, a notary public (or justice of the peace), this day of

A B, Notary Public.

To whom money to be paid.

SEC. 410. TO WHOM MONEY TO BE PAID.—The money which the master is to pay shall be paid to the father or other party contracting with the master, or to the minor, in whole or in part, as said probate court may direct.

Jurisdiction of probate court.

SEC. 411. JURISDICTION OF PROBATE COURT.—The probate court may bind out as an apprentice, or indenture to any proper person, any orphan child, any child abandoned by its parents or guardian, any child of habitually drunken, vicious, or unfit parents, when any such child as aforesaid shall not be in the care or custody of some person who is providing for its comfortable maintenance and education, and also any child habitually begging on the streets or from door to door, and any child kept in vicious or immoral associations. The terms of such apprenticeship or of such indenture shall be such in each case as the court may deem proper, having in view the future interests and welfare of the child.

CHAPTER TEN.

ARBITRATION AND AWARD.

Arbitration and award.

—in what cases.

SEC. 412. IN WHAT CASES.—By consent of the attorneys or solicitors on both sides, manifested by written stipulation, any common-law or admiralty or equity cause pending in the supreme court of the District of Columbia, except suits for divorce or nullity of marriage, or suits wherein the defendant to be affected by the result is an infant, idiot, or lunatic, may be referred for trial, upon the issues of law and fact therein involved, by an order of court, to some referee consented to by the parties or their counsel and named in the order.

Oath of referee.

SEC. 413. OATH OF REFEREE.—The referee, before proceeding to hear the cause, shall be sworn faithfully and fairly to try the issues and determine the questions referred to him, as the case may require, and to make a just and true award thereof.

—time for hearing.

He shall thereupon fix a time for the hearing of said cause and notify all parties thereof.

Powers of referee.

SEC. 414. POWERS.—He shall have power to administer oaths, to cause subpoenas and subpoenas duces tecum to be issued to witnesses and to compel their attendance by attachment, and to punish a witness by fine and imprisonment for contempt of court, for nonattendance, or refusal to be sworn, or to testify. He shall have the same power to adjourn from time to time, and to preserve order in the trial or hearing before him, and to punish any violation thereof, as a court in regular session.

SEC. 415. DEPOSITIONS.—In suits in equity the referee shall have power to take depositions in cases where they are now taken before an examiner in chancery, and in all suits shall receive and consider all depositions and other evidence in like manner as where the trial or hearing is by the court. He may allow amendments to process or pleadings, pass interlocutory orders, award costs, and hear and determine all questions arising in the cause, with like effect as if done by order of the court.

Depositions.

SEC. 416. AWARD, WHEN TO BE FILED.—Within sixty days after the reference is made, unless a longer time is agreed upon by both parties or allowed by the court, the referee shall file with the clerk a written award and give notice thereof to each party interested; otherwise either party may notify the adverse party, or his attorney or solicitor, that he elects to end the reference, and the cause shall proceed as if no reference had been made.

Award, when to be filed.

SEC. 417. FORM OF AWARD.—The final award of the referee shall state separately the facts found by him and his conclusions of law, and direct the judgment or decree to be entered thereupon, including a determination as to costs, and in common-law cases the finding as to the facts shall have the effect of a verdict of a jury.

Form of award.

SEC. 418. SETTING ASIDE.—On motion filed within twenty days after notice of the filing of the award to the parties or their attorneys, the court may set aside his award because of corruption or misconduct of the referee, or because he exceeded his powers or so imperfectly executed them that a final award was not made, or may modify his award in case of an evident miscalculation of figures, or if it relates to matter not submitted, or is imperfect in form.

Setting aside.

SEC. 419. JUDGMENT.—Judgment or decree, if no such motion is made, or it is overruled, or the award is only modified as aforesaid, shall thereupon be entered by the clerk as in the award directed, and shall stand as the judgment of the court.

Judgment.

SEC. 420. APPEALS IN EQUITY CAUSES.—An appeal may be taken to the court of appeals from such final decree in equity causes in like manner as from decrees rendered by the court.

Appeals in equity causes.

SEC. 421. EXCEPTIONS.—Upon the trial of issues of fact in an action at law exceptions may be taken to the rulings of the referee upon the admissibility of evidence or upon questions of law arising during the hearing; and a refusal to make a finding upon a question of fact, upon sufficient evidence in law to sustain it, or making a finding of fact without sufficient evidence in law to sustain it, shall be deemed such a ruling upon a question of law.

Exceptions.

SEC. 422. Such exceptions must be taken at the time the rulings excepted to are made, and must be reduced to writing by the exceptant, or they may be noted on the minutes of the referee and afterwards stated in a bill of exceptions, which shall be settled in the same manner as where the trial is by a jury, as directed by the rules of court, the referee exercising the same power therein as the trial justice in case of a jury trial.

—to be in writing, etc.

SEC. 423. APPEALS IN COMMON-LAW CASES.—An appeal may be taken to the court of appeals from a final judgment in a common-law case, entered upon the award of the referee, in the same manner and with like effect as from a judgment rendered by the court on the verdict of a jury.

Appeals in common law cases.

SEC. 424. RECORD.—The exceptions taken as aforesaid shall constitute a part of the record upon which an appeal from the judgment shall be heard. It shall not be necessary, however, to take exceptions to the conclusions of law appearing upon the face of the referee's award; but any error therein shall be considered on appeal as if presented in a formal bill of exceptions.

Record.

SEC. 425. FAILURE OF REFEREE TO ACT.—In case of the disability of the referee, or his failure or refusal to proceed with the reference,

Failure of referee to act.

or his misconduct, the court which passed the order of reference may rescind the same.

Fees.

SEC. 426. FEES.—The fees of the referee may be fixed by rule of court or agreement of the parties, and taxed as part of the costs of the cause.

Several referees.

SEC. 427. SEVERAL REFEREES.—The reference may be to more persons than one, provided they be an odd number of persons, in which case all must meet together and hear all the allegations and proofs of the parties; but a majority may determine all questions submitted to or arising before them.

Death of party.

SEC. 428. DEATH OF PARTY.—If the death of either party shall happen pending the trial or hearing of a cause before a referee, the reference shall be at an end. If such death shall occur after the cause is submitted to the referee for final judgment or decree, the referee shall return his award, and thereupon the representative of such decedent may appear, or be required by the adverse party to appear, as provided in chapter two, and the cause thereupon be proceeded with as if such death had not occurred.

Death of referee.

SEC. 429. DEATH OF REFEREE.—If any referee shall die before making his award, the court shall, upon the consent of the parties or their counsel, appoint a referee, who shall have the same power to act as if originally appointed by mutual consent of the parties.

Common-law references.

SEC. 430. COMMON-LAW REFERENCES.—Nothing herein contained shall prevent the court from referring a cause to an arbitrator, subject to the ratification of his award by the court, according to the course of the common law and the former practice of the court.

CHAPTER ELEVEN.

ASSIGNMENT OF CHOSSES IN ACTION.

Assignment of choses in action.

Judgments.

SEC. 431. JUDGMENTS.—A judgment or money decree may be assigned in writing, and upon the assignment thereof being filed in the clerk's office the assignee may maintain an action or sue out a scire facias or execution on said judgment in his own name, as the original plaintiff might have done.

Bonds.

SEC. 432. BONDS.—Any bond or obligation under seal for the payment of money may be assigned under the name and seal of the obligee therein named, and the assignee may maintain an action thereon in his own name.

Nonnegotiable contracts.

SEC. 433. NONNEGOTIABLE CONTRACTS.—All nonnegotiable written agreements for the payment of money, including nonnegotiable bills of exchange and promissory notes, or for the delivery of personal property, all open accounts, debts, and demands of a liquidated character, except claims against the United States or the salaries of public officers, may be assigned in writing, so as to vest in the assignee a right to sue for the same in his own name.

General assignments.

SEC. 434. GENERAL ASSIGNMENTS.—In case of a general assignment which shall include choses in action, it shall not be necessary to execute a separate assignment of each chose in action, but the assignee shall be entitled, by virtue of the general assignment, to sue in his own name on the several choses in action included therein.

CHAPTER TWELVE.

ASSIGNMENT OF INSOLVENT DEBTORS.

Assignment of insolvent debtors.

Inventory.

SEC. 435. INVENTORY.—In all cases of voluntary assignments hereafter made in the District of Columbia for the benefit of creditors, the debtor shall annex to such assignment an inventory, under oath or affirmation, of his estate, real and personal, according to the best of

his knowledge, and also a list of his creditors, their respective residences and places of business, if known, and the amounts of their respective demands; but such inventory shall not be conclusive as to the amount of the debtor's estate, and such assignment shall vest in the assignee the title to any other property, except what is legally exempt, belonging to the debtor at the time of making the assignment and comprehended within the general terms of the same.

SEC. 436. The assignee in every such assignment shall be a resident of the District of Columbia, his assent shall appear in writing in, or at the end of, or indorsed on, the assignment, and the assignment shall be invalid unless duly acknowledged and recorded within five days after its execution in the land records of the said District. The trust created by such assignment shall be executed under the supervision and control of the supreme court of the District of Columbia.

Assignee's residence, etc.; assignment to be acknowledged.

SEC. 437. BOND OF ASSIGNEE.—Immediately upon the filing of such assignment for record it shall be the duty of the assignee to execute and file in the clerk's office of the supreme court of the District his bond to the United States, in an amount and with security to be approved by the justice holding the equity court, conditioned for the faithful performance of his duties according to law, and said court may from time to time require said assignee, or any trustee appointed in his place, to give additional security whenever the interests of the creditors demand the same.

Bond of assignee.

SEC. 438. APPOINTMENT BY COURT.—If the assignee named in any such assignment shall fail or refuse to comply with any of the requirements aforesaid, the justice holding the equity court may, on the application of the assignor or any creditor interested in such assignment, remove said assignee and appoint a trustee in his place to execute the trusts created by said assignment, who shall give bond as the court may require. And said court shall have power to accept the resignation of any assignee or trustee, and in case of his resignation, death, or removal from the District to appoint a trustee in his place. The court shall also have power, for cause shown, on the application of any surety, creditor, or other person interested, to remove any assignee or trustee and appoint a trustee in his place, and to make and enforce all orders necessary to put the newly appointed trustee in possession of all property, moneys, books, papers, and other effects covered by the assignment. And in case of the death of any assignee or trustee the court may require his executor or administrator to settle the account of said assignee or trustee and to deliver over to his successor all property and other effects belonging to the trust, in default of which said successor may bring suit upon the bond of said deceased assignee or trustee.

Removal, etc., of assignee and appointment of trustee by court.

SEC. 439. DUTIES OF ASSIGNEE.—It shall be the duty of the assignee or trustee, after giving bond as aforesaid, to collect and take into his possession all the property and effects covered by the assignment, and to that end he may bring suit in his own name to recover debts due or property belonging to the assignor and embraced in the assignment. And the court may require the assignor to be examined under oath touching his said property, and may pass all orders necessary to prevent any fraudulent transfer of or change in the property of the assignor. The said assignee or trustee shall return inventories of the assets coming to his hands and, under the direction of the court, sell and dispose of the same, and his conveyance of any property of the assignor, real or personal, shall transfer the entire title of the assignor therein to any purchaser. When the assets have been converted into money the said assignee or trustee shall settle his accounts and make distribution among the creditors, under the direction of the court, according to the usual course of proceeding in equity in creditor's suits.

Duties of assignee.

Preferences to be void.

SEC. 440. PREFERENCES TO BE VOID.—Every provision in any voluntary assignment hereafter made for the payment of one debt or liability in preference to another shall be void, and all debts and liabilities within the provisions of the assignment shall be paid pro rata from the assets: *Provided*, That nothing herein contained shall be held to affect the priority of liens and incumbrances created bona fide and existing before the execution of such assignment.

proviso.
—liens, etc., existing before assignment unaffected.

Creditors to be equal.

SEC. 441. CREDITORS TO BE EQUAL.—Any proceeding instituted under this law by one or more creditors shall be deemed to be for the equal benefit of all creditors, but the court may make such allowance to the creditor or creditors instituting the same, out of the fund to be distributed, for expenses, including counsel fees, as may be just and equitable.

Fraudulent assignments.

SEC. 442. FRAUDULENT ASSIGNMENTS.—Nothing herein contained shall prevent any creditor otherwise entitled from attacking any assignment as made to hinder, delay, or defraud the creditors of the assignor, and whenever any such assignment shall appear to the court to have been made with such intent, the court may enjoin any proceeding thereunder, and upon finally decreeing the same to be void may appoint a trustee with power to take possession of all the effects of the debtor and may pass and enforce all orders necessary to put him in possession of the same, and said trustee shall qualify in the same manner and perform the same duties as the trustee provided for in the foregoing sections.

Notices to creditors.

SEC. 443. NOTICES TO CREDITORS.—In all cases of assignment the court shall require the trustee or trustees, whether named in the assignment or appointed by the court, in pursuance of the sections aforesaid, to give notice as the court may think proper to all the creditors of the assignor to produce and prove their respective claims against the assignor before the auditor of the court, to the end that they may be fairly adjudicated and the said creditors may share equally the assets of the insolvent assignor, subject, however, to any legal priorities created by valid incumbrances antedating the assignment.

Exempt property not to be included.

SEC. 444. EXEMPT PROPERTY NOT TO BE INCLUDED.—No assignment for the benefit of creditors shall be construed to include or cover any property exempt from levy or sale on execution unless the exemption is expressly waived; and the court may direct the manner in which exempt property may be ascertained and set aside before any sale by the trustee or trustees.

CHAPTER THIRTEEN.

ATTACHMENTS.

Attachments.

Filing of affidavit in causes.

SEC. 445. CAUSES.—In any action at law in the supreme court of the District for the recovery of specific personal property, or a debt, or damages for the breach of a contract, expressed or implied, if the plaintiff, his agent or attorney, either at the commencement of the action or pending the same, shall file an affidavit, supported by the testimony of one or more witnesses, showing the grounds of his claim and setting forth that the plaintiff has a just right to recover what is claimed in his declaration, and where the action is to recover specific personal property stating the nature and, according to affiant's belief, the value of such property and the probable amount of damages to which the plaintiff is entitled for the detention thereof, and where the action is to recover a debt stating the amount thereof, and where the action is to recover damages for the breach of a contract setting out, specifically and in detail, the breach complained of and the actual damage resulting therefrom, and also stating either, first, that the defendant is a foreign corporation or is not a resident of the District, or has been absent therefrom for at least six months, and has estate or debts owing to said defendant in said District; or, second, that the defend-

—contents of.

ant evades the service of ordinary process by concealing himself or temporarily withdrawing himself from the District; or, third, that he has removed or is about to remove some or all of his property from the District, so as to defeat just demands against him; or, fourth, that he has assigned, conveyed, disposed of, or secreted, or is about to assign, convey, dispose of, or secrete his property with intent to hinder, delay, or defraud his creditors; or, fifth, that the defendant fraudulently contracted the debt or incurred the obligation respecting which the action is brought, the clerk shall issue a writ of attachment and garnishment, to be levied upon so much of the lands, tenements, goods, chattels, and credits of the defendant as may be necessary to satisfy the claim of the plaintiff: *Provided*, That the plaintiff shall first file in the clerk's office a bond, executed by himself or his agent, with security to be approved by the clerk, in twice the amount of his claim, conditioned to make good to the defendant all costs and damages which he may sustain by reason of the wrongful suing out of the attachment.

—issue of writ.

Provided,
—plaintiff to file bond

SEC. 446. SERVICE.—Every such writ shall require the marshal to serve a notice on the defendant, if he be found in the District, and on any person in whose possession any property or credits of the defendant may be attached, to appear in said court on or before the twentieth day, exclusive of Sundays and legal holidays, after service of such notice, and show cause, if any there be, why the property so attached should not be condemned and execution thereof had; and the marshal's return shall show the fact of such service. If the defendant is returned "Not to be found," such notice shall be given by publication to the following effect, namely:

Service of notice.

Notice by publica-
tion.

In the supreme court of the District of Columbia.

A B, plaintiff,	} At law. Numbered —.
versus	
C D, defendant.	

The object of this suit is to recover (here state it briefly) and to have judgment of condemnation of certain property of the defendant levied on under an attachment issued in this suit to satisfy the plaintiff's claim.

It is, therefore, this day of, ordered that the defendant appear in this court on or before the fortieth day, exclusive of Sundays and legal holidays, after the day of the first publication of this order, to defend this suit and show cause why said condemnation should not be had; otherwise the suit will be proceeded with as in case of default.

By the court:

_____, Justice.

And every such order shall be published at least once a week for three successive weeks or oftener, or for such further time and in such manner as may be ordered by the court.

SEC. 447. INTERROGATORIES.—In all cases of attachment the plaintiff may exhibit interrogatories in writing in such form as may be allowed by the rules or special order of the court, to be served on any garnishee, concerning any property of the defendant in his possession or charge, or any indebtedness of his to the defendant at the time of the service of the attachment, or between the time of such service and the filing of his answers to said interrogatories; and the garnishee shall file his answers under oath to such interrogatories within ten days after service of the same upon him. In addition to the answers to written interrogatories required of him, the garnishee may, on motion, be required to appear in court and be examined orally under oath touching any property or credits of the defendant in his hands.

Interrogatories.

SEC. 448. ADDITIONAL ATTACHMENTS.—Upon the application of the plaintiff, his agent, or attorney, other attachments founded on the original affidavits may be issued from time to time, to be directed, executed, and returned in the same manner as the original, and with-

Additional attach-
ments.

out further publication, against a nonresident or absent defendant, and without additional bond, unless required by the court.

Sufficiency of bond.

SEC. 449. SUFFICIENCY OF BOND.—In case the defendant or any other person interested in the proceedings is not satisfied with the sufficiency of the surety or sureties or with the amount of the penalty named in the bond aforesaid, he may apply to the court for an order requiring the plaintiff to give an additional bond in such sum and with such security as may be approved by the court; and in case of the plaintiff's failure to comply with any such order the court may order the attachment to be quashed and any property attached or its proceeds to be returned to the defendant or otherwise disposed of, as to the court may seem proper.

Action for debts not due.

SEC. 450. DEBTS NOT DUE.—A creditor may maintain an action and have an attachment against his debtor's property and credits, as aforesaid, where his debt is not yet due and payable, provided the plaintiff, his agent, or attorney shall file in the clerk's office, at the commencement of the action, an affidavit, supported by the testimony of one or more witnesses, as to the amount and justice of the claim and the time when it will be payable, and also setting forth that the defendant has removed or is removing or intends to remove a material part of his property from the District with the intent or to the effect of defeating just claims against him should only the ordinary process of law be used to obtain judgment against him, and shall also comply with the condition as to filing a bond prescribed by section four hundred and forty-five aforesaid. The plaintiff in such case shall not have judgment before his claim becomes due; and in case the attachment is quashed the action shall be dismissed, but without prejudice to a future action.

—filing, etc., of affidavit.

Traversing affidavits.

SEC. 451. TRAVERSING AFFIDAVITS.—If the defendant in any case shall file affidavits traversing the affidavits filed by the plaintiff the court shall determine whether the facts set forth in the plaintiff's affidavits as ground for issuing the attachment are true, and whether there was just ground for issuing the attachment; and if, in the opinion of the court, the proofs do not sustain the affidavit of the plaintiff, his agent, or attorney the court shall quash the writ of attachment; and this issue may be tried by the court or a judge at chambers after three days notice. The said issue may be tried as well upon oral testimony as upon affidavits, and, if the court shall deem it expedient, a jury may be impaneled to try the issue.

On what levied.

SEC. 452. ON WHAT LEVIED.—The attachment may be levied on the lands and tenements, whether leasehold or freehold, and personal chattels of the defendant not exempt by law, whether in the defendant's or a third person's possession, and whether said defendant's title to said property be legal or equitable, and upon his credits in the hands of a third person, whether due and payable or not, and upon his undivided interest in a partnership business. Every attachment shall be a lien on the property attached from the date of its delivery to the marshal, and if different persons obtain attachments against the same defendant the priorities of the liens of said attachments shall be according to the dates when they were so delivered to the marshal.

How levied on lands.

SEC. 453. HOW LEVIED.—The attachment shall be sufficiently levied on the lands and tenements of the defendant by said property being mentioned and described in an indorsement on said attachment, made by the officer to whom it is delivered for service, to the following effect, namely:

Levied on the following estate of the defendant, A B, to wit: (Here describe) this day of

C D, Marshal.

And by service of a copy of said attachment, with said indorsement, and the notice required by section four hundred and forty-six aforesaid on the person, if any, in possession of said property.

SEC. 454. The attachment shall be levied upon personal chattels by the officer taking the same into his possession and custody, unless the defendant shall give to the officer his undertaking, to be filed in the cause, with sufficient security, to the following effect, namely:

—on personal chattels.
—unless defendant shall give bond.
—form of.

A B, plaintiff, }
versus } At law. Numbered —.
C D, defendant. }

The defendant and, his surety, in consideration of the discharge from the custody of the marshal of the property seized by him, upon the attachment sued out against the defendant, on the . . . day of, anno Domini nineteen hundred, in the above entitled cause, appear, and submitting to the jurisdiction of the court, hereby undertake, for themselves and each of them, their and each of their heirs, executors, and administrators, to abide by and perform the judgment of the court in the premises in relation to said property, which judgment may be rendered against all the parties whose names are hereto signed.

(Signed)

C D. [SEAL.]
E F. [SEAL.]

Or unless the person in whose possession the property is attached shall give to the officer, to be filed in the cause, an undertaking in the following form or to the same effect, namely:

—or person in whose possession the property is attached.
—form of.

A B, plaintiff, }
versus } At law. Numbered —.
C D, defendant. }

Whereas by virtue of an attachment issued in the above-entitled suit, the United States marshal for the District of Columbia has attached certain property in the hands of the undersigned E F, as garnishee, namely, (here describe) of the value of dollars; and now, therefore, the said E F and G H, as surety, appearing in said suit, and submitting to the jurisdiction of the court, hereby undertake for themselves and each of them, their and each of their heirs, executors, and administrators to abide by the judgment of the court in relation to said property, and that if the same shall be condemned to satisfy the claim of the plaintiff, judgment may be rendered against all of the undersigned for the value of said property and costs, to be executed against them, and each of them, unless said property shall be forthcoming to satisfy the judgment of condemnation.

(Signed)

E F. [SEAL.]
G H. [SEAL.]

And in either of said cases the attachment shall be sufficiently levied by the taking of the undertaking, as above provided for; and in the latter case the recital of the undertaking shall contain a sufficient description of the property and its value, which value shall be ascertained by an appraisement to be made under direction of the officer and returned with the writ.

SEC. 455. RELEASES.—Either the defendant or the person in whose possession the property was may obtain a release of the same from the attachment, after it has been taken into the custody of the marshal and the writ has been returned, by giving the undertaking required of him as aforesaid, with security to be approved by the court.

Releases.
—bond required.

The plaintiff may except to the sufficiency of any undertaking accepted as aforesaid by the marshal and, if the exceptions be sustained, the court shall rule the marshal to file a new undertaking, with sufficient surety, by a day to be named, in default of which he shall be liable to the plaintiff, on his official bond, for any loss sustained by the plaintiff through such default.

—exception to sufficiency of, etc.

If the property attached be delivered to the defendant upon his executing an undertaking as aforesaid, and judgment in the action shall

be rendered in favor of the plaintiff, it shall be a joint judgment against both the defendant and his surety or sureties in said undertaking for the appraised value of the property.

Levy on credits in hands of garnishee, etc.

SEC. 456. The attachment shall be levied on credits of the defendant, in the hands of a garnishee, by serving the latter with a copy of the writ of attachment and of the interrogatories accompanying the same, and a notice that any property or credits of the defendant in his hands are seized by virtue of the attachment, besides the notice required by section four hundred and forty-six aforesaid; and the undivided interest of the defendant in a partnership business shall be levied on by a similar service on the defendant's partner or partners.

—on debts owing to defendant on judgment, etc.

SEC. 457. The attachment may be levied upon debts owing by any person to the defendant upon judgment or decree by a similar service upon such party as in the preceding section directed; but execution may issue for the enforcement of such judgment or decree, notwithstanding the attachment, provided that the money collected upon the same be required to be paid into court to abide the event of the proceedings in attachment and applied as the court may direct.

—on property in hands of marshal, etc.

It may also be levied upon money or property of the defendant in the hands of the marshal or coroner, and shall bind the same from the time of service, and shall be a legal excuse to the officer for not paying or delivering the same, as he would otherwise be bound to do.

SEC. 458. SALE OF PROPERTY.—The court may make all orders necessary for the preservation of the property attached during the pendency of the suit; and if the property be perishable, or for other reasons a sale of the same shall appear expedient, the court may order that the same be sold and its proceeds paid into court and held subject to its order on the final decision of the case.

Receiver.

And if it shall seem expedient, the court may appoint a receiver to take possession of the property, who shall give bond for the due performance of his duties, and, under the direction of the court, shall have the same powers and perform the same duties as a receiver appointed according to the practice in equity.

Pleas by garnishee.

SEC. 459. PLEAS BY GARNISHEE.—A garnishee in any attachment may plead any plea or pleas which the defendant might or could plead if he had appeared to the suit.

Who may defend.

SEC. 460. WHO MAY DEFEND.—And defendant, any garnishee, any party to a forthcoming undertaking or the officer who might be adjudged liable to the plaintiff by reason of such undertaking being adjudged insufficient, or any stranger to the suit who may make claim, as hereinafter provided, to the property attached, may plead to the attachment; and such pleas shall be considered as raising an issue without replication, and any issue of fact thereby made may be tried by the court or by a jury impaneled for the purpose, if either party desires it.

Traverse of answers of garnishee.

SEC. 461. TRAVERSE OF ANSWERS OF GARNISHEE.—If any garnishee shall answer to interrogatories that he has no property or credits of the defendant, or less than the amount of the plaintiff's claim, the plaintiff may traverse such answer as to the existence or amount of such property or credits, and the issue thereby made may be tried as provided in the preceding section; and in all such cases where judgment shall be entered for the garnishee the plaintiff shall be adjudged to pay to the garnishee, in addition to the taxed costs, a reasonable counsel fee. And if such issue be found for the plaintiff, judgment shall be rendered as if possession of the property or credits had been confessed by the garnishee.

Claimants.

SEC. 462. CLAIMANTS.—Any person may file his petition in the cause, under oath, at any time before the final disposition of the property attached or its proceeds, except where it is real estate, setting forth a claim thereto or an interest in or lien upon the same, acquired before

the levy of the attachment; and the court, without other pleading, shall inquire into the claim, and, if either party shall request it, impanel a jury for the purpose, who shall be sworn to try the question involved as an issue between the claimant as plaintiff, and the parties to the suit as defendants, and the court may make all such orders as may be necessary to protect any rights of the petitioner.

SEC. 463. JUDGMENTS.—If the defendant in the action has been served with process, final judgment shall not be rendered against the garnishee until the action against the defendant is determined. If in such action judgment is rendered for the defendant, the garnishee shall be discharged and shall recover his costs, and the property attached or its proceeds shall be restored to the garnishee or to the defendant, as the case may require.

Judgments.

SEC. 464. If in such action judgment is rendered in favor of the plaintiff against the defendant, and it shall appear that the plaintiff is entitled to a judgment of condemnation of the property attached, the court shall proceed to enter such judgment in the attachment as in the following sections directed.

Where plaintiff entitled to judgment of condemnation.

SEC. 465. If the action be to replevy specific personal property and the same has not been replevied, other property may be attached in said action to recover damages and costs, and if the same be adjudged, the proceedings shall be the same as herein provided in other cases of money claims.

—action to replevy specific personal property, etc.

SEC. 466. If, in any form of action, specific property has been attached and remains under the control of court, judgment of condemnation of the same shall be entered, and so much thereof as may be necessary to satisfy the demand of the plaintiff shall be sold under fieri facias; or if the said property shall have been sold under interlocutory order of the court, the proceeds, or so much thereof as may be necessary, shall be applied to the plaintiff's claim by order of the court.

—where specific property has been attached and remains under the control of court, etc.

If the property attached be an undivided interest in a partnership business, judgment of condemnation thereof shall be entered and the same shall be sold in the same manner as last aforesaid.

—where property attached be an undivided interest in a partnership business.

SEC. 467. If a garnishee shall have admitted credits in his hands, in answer to interrogatories served upon him, or the same shall have been found upon an issue made as aforesaid, judgment shall be entered against him for the amount of credits admitted or found as aforesaid, not exceeding the plaintiff's claim, less a reasonable attorney's fee to be fixed by the court, and costs, and execution had thereon; but if said credits shall not be immediately due and payable, execution shall be stayed until the same shall become due; and if the garnishee shall have failed to answer the interrogatories served on him, or to appear and show cause why a judgment of condemnation should not be entered, judgment shall be entered against him for the whole amount of the plaintiff's claim, and costs, and execution had thereon.

—admitted credits in hands of garnishee, etc.

SEC. 468. If the property attached has been delivered to or retained by a garnishee, upon his executing an undertaking as provided in section four hundred and fifty-four, judgment of condemnation of said property shall be rendered, as provided in section four hundred and sixty-six, and judgment shall also be entered that the plaintiff recover from the garnishee and his surety or sureties the value of said property, not exceeding the plaintiff's claim, said judgment to be entered satisfied if said property be forthcoming and delivered to the marshal, undiminished in value, within ten days after said judgment; otherwise, execution thereof to be had against said garnishee and his surety or sureties; and if said property shall be so delivered to the marshal the same shall be sold by him under fieri facias to satisfy said judgment of condemnation.

Property retained, etc., by garnishee, judgment on executing bond, etc.

SEC. 469. JUDGMENT TO PROTECT GARNISHEE.—Any judgment of condemnation against a garnishee, and execution thereon, or payment

Judgment to protect garnishee.

by such garnishee in obedience to the judgment or any order of the court, shall be a sufficient plea in bar in any action brought against him by the defendant in the suit in which the attachment is issued, for or concerning the property or credits so condemned.

Fraudulent assignments.

SEC. 470. FRAUDULENT ASSIGNMENTS.—If the ground upon which an attachment is applied for be that the defendant has assigned, conveyed, or disposed of his property with intent to hinder, delay, or defraud his creditors, the attachment may be levied upon the property alleged to be so assigned or conveyed in the hands of the alleged fraudulent assignee or transferee, as a garnishee.

—attachment of property assigned in hands of garnishee, etc.

—rights of said garnishee, etc.

SEC. 471. The said garnishee may have the same benefit of section four hundred and fifty-one aforesaid as the defendant in the action; and if the court shall be of opinion, upon the hearing of the affidavits filed, that the attachment ought not to have issued or to have been levied on the property claimed by said garnishee, the said attachment may be quashed as to the said garnishee and the said levy set aside.

—pleas of, etc.

SEC. 472. If the said levy shall not be so set aside, the said garnishee may plead that he was a bona fide purchaser from the defendant for value without notice of any fraud on the part of said defendant, and such plea shall be held to make an issue, without any further pleading in reply thereto; and said issue may be tried as directed in section four hundred and sixty aforesaid.

—judgment for.

SEC. 473. If said issue is found in favor of the said garnishee, judgment shall be rendered in his favor for his costs and a reasonable counsel fee. If said issue be found against such garnishee, but judgment in the action is rendered in favor of the defendant, the said attachment shall be dissolved, and said garnishee shall recover his costs.

—against.

SEC. 474. If the said issue is found against said garnishee and judgment in the action is rendered in favor of the plaintiff against the defendant, or the defendant, not being found, has failed to appear in obedience to the order of publication against him, if it shall appear upon the verdict of a jury that the claim of the plaintiff against said defendant is well founded, a judgment of condemnation of the property attached shall be rendered, as directed in section four hundred and sixty-four aforesaid.

Trial of issues.

SEC. 475. TRIAL OF ISSUES.—All issues raised by pleas to the attachment, in any case, may be tried at the same time as the issues raised by the pleadings in the action, or separately, as the convenience of the court may require.

Act not to prevent bill of equity.

SEC. 476. THIS ACT NOT TO PREVENT BILL IN EQUITY.—Nothing herein contained shall be construed as depriving a judgment creditor of the right to file a bill in equity to enforce his judgment against an equitable interest in real or personal estate of the judgment defendant, or to have a conveyance of the real or personal estate by said defendant, made with intent to hinder, delay, and defraud his creditors, set aside.

Attachment dockets.

SEC. 477. ATTACHMENT DOCKETS.—The clerk of said court shall keep an attachment docket, in which, as well as in the regular docket, shall be entered all attachments levied upon real estate, with a description, in brief, of the real estate so levied upon; and said attachments shall be indexed in the names of the defendant and of any person in whose possession said property may have been levied upon.

CHAPTER FOURTEEN.

BONDS AND UNDERTAKINGS.

Bonds.

SEC. 478. BONDS.—A bond, when required or referred to, in the provisions of this code, shall be understood to signify an obligation in a certain sum or penalty, subject to a condition, on breach of which it is to become absolute and to be enforceable by action.

SEC. 479. UNDERTAKINGS.—An undertaking shall be understood to signify an agreement entered into by a party to a suit or proceeding, with or without sureties, upon which a judgment or decree may be rendered in the same suit or proceeding against said party and his sureties, if any, the said party and sureties submitting themselves to the jurisdiction of the court for that purpose.

Undertakings.

SEC. 480. ACTIONS ON BONDS.—A bond in a penal sum, containing a condition that it shall be void on the payment of a certain sum of money, or the performance of an act, or of certain duties, shall have the same effect for the purpose of maintaining an action upon it as if it contained a covenant to pay the money or perform the act or the duties specified in the condition. But the damages to be recovered for a breach, or successive breaches, of the condition, as against the sureties therein, shall not exceed the penalty of the bond.

Actions on bonds.

SEC. 481. BOND TO UNITED STATES BY OFFICERS.—Whenever a bond is executed to the United States by any fiduciary or public officer, conditioned for the performance of certain duties, in the performance of which private persons are interested, any such persons, aggrieved by a breach of such condition, shall be entitled to maintain an action thereon in his own name against the obligor and his sureties to recover damages for the injury suffered by him in consequence of such breach; and it shall be the duty of the custodian of such bond to furnish a certified copy thereof to said party for the purpose aforesaid on payment of the legal fees therefor.

Bond to United States by officers.

SEC. 482. BONDS OF TRUSTEES.—If any person appointed by order or decree of the court to the office of trustee or to any other fiduciary office shall give bond, with surety or sureties, for the due performance of his duties, he shall not be allowed to discharge said bond by receipts, releases, or acquittances from himself, as attorney for parties interested, to himself as such trustee or other fiduciary; but the funds or estate for the due application whereof he is responsible shall be considered as remaining in his hands, and said bond shall continue in force as against both principal and sureties until said funds or estate shall be fully accounted for and paid over or delivered to the parties interested therein, or their attorney, other than said trustee or other fiduciary duly authorized to receive the same.

Bonds of trustees.

CHAPTER FIFTEEN.

CONDEMNATION OF LAND FOR PUBLIC USE.

Condemnation of land for public use.

SEC. 483. LAND FOR UNITED STATES AND DISTRICT OF COLUMBIA.—Whenever land in the District is needed for the use of the United States, or by the Commissioners of the District for sites of schoolhouses, fire or police stations, or for a right of way for sewers, or for any other municipal use authorized by Congress, and the same can not be acquired by purchase from the owners thereof at a price satisfactory to the officers of the Government authorized to negotiate for the same, application may be made to the supreme court of the District by petition in the name of the United States or of said Commissioners, as the case may be, for the condemnation of said land or said right of way and the ascertainment of its value.

Land for United States and District of Columbia.

SEC. 484. PETITION, WHAT TO SHOW.—Such petition shall contain a particular description of the property selected, with the names of the owners thereof and their residences, so far as the same may be ascertained, together with a plan of the land to be taken.

Petition, what to show.

SEC. 485. CITATION TO OWNERS.—The said court, holding a district court of the United States, shall thereupon cite all the owners and other persons interested to appear in said court, at a time to be fixed by the court, to answer said petition; and if it shall appear to the court that there are any owners or other persons interested who are

Citation to owners.

under disability, the court shall give public notice of the time at which it will proceed with the matter of condemnation; and at such time, if it shall appear that there are any persons under disability who have appeared or who have not appeared, the court shall appoint a guardian ad litem for each such person, and shall thereupon proceed to appoint three capable and disinterested commissioners to appraise the value of the respective interests of all persons concerned in such lands, under such regulations as to notice and hearing as shall seem meet.

Condemnation and
payment.

SEC. 486. CONDEMNATION AND PAYMENT.—Such commissioners shall thereupon, after being duly sworn for the proper performance of their duties, examine the premises and hear the persons in interest, who may appear before them, and return their appraisement of the value of the interests of all persons, respectively, in such land; and when such report, or the verdict of the jury hereinafter provided for, shall be confirmed by the court, the President of the United States, in cases of condemnation for the use of the United States, shall, if he thinks the public interest requires it, cause payment to be made out of the money appropriated by Congress therefor to the respective persons entitled, according to the judgment of the court; and in case any of such persons are under disability or can not be found, or neglect to receive the payment, the money to be paid to any of them shall be deposited in the Treasury to their credit, unless there be some person lawfully authorized to receive the same under the direction of the court; and when such payments are so made, or the amounts belonging to persons to whom payment shall not be made are so deposited, the said lands shall be deemed to be condemned and taken by the United States for the public use.

Jury.

SEC. 487. JURY.—If any of the parties interested, or the guardian ad litem appointed for any such person who may be under a disability, shall be dissatisfied with the appraisement of the commissioners, the marshal shall be directed to summon a jury of seven disinterested men, not related to anyone interested, to meet and view the premises, giving the parties interested at least six days' notice of the time and place of meeting.

Oath of.

SEC. 488. BENEFITS.—The marshal shall summon the jury and administer an oath to them that they will, without favor or partiality to anyone, to the best of their judgment, decide what damage each owner will sustain by reason of the taking of his land for any of the objects aforesaid. In making their decision, the jury shall take into consideration, whenever a part only is taken, the benefit to the remainder of the tract, and shall give their verdict accordingly.

Benefits.

Verdict.

SEC. 489. The jury having been upon the premises and, after hearing the parties, having assessed the damages, shall make out a written verdict, to be signed by them, or a majority of them and attested by the marshal, who shall return the same to the court, where it shall be recorded. The verdict of the jury may be excepted to by any party interested, and may be set aside by the court for good reasons, and a new jury directed to be summoned.

Payment.

SEC. 490. If the finding of the commissioners to appraise should not be objected to by the parties interested, and, in cases of condemnation for the use of the District, the Commissioners of the District are satisfied therewith, or if the verdict of the jury is confirmed by the court and is satisfactory to the Commissioners of the District the said Commissioners shall pay the amount awarded by the jury out of the appropriation made therefor, or deposit the same in the same manner as directed in section four hundred and eighty-six, aforesaid, and thereupon the land condemned shall become and be the property of the District.

Optional with Com-
missioners to accept
verdict, etc.

SEC. 491. It shall be optional with the Commissioners to abide by the verdict of the jury and occupy the land appraised by them, or abandon the same, without being liable to damage therefor.

CHAPTER SIXTEEN

CONVEYANCING.

Conveyancing.

SUBCHAPTER ONE.

ABSOLUTE DEEDS OF REAL PROPERTY.

Absolute deeds of real property.

SEC. 492. ESTATES.—No estate of inheritance, or for life, or for a longer term than one year, in any real property, corporeal or incorporeal, in the District of Columbia, or any declaration or limitation of uses in the same, for any of the estates mentioned, shall be created or take effect, except by deed signed and sealed by the grantor, lessor, or declarant, and acknowledged in the manner herein provided.

Estates.

SEC. 493. ACKNOWLEDGMENT.—Such acknowledgment may be made in the District of Columbia before any judge of any of the courts of said District, the clerk of the supreme court of the District, or any justice of the peace or notary public, or the recorder of deeds of said District, and the certificate of the officer taking the acknowledgment shall be to the following effect:

Acknowledgment.

I, A B, a justice of the peace (or other officer authorized) in and for the District of Columbia, do hereby certify that C D, party to a certain deed bearing date on the ---- day of -----, and hereto annexed, personally appeared before me in said District, the said C D being personally well known to me as (or proved by the oath of credible witnesses to be) the person who executed the said deed, and acknowledged the same to be his act and deed.

Given under my hand and seal this ---- day of -----

A B. [Seal.]

SEC. 494. RELEASE OF DOWER.—If the wife of the party executing said deed, being not less than eighteen years of age, shall desire to release her right of dower in the property conveyed, she shall unite in the deed with her husband and sign, seal, and acknowledge the same in the same manner as her husband, and the officer taking her acknowledgment shall add to the above form of certificate a further certificate to the following effect, namely:

Release of dower.

And at the same time personally appeared before me, in said District, E F, the wife of said C D, personally well known to me (or proved by the oath of credible witnesses) to be such, and acknowledged the same to be her act and deed.

Such wife, however, may release her right of dower by her separate deed, when the releasee claims or derives title from, by, through, or under her husband.

SEC. 495. ACKNOWLEDGMENT OUT OF DISTRICT.—When any deed or contract under seal relating to land is to be acknowledged out of the District of Columbia, but within the United States, the acknowledgment may be made before any judge of a court of record and of law, or any chancellor of a State, any judge or justice of the Supreme, circuit, or Territorial courts of the United States, any justice of the peace or notary public: *Provided*, That the certificate of acknowledgment aforesaid, made by any officer of a State or Territory, shall be accompanied by a certificate of the register, clerk, or other public officer having official cognizance of the fact that the officer taking said acknowledgment was in fact the officer he professed to be: *Provided, further*, That a certificate by any such register, clerk, or other public officer, in the form prescribed by the laws of the State or Territory in which such certificate is made or customarily used therein, shall be a sufficient certificate for the purposes of this section.

Acknowledgment out of District but within the United States.

Provisos. Certificate of acknowledgment.

—what sufficient certificate.

Acknowledgment in
a foreign country.
R. S., sec. 1674, p. 293.

SEC. 496. Deeds made in a foreign country may be acknowledged before any judge or notary public, or before any secretary of legation or vice-consul-general of the United States, or consular officer of the United States as such consular officer is described in section sixteen hundred and seventy-four of the Revised Statutes of the United States; and when the acknowledgment is made before any other officer than a secretary of legation or consular officer of the United States the official character of the person taking the acknowledgment shall be certified in the manner prescribed in the last preceding section.

Deeds of corporations.

SEC. 497. DEEDS OF CORPORATIONS.—The deed of a corporation shall be executed by having the seal of the corporation attached and being signed with the name of the corporation, by its president or chief officer, and shall be acknowledged as the deed of the corporation by an attorney appointed for that purpose, by a power of attorney embodied in the deed or by one separate therefrom, under the corporate seal, to be annexed to and recorded with the deed.

Acknowledgment by attorney.

SEC. 498. ACKNOWLEDGMENT BY ATTORNEY.—No deeds of conveyance of either real or personal estate by individuals shall be executed or acknowledged by attorney.

When deeds to take effect.

SEC. 499. WHEN DEEDS TO TAKE EFFECT.—Any deed conveying real property in the District, or interest therein, or declaring or limiting any use or trust thereof, executed and acknowledged and certified as aforesaid and delivered to the person in whose favor the same is executed, shall be held to take effect and pass the title in the property conveyed to said person from the date of the acknowledgment, provided the same be recorded within three months from said date, except that as to creditors and subsequent bona fide purchasers and mortgagees without notice of said deed, and others interested in said property, it shall only take effect from the time of its delivery to the recorder of deeds to be recorded.

SEC. 500. When two or more deeds of the same property are made to bona fide purchasers for value without notice, the deed or deeds which are first recorded according to law shall be preferred.

Bonds and contracts.

SEC. 501. BONDS AND CONTRACTS.—Any title bond or other written contract in relation to land may be acknowledged, certified, and recorded in the same manner as deeds for the conveyance of land, and the record thereof shall be notice to all creditors and subsequent purchasers of the existence of such bond or contract.

Interpretation.

SEC. 502. INTERPRETATION.—No words of inheritance shall be necessary in a deed or will to create a fee simple estate; but every conveyance or devise of real estate shall be construed and held to pass a fee simple estate or other entire estate of the grantor or testator, unless a contrary intention shall appear by express terms or be necessarily implied therein.

Construction of words, phrases, etc.

SEC. 503. The word "grant," the phrase "bargain and sell," or any other words purporting to transfer the whole estate shall be construed to pass the whole estate and interest of the grantor in the property described, unless there be limitations or reservations showing a different intent.

SEC. 504. In any deed or will of real or personal estate in the District of Columbia, hereafter executed, the words "die without issue," or the words "die without leaving issue," or the words "have no issue," or other words which may import either a want or failure of issue of any person in his lifetime, or at the time of his death, or an indefinite failure of his issue, shall be construed to mean a want or failure of issue in the lifetime or at the time of the death of such person, and not an indefinite failure of his issue, unless a contrary intention shall appear in the instrument.

SEC. 505. When, in a deed conveying real estate, the words "the said ----- covenants" are used, such words shall have the same effect as if the covenant was expressed to be, by the covenantor, for

himself, his heirs, devisees, and personal representatives, and shall be deemed to be with the grantee or lessee, his heirs, devisees, personal representatives, and assigns.

Construction of word, phrases, etc.—Continued.

SEC. 506. A covenant by the grantor, in a deed conveying real estate, “that he will warrant generally the property hereby conveyed,” or a grant of real estate in which the granting words are followed by the words “with general warranty,” shall have the same effect as if the grantor had covenanted that he, his heirs, devisees, and personal representatives will warrant and defend the said property unto the grantee, his heirs, devisees, personal representatives, and assigns against the claims and demands of all persons whomsoever.

—covenants.

SEC. 507. A covenant by a grantor, in a deed conveying real estate, “that he will warrant specially the property hereby conveyed,” or a grant of real estate in which the granting words are followed by the words “with special warranty,” shall have the same effect as if the grantor had covenanted that he, his heirs, devisees, and personal representatives will forever warrant and defend the said property unto the grantee, his heirs, devisees, personal representatives, and assigns against the claims and demands of the grantor and all persons claiming or to claim by, through, or under him.

SEC. 508. A covenant by the grantor, in a deed of land, “that the said grantee shall quietly enjoy said land,” shall have the same effect as if he had covenanted that the said grantee, his heirs and assigns, shall, at any and all times hereafter, peaceably and quietly enter upon, have, hold, and enjoy the land conveyed by the deed or intended to be so conveyed, with all the rights, privileges, and appurtenances thereunto belonging, and to receive the rents and profits thereof, to and for his and their use and benefit, without any eviction, interruption, suit, claim, or demand whatsoever by the said grantor, his heirs or assigns, or any other person or persons whatever.

SEC. 509. A covenant by a grantor, in a deed of land, “that he has done no act to incumber said land,” shall be construed to have the same effect as if he had covenanted that he had not done or executed or knowingly suffered any act, deed, or thing whereby the land and premises conveyed, or intended so to be, or any part thereof, are or will be charged, affected, or incumbered in title, estate, or otherwise.

SEC. 510. A covenant by a grantor, in a deed of land, “that he will execute such further assurances of said land as may be requisite,” shall have the same effect as if he had covenanted that he, his heirs or devisees, will, at any time, upon any reasonable request, at the charge of the grantee, his heirs or assigns, do, execute, or cause to be done and executed, all such further acts, deeds, and things, for the better, more perfectly and absolutely conveying and assuring the lands and premises conveyed unto the grantee, his heirs and assigns, as intended to be conveyed, as by the grantee, his heirs or assigns, or his or their counsel learned in the law, shall be reasonably devised, advised, or required.

SEC. 511. IMPLIED COVENANTS.—No covenant shall be implied in any conveyance of real estate, whether such conveyance contains special covenants or not.

Implied covenants.

SEC. 512. WHAT ESTATES MAY BE CONVEYED BY DEED.—Any interest in or claim to real estate, whether entitling to present or future possession and enjoyment, and whether vested or contingent, may be disposed of by deed or will, and any estate which would be good at common law, as an executory devise, may be created by deed.

What estates may be conveyed by deed.

SEC. 513. CONVEYANCE OF LAND HELD ADVERSELY.—Any person claiming title to land may convey his interest in the same, notwithstanding there may be an adverse possession thereof.

Conveyance of land held adversely.

SEC. 514. ABSENCE OF ACKNOWLEDGMENT.—No deed or conveyance of squares or lots of public land in the city of Washington, made in pursuance of law prior to March third, eighteen hundred and sixty-

Absence of acknowledgment.

three, by the commissioner of public buildings or any other authorized officer, shall be deemed invalid in law for the want of an acknowledgment by the commissioner or other authorized officer before such judicial officers, as deeds of real property made between individuals are required by law to be acknowledged.

Deeds recorded prior to code, defectively acknowledged, declared valid.

SEC. 515. DEFECTIVE ACKNOWLEDGMENTS.—All deeds and acknowledgments recorded in the land records of the District prior to the adoption of this code of any of the following designated classes shall, in favor of parties in actual possession, claiming under and through such deeds, be deemed and held and are declared to be of the same effect and validity to pass the fee simple or other estate intended to be conveyed, and bar dower in the real estate therein mentioned, as if such deeds had in all respects been executed, acknowledged, proved, certified, and recorded according to law, namely:

—classes designated.

First. All deeds which have been executed and acknowledged by married women, their husbands having signed and sealed the same, for conveying any real estate, or interest therein, situated in the District;

Second. All acknowledgments of deeds which have been made by married women, whether they have executed the deed or not, for the purpose of releasing their claims to dower in the lands described therein, situated in the District, in which acknowledgments the form prescribed by law has not been followed;

Third. All deeds which have been executed and acknowledged by an attorney in fact duly appointed for conveying real estate situated in the District;

Fourth. All deeds executed and acknowledged, or only acknowledged by such attorney in fact, for conveying real estate situated in the District, as to which the acknowledgment was made before officers different from those before whom proof of the power of attorney was made, and as to which the power of attorney was proved before only one justice of the peace;

Fifth. All deeds for the purpose of conveying land situated in the District, acknowledged out of the District, before a judge of a United States court, or before two aldermen of a city, or the chief magistrate of a city, or before a notary public;

Sixth. All deeds for the purpose of conveying land situated in the District, acknowledged by an attorney in fact, duly appointed, or by an officer of a corporation, duly authorized, who has acknowledged the same to be his act and deed, instead of the act and deed of the grantor or of the corporation; and

Seventh. All deeds for the purpose of conveying land situated in the District to which there is not annexed a legal certificate as to the official character of the officer or officers taking the acknowledgment.

Acknowledgments by married women.

SEC. 516. ACKNOWLEDGMENTS BY MARRIED WOMEN.—In all cases mentioned in the preceding section the certificate of acknowledgment by a married woman must show that the acknowledgment was made "apart" or "privily" from her husband, or use some other term importing that her acknowledgment was made out of his presence, and also that she acknowledged or declared that she willingly executed or that she willingly acknowledged the deed, or that the same was her voluntary act, or to that effect.

Dower.

SEC. 517. DOWER.—Any acknowledgment made by a married woman of any deed executed by her husband, and recorded as mentioned in section five hundred and fifteen, shall be good and effectual to bar all claim on her part to dower in the lands described therein, situated in the District, although she shall not have executed the same.

Power of attorney by married woman.

SEC. 518. POWER OF ATTORNEY BY MARRIED WOMAN.—When the power of attorney mentioned in section five hundred and fifteen is executed by a married woman, the same shall be effectual and sufficient if there is such an acknowledgment of the same as would be sufficient,

under the provisions of this chapter, to pass her estate and interest therein were she a party executing the deed of conveyance.

SEC. 519. RECORD OF DEED AS EVIDENCE.—The record and copy thereof of any deed recorded, as mentioned in section five hundred and fifteen, shall be evidence thereof, in the same manner and shall have the same effect as if such deed had been originally executed, acknowledged, and recorded according to law.

Record of deed as evidence.

SEC. 520. The acts of Congress approved May thirty-first, eighteen hundred and thirty-two, and April twentieth, eighteen hundred and thirty-eight, in reference to the acknowledgment and recording of deeds of lands situated in the District, shall be taken and construed as cumulative with the acts of Maryland on the same subject in force in the District at the passage thereof, and an acknowledgment made and certified in compliance with any one of said acts, and before any officer authorized by either of said acts to take an acknowledgment, whether in or out of the District, shall be good and effectual.

Acknowledgments in compliance with Chap. CXII, vol. 4, p. 520, and Chap. LVII, vol. 5, p. 226, declared effectual.

SUBCHAPTER TWO.

MORTGAGES AND DEEDS OF TRUST OF REAL PROPERTY.

Mortgages and deeds of trust of real property.
To be recorded.

SEC. 521. TO BE RECORDED.—Mortgages and deeds of trust to secure debts, conveying any estate in land, in order to be effectual, shall be executed and recorded in the same manner as absolute deeds; and they shall take effect and pass title to the property conveyed, both as between the parties thereto and as to others, bona fide purchasers and mortgagees and creditors, in the same manner and under the same conditions as absolute deeds.

SEC. 522. ESTATE OF TRUSTEE.—The legal estate conveyed to a mortgagee, his heirs and assigns, or to a trustee to secure a debt, his heirs and assigns, shall be construed and held to be a qualified fee simple, determinable upon the release of the mortgage or deed of trust, as hereinafter provided, or the appointment of a new trustee by judicial decree for the causes hereinafter mentioned.

Estate of trustee.

SEC. 523. HOW TO BE RECORDED.—It shall be the duty of the recorder of deeds to record all such mortgages and deeds of trust in the same manner as absolute deeds, and, after each mortgage, to leave a blank space wherein may be recorded any assignment or release of said mortgage.

How to be recorded.

SEC. 524. ASSIGNEES.—The assignee or indorsee of any note, bond, or other instrument binding to the payment of money, secured by any mortgage or deed of trust, shall have the same benefit of said mortgage or deed of trust, and shall be entitled to the same remedies for enforcing or foreclosing the same that the original creditor named therein would have in the absence of any indorsement or assignment of the instrument secured.

Assignees.

SEC. 525. ASSIGNMENT.—Whenever the note or notes, bond or bonds, or other instruments for the payment of money, secured by mortgage, shall be indorsed or assigned by the original creditor holding the same, the said mortgage may also be assigned by such creditor to any person holding the notes or other instruments secured thereby, and any such assignee of said mortgage may, in like manner, assign to others.

Assignment.

SEC. 526. The said assignment may be written on the said mortgage in the following or equivalent form: —form of.

I hereby assign the within (or above) mortgage to as security for the (here describe the instruments) therein mentioned, which is (or are) indorsed (or assigned) to him.

Witness my hand and seal this day of

Witness:

_____. [Seal.]

—record of.

SEC. 527. Every such assignment provided for in section five hundred and twenty-six aforesaid may be recorded at or near the foot of the said mortgage, in the blank space directed to be reserved therefor, as aforesaid, and such record shall have the same effect as notice to all persons dealing with the property embraced in said mortgage which is allowed by law to the record of the mortgage.

Release.

SEC. 528. RELEASE.—A release of a mortgage may be made by the original creditor who is the holder of the note or notes or other instruments secured thereby, or by any assignee of said notes or other instruments to whom said mortgage may also have been assigned, in the following or an equivalent form:

—form.

I hereby release the above (or within) mortgage.

Witness my hand and seal this day of

Witness:

..... [Seal.]

—acknowledgment.

And said release may be acknowledged before any officer authorized to take the acknowledgment of deeds in the following or equivalent form namely:

Acknowledged before me this day of

C D, Notary Public.

—recording, etc.

SEC. 529. Said release may be written on the original mortgage, and upon said mortgage, with the release thereon written, being filed in the office of the recorder of deeds, he shall record said release in the blank space to be reserved as aforesaid, or in the margin of said record, and index the same, and said mortgage shall be retained in his office and not be allowed to be again withdrawn therefrom.

Surrender of mortgage on payment of debt, etc.

SEC. 530. Every person whose property is subject to a mortgage given to secure a note or notes, bond or bonds, or other instruments binding to the payment of money, shall be entitled, on payment or tender of the full amount of the debt, at or after its maturity, to the creditor entitled to the same, if he is the original creditor, or is the assignee of said mortgage, to have said mortgage surrendered to him, unless the same shall have been lost or destroyed, and to have said mortgage released by the creditor holding the same, in the manner above mentioned.

—where debt assigned, etc.

SEC. 531. If the debt secured by mortgage shall be assigned, but the mortgage shall not be assigned to the holder of said debt, or if the original mortgage having been assigned shall be lost or destroyed, the owner of the incumbered property, on payment of the debt, shall be entitled to a deed of release from the mortgagee; and in no other case where the mortgage has been assigned by the original creditor secured thereby shall the original mortgagee be authorized to execute a deed of release.

—release effectual, etc.

SEC. 532. A release made as provided in the foregoing sections by the original creditor holding a mortgage for the security of a debt, or by any indorsee or assignee of said debt who shall also hold an assignment of said mortgage, shall be as effectual to extinguish said mortgage as if the mortgagee had executed a deed of release of the incumbered property; but if the original creditor secured by mortgage has not assigned either his debt or his mortgage, the owner of the incumbered property may, at his election, on payment of the debt, require a deed of release from the mortgagee.

Survival of title.

SEC. 533. SURVIVAL OF TITLE.—Whenever a mortgage or deed of trust to secure a debt is executed to two or more mortgagees or trustees in fee simple, upon the death of any one or more of them the legal title and the trust attached to it shall be held to survive to the survivor or survivors and the heirs of the last survivor, subject to the provisions aforesaid.

Death of mortgagee or trustee.
Proceeding for appointment of new trustee.

SEC. 534. DEATH OF MORTGAGEE OR TRUSTEE.—In case of the death of a sole mortgagee or trustee, or the last survivor of several, if the debt secured by the mortgage or deed of trust shall not have been paid,

the party entitled thereto may file a petition in the supreme court of said District, setting forth under oath the execution of the mortgage or deed of trust, the death of the mortgagee or trustee, and the fact that the debt secured by the said mortgage or deed of trust remains unpaid, and such other fact as may be necessary to entitle the petitioner to the relief prayed, and praying for the appointment of a trustee to execute the trusts of the said mortgage or deed of trust. It shall not be necessary to make the heirs at law of the deceased mortgagee or trustee parties to such proceeding. The court may thereupon lay a rule upon the debtor or parties whose property is bound by said mortgage or deed of trust, unless they shall voluntarily appear and admit the allegations of the petition, to show cause, under oath, on or before the tenth day, exclusive of Sundays and legal holidays, after the service of such rule, why the prayer of said petition should not be granted. If said party or parties can not be found in said District, service of said rule shall be by publication, according to the practice in equity in said court. If no cause be shown, notwithstanding the service of said rule, against the prayer of said petition, the court may determine in a summary way whether said debt remains unpaid, and if satisfied thereof the said court may, by decree, appoint a new trustee in the place of the deceased mortgagee or trustee, and vest in him all the title at law and in equity, and all the powers that had been conveyed to and vested in the deceased mortgagee or trustee.

SEC. 535. DEFENSES AGAINST FORECLOSURE.—If matter of defense against the foreclosure of said mortgage or the enforcement of said deed of trust be set up in answer to said rule, the further proceedings shall be according to the practice in equity after answer filed.

Defenses against
foreclosure.

SEC. 536. In case of the death of any trustee appointed as aforesaid without having executed the trusts of the mortgage or deed of trust, a like proceeding to the above may be had to appoint a successor to him in the said trusts.

Death of trustee ap-
pointed as aforesaid.

SEC. 537. RELEASE AFTER DEATH OF MORTGAGEE, AND SO FORTH.—In case of the death of a sole mortgagee or trustee or the last survivor of several, as aforesaid, if the debt secured by the mortgage or deed of trust shall have been paid, and it is desired by the party paying the same to obtain a deed of release, the said party may file a petition in said supreme court of the District, setting forth, under oath, the execution of said mortgage or deed of trust, the death of the mortgagee or trustee, the payment of the debt, and any other fact necessary to entitle the petitioner to the relief prayed, and praying for the appointment of a trustee in the place of the deceased mortgagee or trustee to execute a deed of release of said mortgage or deed of trust. It shall not be necessary to make the heirs of the deceased mortgagee or trustee a party to such proceeding. The court may thereupon lay a rule upon the creditor secured by said mortgage or deed of trust, unless he shall voluntarily appear and admit the allegations of the petition, to show cause, under oath, on or before the tenth day, exclusive of Sundays and legal holidays, after the service of said rule, why the prayer of the petition should not be granted. If said party can not be found in said District, service of said rule shall be by publication according to the practice in equity in said court. If no cause be shown, notwithstanding the service of said rule, against the prayer of the petition, the court may determine in a summary way whether said debt has been paid, and if satisfied thereof may, by decree, appoint a trustee in the place of the deceased mortgagee or trustee and invest in him the title, in law and in equity, that was in the deceased mortgagee or trustee, for the purpose of executing a deed of release as aforesaid. If matter of defense against the prayer for a release of said mortgage or deed of trust be set up in answer to said rule, the further proceedings shall be according to the practice in equity after answer filed.

Proceedings for ap-
pointment of trustee,
etc., to execute re-
lease after death of
mortgagee.

Appointment of new trustee.

SEC. 538. APPOINTMENT OF NEW TRUSTEE.—In case of the refusal of any trustee named in a deed of trust to secure a debt to accept the trusts thereby created, or of his resignation of said trust after accepting the same, which is hereby allowed, or of his removal from the District of Columbia, or of his inability to act, or for any other good cause shown, said trust being executed, it shall be lawful for any party interested in the execution of such trusts to apply to said court by petition, setting forth the appropriate facts and asking for the appointment of a new trustee in his place, and a like proceeding shall be had for the appointment of such trustee as in the case of the death of a trustee, as directed in sections five hundred and thirty-four and five hundred and thirty-seven aforesaid: *Provided*, That any rule to show cause issued in such case shall be served upon the existing trustee, as well as upon the parties interested in the trust, if he and they can be found within the said District.

Proviso.
—service on existing trustee.

Terms of sale.

SEC. 539. TERMS OF SALE.—If the length of notice and terms of sale are not prescribed by the mortgage or deed of trust, or be not left therein to the judgment or discretion of the mortgagee or trustee, any person interested in such sale may apply to the court, before such sale is advertised, to fix the terms of sale and determine what notice of sale shall be given, which terms shall be such as to secure to the creditor the payment of his debt in cash as nearly as may be consistent with justice; and the determination of the court in the premises shall be binding on all parties in interest.

Delay of party notified to apply for prevention of sale.

SEC. 540. INJUNCTION AGAINST SALE.—If any party interested and duly notified of an intended sale under any mortgage or deed of trust, as directed in section five hundred and thirty-nine aforesaid, shall fail to make application to the court to prevent such sale within the time covered by such notice, such party shall not be entitled afterwards to be relieved against such sale except upon the conditions that a satisfactory excuse be shown for the delay in making application therefor, and all expenses incurred in and about such sale or attempted sale be first paid by him and a valid defense against the foreclosure of said mortgage or deed of trust be shown.

Injunction against sale.

SEC. 541. No sale under a mortgage or deed of trust shall be enjoined on the ground that the amount claimed by the creditor secured thereby is in excess of the true amount due him, unless the party seeking such relief shall set forth and show what amount is justly due and shall offer to pay the amount so admitted to be due.

Debtor not to bid.

SEC. 542. DEBTOR NOT TO BID.—At any sale made under a mortgage or deed of trust the debtor or other person owning the property and for whose default the sale is made shall not be allowed to bid: *Provided*, That this shall not be construed to prohibit a part owner from bidding at such sale in order to acquire title to the entire property sold.

Proviso.
—part owner.

Mortgagee buying.

SEC. 543. MORTGAGEE BUYING.—At any sale under a mortgage, fairly made by the mortgagee, at public auction, the mortgagee himself may buy in the property on account of the mortgage debt.

Creditor buying.

SEC. 544. CREDITOR BUYING.—If a creditor, for the payment of whose debt property shall be sold under a deed of trust, shall become the purchaser at such sale, he shall be entitled to credit the amount of the purchase money against the debt, and shall be only required to pay to the trustee the excess of the purchase money over his debt, together with such additional amount as may be necessary to defray the expenses of the sale.

Expenses and commissions.

SEC. 545. EXPENSES AND COMMISSIONS.—Among the lawful expenses of a sale under a mortgage or deed of trust is to be allowed a commission on the proceeds of sale to the mortgagee or trustee. Where the mortgage or deed of trust does not fix the rate of commission the mortgagee or trustee shall be allowed a commission of five per centum on the first five hundred dollars and three per centum on the balance

of the purchase money actually paid by the purchaser at any sale, and one and one-half per centum on the amount of the purchase money not paid into the hands of the mortgagee or trustee, but credited on the debt, when the creditor becomes a purchaser.

When the property is lawfully advertised for sale under a mortgage or deed of trust, and the sale is prevented by payment of the debt or is suspended or postponed by arrangement between the parties interested, the trustee shall be entitled to a commission of one per centum on the amount of the debt secured in addition to the expenses incurred by him, and he shall be entitled to such allowance as often as such advertisement shall be made necessary by the default of the debtor: *Provided*, That if a sale shall actually take place under any such advertisement, he shall not be entitled to more than one such allowance in addition to his commission on the proceeds of an actual sale.

Commission where sale advertised is postponed.

Provided.—limit.

SUBCHAPTER THREE.

DEEDS OF CHATTELS.

Deeds of chattels.

SEC. 546. RECORDING.—No bill of sale or mortgage or deed of trust to secure a debt of any personal chattels whereof the vendor, mortgagor, or donor shall remain in possession, shall be valid and effectual to pass the title therein, except as between the parties to such instrument and as to other persons having actual notice of it, unless the same be executed, acknowledged, and within ten days from the date of such acknowledgment recorded in the same manner as deeds of real estate, as herein directed, and as to third persons not having notice of it, as aforesaid, such instrument shall be operative only from the time within said ten days when it is delivered to the recorder of deeds to be recorded.

Recording.

SEC. 547. CONDITIONAL SALES.—No conditional sale of chattels in virtue of which the property is delivered to the purchaser, but by the terms of which the title is not to pass until the price of said chattels is fully paid, shall be valid as against third persons acquiring title to said property from said purchaser without notice of the terms of said sale, unless the terms of said sale are reduced to writing and signed by the parties thereto and acknowledged by the purchaser and recorded in the same manner as a chattel mortgage, as hereinabove provided; and said writing shall be indexed as if the purchaser were a mortgagor and the seller a mortgagee of such chattels, and shall be operative as to third persons without actual notice of it from the time of being so recorded.

Conditional sales.

SUBCHAPTER FOUR.

DEEDS, RECORDER OF.

Deeds, recorder of.

SEC. 548. APPOINTMENT AND DUTIES.—There shall be a recorder of deeds of the District, appointed by the President, by and with the advice and consent of the Senate, who shall record all deeds, contracts, and other instruments in writing affecting the title or ownership of any real estate or personal property in the District which shall have been duly acknowledged and certified, and who shall perform all requisite services connected therewith, and shall have charge and custody of all the records, papers, and property appertaining to his office.

Appointment and duties.

SEC. 549. DEPUTY RECORDER.—The recorder of deeds is authorized to appoint a deputy recorder, and all deeds of conveyance, leases, powers of attorney, and other written instruments required to be filed and recorded, and all copies of instruments and records and certificates authorized by law, filed, recorded, made, and certified by the deputy recorder shall have the same legality, force, and effect as if performed by the recorder.

Deputy recorder.

Vacancy; deputy to act.

Proviso.
—no additional expense.

Typewritten records.

Fees.

Salary.

Surplus to be paid into the Treasury.

Proviso.
Clerks.

Salary of deputy.

List of transfers to be furnished to collector of taxes.

Instruments not executed or acknowledged according to law not to be recorded.

SEC. 550. VACANCY.—In case of a vacancy in the office of the recorder by death, resignation, or other cause the deputy recorder shall act until a recorder shall be duly appointed and qualified: *Provided*, That no additional expense shall be incurred by the District for said deputy and no other fees shall be allowed than are now provided by law.

SEC. 551. TYPEWRITTEN RECORDS.—The recorder of deeds is authorized and empowered to purchase and use in his office, for the recording of deeds and other instruments of writing required by law to be recorded in said office, typewriting machines, to be paid for as appropriations may be made from time to time; and all deeds and other instruments of writing entitled by law to be recorded in said office which shall be recorded by typewriting machines are hereby declared to be legally recorded.

SEC. 552. FEES.—The legal fees for the services of the recorder shall be as follows, namely:

For filing, recording, and indexing, or for making certified copy of any instrument containing two hundred words or less, fifty cents, and fifteen cents for each additional hundred words, to be collected at the time of filing and when the copy is made.

For each certificate and seal, twenty-five cents.

For searching records extending back two years or less next preceding current date, twenty-five cents, and five cents for each additional year, to be paid by the party for whom the search may be made.

For recording a town plat, three cents for each lot such plat may contain.

For recording a plat or survey, five cents for each course such survey may contain.

For filing and indexing any paper required by law to be filed in his office, fifteen cents.

For taking any acknowledgment, fifty cents.

SEC. 553. SALARY; SURPLUS TO BE PAID INTO THE TREASURY.—The recorder of deeds of the District of Columbia shall not retain of the fees and emoluments of his office for his personal compensation over and above his necessary clerk hire and the incidental expenses of his office, certified to by the supreme court of the District of Columbia, or by one of its justices appointed by it for that purpose, and to be audited and allowed by the proper accounting officer of the Treasury, a sum exceeding four thousand dollars a year or exceeding that rate for any time less than a year; and the surplus of such fees and emoluments shall be paid into the Treasury to the credit of the District of Columbia: *Provided*, That the number of clerks and others employed in the office of the recorder of deeds shall not be increased, except that additional copyists may be employed for temporary service as the necessities of the office may require, nor shall the salary or compensation paid during the fiscal year eighteen hundred and ninety-one; and the salary of the deputy recorder of deeds shall be two thousand five hundred dollars per annum, to be paid out of the fees and emoluments of said office of recorder of deeds.

SEC. 554. LIST OF TRANSFERS TO BE FURNISHED TO COLLECTOR OF TAXES.—The recorder of deeds shall furnish to the collector of taxes, on or about the first Monday in January and July of each year, correct lists of the transfers of real property in the District during the preceding half year, so far as can be ascertained by the records in his office, but shall not be entitled to any compensation for such service.

SEC. 555. INSTRUMENTS NOT EXECUTED OR ACKNOWLEDGED ACCORDING TO LAW NOT TO BE RECORDED.—The recorder shall not accept for record or record any instrument which shall not be executed and acknowledged agreeably to law by the person or party therein granting

or contracting with respect to his right, title, or interest in the land therein described; and the record of any such instrument, if the same should be recorded, and the knowledge by any person of the fact of such record shall not be either constructive or actual notice of the existence of such instrument.

SEC. 556. PUBLIC RECORDS TO BE OPEN FOR INSPECTION.—All public records which have reference to or in any way relate to real or personal property in the District of Columbia, whether the same be in the office of the recorder of deeds or in some other public office in the District of Columbia, shall be open to the public for inspection free of charge.

Public records to be open for inspection.

SUBCHAPTER FIVE.

FORMS OF CONVEYANCING.

Forms of conveyancing.

FEE SIMPLE DEED.

Fee simple deed.

This deed, made this ---- day of ----, in the year ----, by me, ----, of ----, witnesseth, that in consideration of (here insert consideration), I, the said ----, do grant unto (here insert grantee's name), of ----, all that (here describe the property).

Witness my hand and seal.

_____. [Seal.]

DEED BY HUSBAND AND WIFE.

This deed, made this ---- day of ----, in the year ----, by us, ---- and ----, his wife, of ----, witnesseth, that in consideration of ----, we, the said ---- and his wife, do grant unto ----, of ----, and so forth.

Deed by husband and wife.

Witness our hands and seals.

_____. [Seal.]
_____. [Seal.]

DEED OF LIVE ESTATE.

This deed, made this ---- day of ----, in the year ----, by me, ----, of ----, witnesseth, that in consideration of ----, I, the said ----, do grant unto ----, of ----, all that, and so forth, to hold during his life and no longer.

Deed of life estate.

Witness my hand and seal.

_____. [Seal.]

DEED OF TRUST TO SECURE DEBTS, SURETIES, OR FOR OTHER PURPOSES.

This deed, made this ---- day of ----, in the year ----, by me, ----, of ----, witnesseth, that whereas (here insert the consideration for the deed), I, the said ----, do grant unto ----, as trustee of ----, the following property (here describe it) in trust for the following purposes (here insert the trusts and any covenant that may be agreed upon).

Deed of trust to secure debts, sureties, or for other purposes.

Witness my hand and seal.

_____. [Seal.]

FORM OF TRUSTEE'S DEED UNDER A DECREE.

This deed, made this ---- day of ----, in the year ----, by me, ----, trustee, of ----, witnesseth: Whereas by a decree of

Form of trustee's deed under a decree.

(here insert court) passed on the day of, in the cause of versus, I, the said, was appointed trustee to sell the land decreed to be sold, and have sold the same to; and said sale has been ratified by said court, and said has fully paid the purchase money due on said sale; now, therefore, in consideration of the premises, I, the said, do grant unto, of, all the right and title of all the parties to the aforesaid cause, in and to all that (here describe property).

Witness my hand and seal.

_____. [Seal.]

Executor's deed.

EXECUTOR'S DEED.

This deed, made this day of, in the year, witnesseth, that I,, of, executor of the last will of, late of, deceased, under a power in said will contained, in consideration of, have sold and do hereby grant to, of, all that, and so forth.

Witness my hand and seal.

_____. [Seal.]

Form of mortgage,
with or without power
of sale.

FORM OF MORTGAGE, WITH OR WITHOUT POWER OF SALE.

This mortgage, made this day of, in the year, witnesseth that whereas I, of, am indebted unto, of, in the sum of, payable, for which I have given to said my promissory notes or bonds, or other instruments (here describe). Now, in consideration thereof, I hereby grant unto the said all that (here describe property), provided that if I shall punctually pay said (notes or other instruments) according to the tenor thereof then this mortgage shall be void. And if I shall make default in such payment the said is hereby authorized and empowered to sell said property at public auction on the following terms (here insert them), and out of the proceeds of sale to retain whatever shall remain unpaid of my said indebtedness and the costs of such sale, and the surplus, if any, to pay to me.

Given under my hand and seal.

_____. [Seal.]

Form of lease.

FORM OF LEASE.

This lease, made this of, in the year, between of and, of, witnesseth that the said doth lease unto the said, his executor, administrator, and assigns, all that (here describe the property) for the term of years, beginning on the day of, in the year, and ending on the day of, in the year, the said paying therefor the sum of on the day of in each and every year (or month, as the case may be).

Witness our hands and seals.

_____. [Seal.]
_____. [Seal.]

—legal additions, etc.,
to above allowed, etc.

The foregoing forms or forms to the like effect shall be sufficient, and any covenant, limitation, restriction, or proviso allowed by law may be added, annexed to, or introduced in the above forms. Any other form conforming to the rules hereinbefore laid down shall be sufficient.

CHAPTER SEVENTEEN.

COMMISSIONERS OF DEEDS AND NOTARIES PUBLIC.

SEC. 557. COMMISSIONERS OF DEEDS.—The President of the United States is authorized to appoint as many commissioners of deeds throughout the United States as he may deem necessary, with power to take the acknowledgment of deeds for the conveyance of property within the District, administer oaths, and take depositions in cases pending in the courts of said District in the manner prescribed by law; to whose acts, properly attested by their hands and seals of office, full faith and credit shall be given.

Commissioners of deeds.

SEC. 558. NOTARIES.—The President shall also have power to appoint such number of notaries public, residents of said District, as, in his discretion, the business of the District may require.

Notaries public.

SEC. 559. TENURE OF OFFICE.—Said commissioners of deeds and notaries public shall hold their offices for the period of five years, removable at discretion.

Tenure of office.

SEC. 560. NOTARIES IN STATES.—Notaries public of the several States, Territories, and the District of Columbia are authorized to take depositions and do all other acts in relation to taking testimony to be used in the courts of the District of Columbia, take acknowledgments and affidavits in the same manner and with the same effect as United States commissioners may now lawfully take or do.

Notaries in States.

SEC. 561. OATH AND BOND.—Each notary public, before entering upon the duties of his office, shall take the oath prescribed for civil officers in the District of Columbia, and shall give bond to the United States in the sum of two thousand dollars, with security, to be approved by the supreme court or a justice thereof, for the faithful discharge of the duties of his office.

Oath and bond.

SEC. 562. SEAL.—Each notary public shall provide a notarial seal, with which he shall authenticate all his official acts.

Seal.

SEC. 563. He shall file his signature and deposit an impression of his official seal in the office of the clerk of the supreme court of the District.

—filing, etc.

SEC. 564. EXEMPTION.—A notary's official seal and his official documents shall be exempt from execution.

Exemption.

SEC. 565. FOREIGN BILLS OF EXCHANGE.—Notaries public shall have authority to demand acceptance and payment of foreign bills of exchange and to protest the same for nonacceptance and nonpayment, and to exercise such other powers and duties as by the law of nations and according to commercial usages notaries public may do.

Foreign bills of exchange.

SEC. 566. OTHER ACTS.—They may also perform such other acts, for use and effect beyond the jurisdiction of the District, as according to the law of any State or Territory of the United States or any foreign government in amity with the United States may be performed by notaries public.

Other acts.

SEC. 567. INLAND BILLS AND NOTES.—Notaries public may also demand acceptance of inland bills of exchange and payment thereof, and of promissory notes and checks, and may protest the same for nonacceptance or nonpayment, as the case may require. And on the original protest thereof he shall state the presentment by him of the same for acceptance or payment, as the case may be, and the nonacceptance or nonpayment thereof, and the service of notice thereof on any of the parties to the same, and the mode of giving such notice, and the reputed place of business or residence of the party to whom the same was given; and such protest shall be prima facie evidence of the facts therein stated. And any notary public failing to comply herewith shall pay a fine of ten dollars to the District of Columbia, to be collected in the police court as are other fines and penalties.

Inland bills and notes.

Acknowledgments,
oaths, etc.

SEC. 568. ACKNOWLEDGMENTS, OATHS, AND SO FORTH.—Each notary public shall have power to take and to certify the acknowledgment or proof of powers of attorney, mortgages, deeds, and other instruments of writing, the acknowledgment of any conveyance or other instrument of writing executed by any married woman, to take depositions and to administer oaths and affirmations in all matters incident or belonging to the duties of his office, and to take affidavits to be used before any court, judge, or officer within the District.

Record.

SEC. 569. RECORD.—Each notary public shall keep a fair record of all his official acts, except such as are mentioned in the preceding section, and when required shall give a certified copy of any record in his office to any person upon payment of the fees therefor.

Copy of record as
evidence.

SEC. 570. COPY OF RECORD AS EVIDENCE.—The certificate of a notary public, under his hand and seal of office, drawn from his record, stating the protest and the facts therein recorded, shall be evidence of the facts in like manner as the original protest.

Fees.

SEC. 571. FEES.—The fees of notaries public shall be—

For each certificate and seal, fifty cents.

Taking depositions or other writings, for each one hundred words, ten cents.

Administering an oath, fifteen cents.

Take acknowledgment of a deed or power of attorney, with certificate thereof, fifty cents.

Every protest of a bill of exchange or promissory note, and recording the same, one dollar and seventy-five cents.

Each notice of protest, ten cents.

Each demand for acceptance or payment, if accepted or paid, one dollar, to be paid by the party accepting or paying the same.

Each noting of protest, one dollar.

Penalties for taking
higher fees.

SEC. 572. PENALTIES FOR TAKING HIGHER FEES.—Any notary public who shall take a higher fee than is prescribed by the preceding section shall pay a fine of one hundred dollars and be removed from office by the supreme court of the District.

Death, etc.

SEC. 573. DEATH, AND SO FORTH.—Upon the death, resignation, or removal from office of any notary public, his records, together with all his official papers, shall be deposited in the office of the clerk of the supreme court of the District.

CHAPTER EIGHTEEN.

Corporations

CORPORATIONS.

SUBCHAPTER ONE.

Institutions of
learning.

INSTITUTIONS OF LEARNING.

Certificate of organi-
zation.

SEC. 574. CERTIFICATE OF ORGANIZATION.—Any five or more persons desirous of associating themselves for the purpose of establishing an institution of learning, may make, sign, and acknowledge, before any officer authorized to take acknowledgment of deeds in the District, and file in the office of the recorder of deeds, a certificate in writing, to be recorded in a book kept for that purpose and open to public inspection, in which shall be stated:

—contents of.

First. The name or title by which the institution shall be known in law;

Second. The number of trustees, directors, or managers, and their names;

Third. The particular branch of literature and science, or either of them, proposed to be taught; and,

Fourth. If the institution is to be of the rank of a college or university, the number and designation of the professorships to be established.

SEC. 575. SIGNERS INCORPORATED.—Upon filing such certificate, the persons signing and acknowledging the same and their successors and associates shall be a body politic and corporate, by the name and style stated in the certificate, and by that name and style shall have perpetual succession, with power to sue and be sued, plead and be impleaded; to acquire, hold, and convey property in all lawful ways; to have and use a common seal, and to alter and change the same at pleasure; to make and alter, from time to time, such by-laws not inconsistent with the Constitution of the United States or the laws in force in the District as they may deem necessary for the government of the institution, and to confer upon such persons as may be considered worthy such academical or honorary degrees as are usually conferred by similar institutions.

Signers incorporated.

SEC. 576. CORPORATE POWERS.—Such corporation shall be competent in law and equity to take to themselves, in their corporate name, real, personal, or mixed property by gift, grant, bargain and sale, conveyance, will, devise, or bequest of any person whomsoever, and to grant, bargain, sell, convey, demise, let, place out at interest, or otherwise dispose of the same for the use of the institution, in such manner as shall seem most beneficial thereto.

Corporate powers.

SEC. 577. PROPERTY HELD, FOR WHAT PURPOSES.—Such corporation shall hold the property of the institution solely for the purposes of education, and not for the individual benefit of themselves or of any contributor to the endowment thereof.

Property held, for what purposes.

SEC. 578. FUNDS, HOW APPLIED.—The trustees, directors, or managers of any such corporation shall faithfully apply all the funds collected or the proceeds of the property belonging to the institution, according to their best judgment, in erecting or completing suitable buildings, supporting necessary officers, instructors, and servants, and procuring books, maps, charts, globes, and philosophical, chemical, and other apparatus necessary to the success of said institution.

Funds, how applied

SEC. 579. In case any donation, devise, or bequest shall be made for particular purposes, in accordance with the designs of the institution, and the corporation shall accept the same, such donation, devise, or bequest shall be applied in conformity with the express condition of the donor or deviser.

Specific donations.

SEC. 580. QUANTITY OF LAND.—No such corporation shall hold more land at any one time than necessary for the purposes of education, as set forth in its articles of association, unless it shall have received the same by gift, grant, or devise, and in such case the corporation shall be required to sell or dispose of the same within fifteen years from the time the title thereto is acquired.

Quantity of land which may be held.

SEC. 581. On failure to so dispose of the land, so much of the same over and above the amount necessary to be used as provided in the preceding section shall revert to the original donor, grantor, deviser, or their heirs.

Reversion of surplus.

SEC. 582. OFFICERS.—Such corporation shall have the power to appoint a president or principal for the institution and such professors or servants as may be necessary, and to displace any of them, as the interests of the institution require; to fill vacancies which may happen by death, resignation, or otherwise among such officers or servants, and to prescribe and direct the course of studies to be pursued in the institution.

Officers.

SEC. 583. TREASURER.—Such corporation may require the treasurer of the institution and all other agents thereof, before entering upon the duties of their appointment, to give bond for the security of the

Treasurer.

corporation in such sums and with such security as may be deemed sufficient by the corporation.

Annual statements.

SEC. 584. ANNUAL STATEMENTS.—It shall be the duty of the trustees of any institution, or a majority of them, to file, on or before the first Monday in January in each year, in the office of the recorder of deeds, who shall index the same, a statement of the trustees and officers of the institution, with an inventory of its property and liabilities and students, and such other information as will exhibit its condition or operation.

Suits.

SEC. 585. SUITS.—All process against any such corporation shall be by summons, and the service of the same shall be by leaving an attested copy thereof with the president, secretary, or treasurer, or at the office of the corporation at least sixty days before the return day thereof.

Quo warranto.

SEC. 586. QUO WARRANTO.—In case any such corporation shall at any time violate or fail to comply with any of the preceding provisions, upon complaint being made to the supreme court of the District, a writ of quo warranto shall issue, and the district attorney of the United States shall prosecute, in behalf of the people, for a forfeiture of all rights and privileges secured by this subchapter to such corporation.

SUBCHAPTER TWO.

Religious societies.

RELIGIOUS SOCIETIES.

Land to be acquired.

SEC. 587. LAND TO BE ACQUIRED.—It shall be lawful for the members of any society or congregation in the District, formed for the purpose of religious worship, to receive by gift, devise, or purchase a quantity of land not exceeding an acre, and to erect thereon such houses and buildings and to make such other use of the land and such other improvements thereon as may be deemed necessary for the purposes named, and for the comfort and convenience of the society or congregation.

Trustees.

SEC. 588. TRUSTEES.—Such society or congregation may assume a name, and any number of trustees, not exceeding ten, who shall be styled trustees of such society or congregation by the name so assumed, may be elected or appointed according to the rules or discipline governing the church or denomination to which said society or congregation may belong.

Certificate.

SEC. 589. CERTIFICATE.—The persons elected or appointed as trustees shall immediately thereafter make a certificate under their hands and seals, stating the date of their election or appointment, the name of the society or congregation, and length of time for which they were elected or appointed, which shall be verified by the affidavit of one of the persons making the same, and shall be filed and recorded in the office of the recorder of deeds of the District.

Tenure of office.

SEC. 590. TENURE OF OFFICE.—The trustees shall hold office during the period stated in their certificates, and vacancies in the office of trustee may be filled by election or appointment as above provided, and rules and regulations may be adopted in relation to the management of the estate and the duties of trustees, or for their removal from office, in accordance with the rules or discipline governing the church or denomination to which such society or congregation may belong, not inconsistent with the Constitution of the United States and the laws in force in the District.

Election of successors.

SEC. 591. At the expiration of the term of service of any of the trustees one or more successors may be elected or appointed, and a certificate of their appointment or election shall be made, verified, filed, and recorded as provided hereinbefore.

Failure to elect not to dissolve society.

SEC. 592. A failure to elect or appoint trustees at the proper time shall not work a dissolution of the society or congregation; but the

trustees last elected or appointed shall be considered as in office until another election or appointment shall take place.

SEC. 593. CORPORATE POWERS.—Such trustees and their successors shall have perpetual succession and existence, and shall be capable in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts of law or equity whatsoever, in and by the name and style assumed as hereinbefore provided.

Corporate powers.

SEC. 594. TITLE VESTED IN TRUSTEES.—The title to land authorized to be purchased and to buildings and improvements thereon shall be vested in the trustees by their assumed name and their successors forever, and the same shall be held for the uses and purposes named and no other.

Title vested in trustees.

SEC. 595. POWERS OF TRUSTEES.—The trustees shall have power, under the direction of the society or congregation, or the authority by whom they were elected or appointed, to sell and execute deeds and conveyances of the property authorized to be held by the society or congregation; and such deeds or conveyances shall have the same effect as like deeds or conveyances made by natural persons; but no deed or conveyance shall be made so as to defeat or destroy the interest or effect of any grant, donation, or bequest, and all grants, donations, and bequests shall be appropriated and used as directed by the person making the same.

Powers of trustees.

SEC. 596. MORTGAGES.—The trustees shall have power, under the direction of the society or congregation, or the authority by whom they were elected or appointed, to execute mortgages, or deeds of trust in the nature of mortgages, upon the estate and property which any society or congregation are authorized to hold, or to lease the same for a term not exceeding ten years; and such mortgages, deeds, and conveyances shall have the same effect and be enforced by the same remedies and proceedings as like mortgages, deeds, leases, and conveyances made by natural persons.

Mortgages.

SEC. 597. DISSOLUTION.—Upon the dissolution of any society or congregation the estate and property of such society or congregation shall revert back to the persons, their heirs, and assigns who may have given or contributed to the purchase of or payment for the same, according to their respective rights.

Dissolution.

SEC. 598. RELIGIOUS SCHOOLS.—The provisions of the eleven preceding sections are intended to extend to members of societies formed to establish and maintain private schools for religious purposes, but shall not be construed as conferring privileges or any benefits to such societies under the school laws of the District.

Religious schools.

SUBCHAPTER THREE.

SOCIETIES, BENEVOLENT, EDUCATIONAL, AND SO FORTH.

Societies, benevolent, educational, etc.

SEC. 599. CERTIFICATE.—Any three or more persons of full age, citizens of the United States, a majority of whom shall be citizens of the District, who desire to associate themselves for benevolent, charitable, educational, literary, musical, scientific, religious, or missionary purposes, including societies formed for mutual improvement or for the promotion of the arts, may make, sign, and acknowledge, before any officer authorized to take acknowledgment of deeds in the District, and file in the office of the recorder of deeds, to be recorded by him, a certificate in writing, in which shall be stated—

Certificate.

First. The name or title by which such society shall be known in law.

—contents.

Second. The term for which it is organized, which may be perpetual.

Third. The particular business and objects of the society.

Fourth. The number of its trustees, directors, or managers for the first year of its existence.

Signers incorporated.

—powers.

Provide.
Exemption from
taxation.

Trustees.

Reincorporation.

Property, how managed.

Name of corporation.

Manufacturing, agricultural, mining, mechanical, insurance, mercantile, transportation, market, and savings bank corporations.
Certificate.

SEC. 600. SIGNERS INCORPORATED.—Upon filing their certificates the persons who shall have signed and acknowledged the same and their associates and successors shall be a body politic and corporate, by the name stated in such certificate; and by that name they and their successors may have and use a common seal, and may alter and change the same at pleasure, and may make by-laws and elect officers and agents, and may take, receive, hold, and convey real and personal estate necessary for the purposes of the society as stated in their certificate, and other real and personal property the clear annual income from which shall not exceed in value twenty-five thousand dollars: *Provided, however,* That this section shall not be construed to exempt any property from taxation in addition to that now specifically exempted by law.

SEC. 601. TRUSTEES.—Such incorporated society may elect its trustees, directors, or managers at such time and place and in such manner as may be specified in its by-laws, who shall have the control and management of the affairs and funds of the society, and a majority of whom shall be a quorum for the transaction of business; and whenever any vacancy shall happen in such board of trustees, directors, or managers the vacancies shall be filled in such manner as shall be provided by the by-laws of the society.

SEC. 602. REINCORPORATION.—The trustees, directors, or stockholders of any existing benevolent, charitable, educational, musical, literary, scientific, religious, or missionary corporation, including societies formed for mutual improvement, may, by conforming to the requirements herein, reincorporate themselves, or continue their existing corporate powers under this subchapter, or may change their name, stating in their certificate the original name of such corporation as well as their new name assumed; and all the property and effects of such existing corporation shall vest in and belong to the corporation so reincorporated or continued.

SEC. 603. PROPERTY, HOW MANAGED.—Any property of the corporation may be leased, encumbered by mortgage or deed of trust in the nature of a mortgage, or sold and conveyed absolutely, when authorized by a vote of the majority of the shares of stock, if the same be a stock corporation, or by a vote of the majority of the directors, managers, or trustees, if the same be not a stock corporation, at a meeting called for the purpose, the proceedings of which meeting shall be duly entered in the records of the corporation, and the proceeds arising therefrom shall be applied or invested for the use and benefit of such corporation.

SEC. 604. NAME OF CORPORATION.—The provisions of this subchapter shall not extend or apply to any association or individual who shall in the certificate filed with the recorder of deeds use or specify a name or style the same as that of any other incorporated body in the District.

SUBCHAPTER FOUR.

MANUFACTURING, AGRICULTURAL, MINING, MECHANICAL, INSURANCE, MERCANTILE, TRANSPORTATION, MARKET, AND SAVINGS BANK CORPORATIONS.

SEC. 605. CERTIFICATE.—Any three or more persons who desire to form a company for the purpose of carrying on any enterprise or business which may be lawfully conducted by an individual, excepting banks of circulation or discount, corporations to buy, sell, or deal with real property, railroads, and such other enterprise or business as may be otherwise specially provided for in this code, may make, sign, and

acknowledge, before some officer competent to take the acknowledgment of deeds, and file in the office of the recorder of deeds, a certificate in writing.

SEC. 606. In such certificate shall be stated—

—contents of.

First. The corporate name of the company and the object for which it is formed.

Second. The term of its existence, which may be perpetual.

Third. The amount of the capital stock of the company and the number of shares of which said stock shall consist.

Fourth. The number of trustees who shall manage the concerns of the company for the first year and their names.

Fifth. The name of the place in the District in which the operations of the company are to be carried on.

SEC. 607. SIGNERS INCORPORATED.—When the certificate shall have been filed, in accordance with the provisions of the preceding section, the persons who shall have signed and acknowledged the same and their successors shall be a body politic and corporate in fact and in name, by the name stated in such certificate, and by that name have succession and be capable of suing and being sued in any court of law or equity in the District; and they and their successors may have a common seal and make and alter the same at pleasure, and they shall by their corporate name be capable in law of purchasing, holding, and conveying any real or personal estate whatever which may be necessary to enable the company to carry on its operations named in such certificates, but shall not mortgage such estate or give any lien thereon, except in pursuance of a vote of the stockholders of the company.

Signers incorporated.

SEC. 608. TRUSTEES.—The stock, property, and concerns of such company shall be managed by not less than three nor more than fifteen trustees, who shall, respectively, be stockholders, and a majority citizens of the District, and shall, except for the first year, be annually elected by the stockholders, at such time and place as shall be determined by the by-laws of the company.

Trustees.

SEC. 609. ELECTIONS.—Public notice of the time and place of holding such election shall be published not less than thirty days previous thereto in some newspaper printed and published in the District, and the election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy. All the elections shall be by ballot, and each stockholder shall be entitled to as many votes as he owns shares of stock in the company, and the persons receiving the greatest number of votes shall be trustees; and when any vacancy shall happen among the trustees it shall be filled for the remainder of the year in such manner as may be provided by the by-laws of the company.

Elections.

SEC. 610. In case it shall happen at any time that an election of trustees shall not be made on the day designated by the by-laws of said company when it ought to have been made, the company shall not for that reason be dissolved, but it shall be lawful on any other day to hold an election for trustees, in such manner as shall be provided by the by-laws, and all acts of trustees shall be valid and binding as against said company until their successors shall be elected.

Failure to elect on day designated not to dissolve company.

SEC. 611. OFFICERS.—There shall be a president of the company, who shall be designated from the trustees; and also such subordinate officers as may be elected or appointed, and who may be required to give security for the faithful performance of the duties of their office, as the company by its by-laws may require.

Officers.

SEC. 612. BY-LAWS.—The trustees shall have power to make such prudential by-laws as they deem proper for the management and disposal of the stock and business affairs of such company, not inconsistent with the laws of the District and the Constitution of the United States, and prescribing the duties of officers, artificers, and servants that may be employed, for the appointment of all officers, and for car-

By-laws.

rying on all kinds of business within the objects and purposes of such company.

Calls.

SEC. 613. CALLS.—No company incorporated under this subchapter shall be authorized to transact any business until ten per centum of the capital stock shall have been actually paid in, either in money or in property at its actual value; and it shall be lawful for the trustees to call in and demand from the stockholders the residue of their subscriptions in money or property at such times and in such installments as the trustees shall deem proper, under the penalty of forfeiting the shares of stock subscribed for and all previous payments made thereon, if payment shall not be made by the stockholder within sixty days after a personal demand or a notice requiring such payment shall have been published for six successive weeks in a newspaper in the District.

Stock.

SEC. 614. STOCK.—The stock of such company shall be deemed personal estate and shall be transferable in such manner as shall be prescribed by the by-laws of the company; but no shares shall be transferable until all previous calls thereon shall have been fully paid in or the shares shall have been declared forfeited for nonpayment.

Liability of stockholders.

SEC. 615. LIABILITY OF STOCKHOLDERS.—All the stockholders of every company incorporated under this subchapter shall be severally individually liable to the creditors of the company in which they are stockholders for the unpaid amount due upon the shares of stock held by them, respectively, for all debts and contracts made by such company, until the whole amount of capital stock fixed and limited by such company shall have been paid in, and a certificate thereof shall have been made and recorded, as prescribed in the following section.

Payments on capital stock.

SEC. 616. PAYMENTS ON CAPITAL STOCK.—The president and a majority of the trustees, within thirty days after the payment of the last installment of the capital stock so fixed and limited, shall make a certificate stating the amount of the capital so fixed and paid in, which certificate shall be signed and sworn to by the president and a majority of the trustees; and they shall within the said thirty days record the same in the office of the recorder of deeds of the District.

Annual reports.

SEC. 617. ANNUAL REPORTS.—Every such company shall annually, except insurance companies, within twenty days from the first of January, make a report, which shall be published in a newspaper in the District, which shall state the amount of capital and of the proportion actually paid and the amount of existing debts, which report shall be signed by the president and a majority of the trustees, and shall be verified by the oath of the president or secretary of the company, and filed in the office of the recorder of deeds of the District.

Penalty for failure.

SEC. 618. PENALTY FOR FAILURE.—If any company fails to comply with the provisions of the preceding section, all the trustees of such company shall be jointly and severally liable for the debts of the company then existing and for all that shall be contracted before such report shall be made.

False report.

SEC. 619. FALSE REPORT.—If any certificate or report made or public notice given by the officers of any company in pursuance of the provisions of this subchapter shall be false in any material representation, all the officers who shall have signed the same, knowing it to be false, shall be jointly and severally liable for all debts of the company contracted while they are stockholders or officers thereof.

Stock of other companies not to be bought.

SEC. 620. STOCK OF OTHER COMPANIES NOT TO BE BOUGHT.—It shall not be lawful for any company to use any of their funds in the purchase of any stock in any other corporation.

Loans to stockholders.

SEC. 621. LOANS TO STOCKHOLDERS.—No loan of money shall be made by any company upon the security, in whole or in part, of its own stock; and if any such loan shall be made to a stockholder, the officers who shall make it or who shall assent thereto shall be jointly and severally liable, to the extent of such loan and interest, for all

debts of the company contracted while they are stockholders or officers thereof.

SEC. 622. DIVIDENDS.—If the trustees of any company shall declare and pay any dividend the payment of which would render it insolvent, or which would diminish the amount of its capital stock, they shall be jointly and severally liable for all the debts of the company then existing and for all that shall be thereafter contracted while they shall respectively remain in office. Dividends; trustees' liability.

SEC. 623. If any of the trustees shall object to declaring such dividend or the payment of the same, and shall, at any time before the time fixed for the payment thereof, file a certificate of their objection in writing with the secretary of the company and with the recorder of deeds of the District, they shall be exempt from the liability prescribed in the preceding section. —objections of, to declaring, etc.

SEC. 624. EXECUTORS, AND SO FORTH, NOT PERSONALLY LIABLE.—No person holding stock in such company as executor, administrator, guardian, or trustee shall be personally subject to any liability as stockholder of such company, but the estate and funds in the hands of such executor, administrator, guardian, or trustee shall be liable in like manner and to the same extent as the testator or intestate or the ward or person interested in such trust fund would have been if he had been living and competent to act and hold the stock in his own name. Executors, etc., not personally liable.

SEC. 625. EXECUTORS, AND SO FORTH, MAY VOTE.—Every such executor, administrator, guardian, or trustee shall represent the stock in his hands at all meetings of the company, and may vote accordingly as a stockholder. Executors, etc., may vote.

SEC. 626. PLEDGES OF STOCK.—No person holding stock in such company as collateral security shall be personally subject to any liability as stockholder of such company, but the person pledging such stock shall be considered as holding the same, and shall be liable as a stockholder accordingly; and every person who shall pledge his stock as collateral security may, nevertheless, represent the same at all meetings and vote as a stockholder. Pledges of stock.

SEC. 627. STOCK BOOK.—It shall be the duty of the trustees of every corporation formed under this subchapter to cause a book to be kept by the treasurer or secretary thereof, containing the names of all persons alphabetically arranged, who are or shall within six years have been stockholders of such company, and showing their place of residence, the number of shares of stock held by them respectively, the time when they became owners of such shares, and the amount of stock actually paid in. Stock book.

SEC. 628. Such book shall, during the usual business hours of the day, on every business day, be open for inspection of stockholders and creditors of the company and their personal representatives, at the office or principal place of business of such company in the District where its business operations shall be located, and any stockholder, creditor, or representative shall have a right to make extracts from such books. —open for inspection, etc.

SEC. 629. TRANSFERS.—A person in whose name shares of stock stand on the books of a company shall be deemed the owner thereof as regards the company, but if any such person shall in good faith sell, pledge, or otherwise dispose of any of his shares of stock to another and deliver to him the certificate for such shares, with written authority for the transfer of the same on the books, the title of the former shall vest in the latter so far as may be necessary to effect the purpose of the sale, pledge, or other disposition, not only as between the parties themselves, but also as against the creditors of and subsequent purchasers from the former, subject to the provisions of section six hundred and fourteen. Transfers.

SEC. 630. Such book shall be presumptive evidence of the facts therein stated in favor of the plaintiff in any suit or proceeding against such company or against any one or more stockholders. Weight of book as evidence.

Inspection of books.

SEC. 631. INSPECTION OF BOOKS.—Every officer or agent of any company who shall neglect to make any proper entry in such book, or shall refuse or neglect to exhibit the same, or allow the same to be inspected and extracts to be taken therefrom, as herein provided, shall be deemed guilty of a misdemeanor, and the company shall pay to the party injured a penalty of fifty dollars for any such neglect or refusal, and all damages resulting therefrom.

Penalty for failure to keep book open to inspection.

SEC. 632. Every company that shall neglect to keep such book open for inspection, as provided in section six hundred and twenty-eight, shall forfeit to the United States the sum of fifty dollars for every day it shall so neglect, to be sued for and recovered in the supreme court of the District.

Increase or diminution of stock.

SEC. 633. INCREASE OR DIMINUTION OF STOCK.—Any company which may be formed under this subchapter may increase or diminish its capital stock, by complying with the provisions of this subchapter, to any amount which may be deemed sufficient and proper for the purposes of the corporation, and may also extend its business to any other business authorized hereby, subject to the provisions and liabilities of this subchapter.

—condition of diminution.

SEC. 634. Before any corporation shall be entitled to diminish the amount of its capital stock, if the amount of its debts and liabilities shall exceed the amount of capital to which it is proposed to be reduced, such amount of debts and liabilities shall be satisfied and reduced so as not to exceed such diminished amount of capital.

Meeting to increase, etc., stock, etc., notice of.

SEC. 635. Whenever any company shall desire to call a meeting of the stockholders for the purpose of increasing or diminishing the amount of its capital stock, or for extending or changing its business, it shall be the duty of the trustees or directors to publish a notice, signed by a majority of them, in a newspaper in the District, at least three successive weeks, and to deposit a notice thereof in the post-office addressed to each stockholder at his usual place of residence, at least three weeks previous to the day fixed upon for holding such meeting, specifying the object of the meeting and the time and place when and where such meeting shall be held.

—two-thirds of shares to be represented

SEC. 636. If, at any time and place specified in the notice provided for in the preceding section, stockholders shall appear by proxy or in person representing not less than two-thirds of all the shares of stock of the corporation, they shall organize and proceed to a vote of those present or by proxy.

—certificate of proceedings.

SEC. 637. If, on canvassing the votes, it shall appear that a sufficient number of votes are in favor of increasing or diminishing the amount of capital, or extending or changing the business of the company, a certificate of the proceedings, showing a compliance with the provisions of this subchapter, the amount of capital actually paid in, the business to which it is extended or changed, the whole amount of debts and liabilities of the company, and the amount to which the capital shall be increased or diminished, shall be made out, signed, and verified by the affidavit of the chairman, and be countersigned by the secretary.

—acknowledgment, filing of, etc.

SEC. 638. Such certificate shall be acknowledged by the chairman, and filed as required by section six hundred and six, and when so filed the capital stock of such corporation shall be increased or diminished to the amount specified in the certificate, and the business extended or changed accordingly; and the company shall be entitled to the privileges and provisions and be subject to the liabilities of this subchapter.

Vote of two-thirds of shares necessary.

SEC. 639. A vote of at least two-thirds of all the shares of the stock of a company shall be necessary to an increase or diminution of the amount of its capital stock or the extension or change of its business.

Copy of certificate to be evidence.

SEC. 640. COPY OF CERTIFICATE TO BE EVIDENCE.—A copy of any certificate of incorporation filed in pursuance of this subchapter, certified by the recorder of deeds to be a true copy and the whole of such

certificate, shall be received in all courts and places as presumptive legal evidence of the facts therein stated.

SEC. 641. TITLE AND FIRE INSURANCE COMPANIES MAY BECOME PERPETUAL.—Any company heretofore formed, agreeably to law, for the purpose of insuring titles to real estate, or for the purpose of carrying on fire insurance, may become perpetual by filing, in the office of the recorder of deeds, a certificate to that effect, in like manner as is provided by law for the filing of the original certificate of incorporation.

Title and fire insurance companies may become perpetual.

SEC. 642. SALE OF UNCLAIMED FREIGHT, AND SO FORTH.—Whenever any freight, baggage, or other property transported by a common carrier to, or deposited with a common carrier at, any point in the District of Columbia, shall remain unclaimed by the owner or consignee, or the charges thereon shall remain unpaid for the space of six months after arrival at the point to which the same shall have been directed or transported, or after deposit as aforesaid, and the owner or person to whom the same is consigned, or by whom the same shall have been deposited, shall, after notice of such arrival, or after notice to take away such property so deposited, neglect or refuse to receive the same and pay the charges thereon within such period of six months, then it shall be lawful for such carrier to sell such freight, baggage, or other property at public auction, after giving three weeks' notice of the time and place of sale, once a week for three successive weeks, in a newspaper published in the District of Columbia.

Sale of unclaimed freight, etc., by common carrier.

—notice to consignee.

SEC. 643. Upon the application of such carrier, verified by affidavit, to the supreme court of the District of Columbia holding a special term, setting forth that the place of residence of the owner or consignee of any such freight, baggage, or other property is unknown, or that such freight, baggage, or other property is of such perishable nature, or so damaged, or showing any other cause that shall render it impracticable to give the notice or delay the sale for the period provided in the next preceding section, then it shall be lawful for such court to make an order authorizing the sale of such freight, baggage, or other property upon such terms as to notice as the nature of the case may admit of and to such court shall seem meet: *Provided*, That in case of perishable property the affidavit and proceedings required and authorized by this section may be had before a justice of the peace.

—order of court where notice impracticable.

Provido.—proceedings where property perishable.

SEC. 644. The residue of moneys arising from any such sale, under either of the two next preceding sections, after deducting the amount of charges, including charges for transportation, the cost of handling and storage, demurrage, and the costs and expenses of proceedings to authorize the sale, and of advertising and sale, shall be paid to the owner of such freight, baggage, or other property on demand.

Disposition of residue of moneys from sale.

SUBCHAPTER FIVE.

INSURANCE COMPANIES.

SEC. 645. DEPARTMENT OF INSURANCE.—There shall be, and is hereby, established in the District a department of insurance, under the direction of the Commissioners of the District. The said Commissioners are authorized and directed to appoint a superintendent of insurance, at an annual salary of two thousand five hundred dollars, and one clerk, at an annual salary of one thousand dollars. The said superintendent and clerk shall devote their services exclusively to the business of said department. Said superintendent shall have supervision of all matters pertaining to insurance, insurance companies, and beneficial orders and associations, subject only to the general supervision of the Commissioners.

Insurance companies.

Department of insurance.

Superintendent, etc.

Duties of superintendent.

SEC. 646. DUTIES OF SUPERINTENDENT, AND SO FORTH.—It shall be the duty of said superintendent to see that all laws of the United States relating to insurance or insurance companies, benefit orders, and associations doing business in the District are faithfully executed; to keep on file in his office copies of the charters, declarations of organization, or articles of incorporation of every insurance company, benefit association or order, including life, fire, marine, accident, plate-glass, steam-boiler, burglary, cyclone, casualty, live-stock, credit, and maturity companies or associations doing business in the District; and before any such insurance company, association, or order shall be licensed to do business in the District it shall file with said superintendent a copy of its charter, declaration of organization, or articles of incorporation, duly certified in accordance with law by the insurance commissioners or other proper officer of the State, Territory, or nation where such company or association was organized; also a certificate setting forth that it is entitled to transact business and assume risks and issue policies of insurance therein; and if its principal office is located outside the District it shall appoint some suitable person, resident in said district, as its attorney, upon whom legal process may be served; and the fees for filing with the superintendent such papers as are required by this section shall be ten dollars, to be paid to the collector of taxes, and no other license fee shall be required of such insurance companies or associations except as provided in sections six hundred and fifty-four and six hundred and fifty-five of this subchapter. Said superintendent shall have power to make such rules and regulations, subject to the general supervision of the Commissioners, not inconsistent with law, as to make the conduct of each company in the same line of insurance conform in doing business in the District.

Papers to be filed with, before issue of license.

Outside companies to appoint Attorney.

Fees.

Regulations.

Annual statements of companies.—contents, etc.

SEC. 647. ANNUAL STATEMENTS.—The said superintendent shall furnish, in December of each year, to every company or association hereinbefore mentioned, or its agent or attorney in the District, the necessary blank forms for the annual statements for such company or association, which shall be returned to the superintendent on or before the first day of March in each year, signed and sworn to by the president and secretary, or if a foreign company by its manager or proper representative within the United States, showing its true financial condition as of the next preceding thirty-first day of December, which shall include a detailed statement of its assets and liabilities on that day, the amount and character of business transacted, losses sustained, and money received and expended during the year, and such other information as the said superintendent may deem necessary. Such annual statements shall be printed in at least one newspaper published in the District of Columbia, in the month of March in each year; and any such company or association failing to comply with the provisions aforesaid shall have its license to do business in the District revoked.

Paid-up capital required.

SEC. 648. PAID-UP CAPITAL REQUIRED, AND SO FORTH.—No fire insurance company, except mutual fire insurance companies organized in the District of Columbia under special act of Congress or the general laws of said District, or mutual companies of other States licensed to do business in the said District, which has a paid-up capital of less than one hundred thousand dollars, shall be permitted to do business therein, and all life and fire insurance companies or associations licensed to do business in said District shall be required to maintain a reinsurance reserve fund; and whenever any such company or association not excepted from the operations hereof shall become insolvent or impaired to the extent of twenty-five per centum of its capital stock it shall be the duty of the superintendent to suspend its license; and unless such impairment or insolvency shall be made good within sixty days thereafter, it shall be the duty of the superintendent of insurance to revoke its license to do busi-

Reinsurance reserve fund.

Suspension of license for insolvency.

ness in the District; and it shall be unlawful for any insurance company, association, or order to do business in the District without a license, or to continue business after the revocation of its license, and any such company or association violating this provision shall be liable to a penalty of twenty dollars for each day it transacts business without such license, to be recovered by the Commissioners of the District by an action of debt in any court of the District of competent jurisdiction. And any person who shall aid in carrying on the business of any such company, or shall act as agent or solicitor for any company not licensed to do business in said District, or whose license is revoked, shall be guilty of a misdemeanor, and on conviction thereof in the police court of said District shall be punished by a fine not exceeding one hundred dollars, or, in default of payment thereof, by imprisonment in the jail of the District for not less than ten nor more than sixty days. And the superintendent of insurance shall issue such license to any such insurance company or association whenever it shall have complied with the provisions of section six hundred and forty-six of this subchapter, subject, however, to the provisions of sections six hundred and fifty-four and six hundred and fifty-five thereof: *Provided*, That the superintendent of insurance shall have power to make an official examination into the affairs of any insurance company or association organized under the laws of the District of Columbia, or having its principal office therein, at his discretion, for the purpose of ascertaining whether such company is impaired or insolvent, as aforesaid.

Transacting business without license; penalty.

Proviso. Ascertaining insolvency.

SEC. 649. DEPOSIT REQUIRED OF FOREIGN COMPANIES.—No insurance company or association organized outside the territorial limits of the United States shall be licensed to do business in the District until it shall have complied with the laws of some one of said States requiring a deposit of not less than one hundred thousand dollars, or deposited in the registry of the supreme court of the District United States or municipal bonds, the market value of which shall be not less than one hundred thousand dollars, to be approved by the superintendent of insurance and the Commissioners of the District, to be held and maintained unimpaired in the registry of said court as a reserve fund for the liquidation of any judgment or judgments that may be obtained against such insurance company or association in said court or any inferior court of competent jurisdiction in said District; and the financial statements of insurance companies or associations, required hereby to be filed annually with the superintendent of insurance, shall set forth specifically the assets, liabilities, and conduct of the affairs of such companies or associations within the United States, and such statement shall be verified under oath by the manager and assistant manager or other proper officers of such companies or associations within the United States; and so much of this subchapter as requires the publication of annual statements shall only extend to the statements respecting the affairs of such foreign companies or associations within the United States.

Deposit required of foreign companies.

Financial statements to show assets, etc.

SEC. 650. STATEMENT OF BUSINESS IN DISTRICT OF COLUMBIA.—Every insurance company and association doing business in the District of Columbia shall, through its local agents or representatives, furnish to the superintendent, during the month of January of each year, a statement of its business in said District, setting forth specifically the net amount of its premium receipts, the amount of losses paid, the amount of expenses incurred, respecting the business done in the District during the calendar year next preceding, and said superintendent shall preserve a separate record of the same in his office for convenient reference, showing the ratio of such losses and expenses, respectively, to said premium receipts, "and all insurance companies of every description, except mutual fire insurance companies, shall pay to the

Statement of business in District of Columbia.

collector of taxes before March first of each year a sum equal to one and one-half per centum of said premium receipts of the last preceding calendar year, in lieu of all other taxes, except taxes upon real estate and any license fees provided for in sections six hundred and fifty-four and six hundred and fifty-five; and upon the failure of any company to pay said taxes before March first, as aforesaid, the license of said company shall be revoked and a penalty of eight per centum per month shall be charged against said company, which, together with said taxes, shall be collected before said company shall be allowed to resume business."

Superintendent to
make annual report.

SEC. 651. SUPERINTENDENT TO MAKE ANNUAL REPORT.—The superintendent of insurance shall report annually to the Commissioners of the District, on or before the thirty-first day of March, the financial condition of each insurance company and association doing business in said District, as of the thirty-first day of December next preceding.

Inquiries as to Dis-
trict companies.

SEC. 652. INQUIRIES AS TO DISTRICT COMPANIES.—It shall be the duty of the said superintendent of insurance to ascertain whether the capital required by law or the charter of each insurance company or association organized under the laws of the District of Columbia has been actually paid up in cash and is held by its board of directors subject to their control, according to the provisions of their charter, or has been invested in property worth not less than the full amount of the capital stock required by its charter; or, if a mutual company, that it has received and is in actual possession of securities, as the case may be, to the full extent of the value required by its charter; and the president and secretary of such company or association shall make a declaration under oath to said superintendent, who is hereby empowered to administer oaths when hereby required, that the tangible assets exhibited to him represent bona fide the property of the company or association, which sworn declaration shall be filed and preserved in the office of said superintendent; and any such officer swearing falsely in regard to any of the provisions hereof shall be deemed guilty of perjury and shall be subject to all the penalties now prescribed by law in the District of Columbia for that crime.

Sworn statement of
officers of company.

Assessment com-
panies, exemption of.

SEC. 653. ASSESSMENT COMPANIES.—Insurance companies or associations transacting the business of life insurance on the assessment plan, organized under the laws of the District of Columbia or of any State of the United States, and doing business in said District, shall not be required to comply with the provisions of the next preceding section in regard to its assets; but such assessment companies or associations shall be required, as a condition of license to do business in said District, to file annually in the month of January with said superintendent a sworn statement setting forth that they are paying, and for the twelve months next preceding have paid, the maximum amount named in their policies or certificates of membership when and as the same become due and payable, and that one assessment upon their members is sufficient to pay the maximum amount for such certificate or policy issued, and such other information as he may require. Such assessment companies or associations shall also furnish said superintendent evidence that they hold an emergency or surplus fund as a guaranty for the payment of future death claims when the same is required by the charter or constitution of the company or association; and any such company or association licensed to do an insurance business refusing or neglecting to furnish such certificate shall have its license to do business in the District of Columbia revoked; but the provisions of this section shall apply only to associations transacting life insurance upon the assessment plan.

—sworn statement.

—certificate as to
emergency fund.

Insurance agents'
license.

SEC. 654. INSURANCE AGENTS.—No person, firm, or corporation shall act as agent for any insurance company or association, or act as insurance broker or agent for procuring or placing insurance for commis-

sions, compensation, gain, or profit, without first having obtained a license as an insurance agent or broker from the superintendent of insurance of the District. Every such license certificate shall have printed conspicuously upon its face the words "General insurance license," and for such license the sum of fifty dollars shall be paid annually in the month of March to the collector of taxes of said District. All licenses for insurance companies, their agents, or solicitors, who may apply for permission to do business in the District of Columbia shall date from the first of the month in which application is made and expire on the thirtieth day of April following, and payment shall be made in proportion. No person, firm, or corporation, or association shall allow or pay any commission, rebate, or compensation whatever, directly or indirectly, to, for, or in behalf of any person, firm, or corporation doing business in the District of Columbia not licensed as herein provided. Any violation of this section shall be a misdemeanor and, on conviction in the police court of said District, be subject to the penalties provided in section six hundred and forty-eight aforesaid for the misdemeanors therein described: *Provided*, That licenses to firms, corporations, or associations shall be held to extend only to the bona fide copartners, not exceeding two in one firm, and to the secretary and one assistant secretary of each corporation or association so licensed, any one of whom may be held and dealt with on behalf of such firm, corporation, or association for any violation of the provisions hereof: *And provided further*, That all moneys paid as fines under the provisions hereof shall be turned over to the proper custodian of the relief or pension fund of the fire department of the District, to be used and accounted for agreeably to the then existing rules for the use of such relief or pension fund.

—duration of.

Penalty.

Provisos.
Licenses to firms,
etc., extent of.

Disposition of mon-
eys paid as fines.

SEC. 655. FRATERNAL ASSOCIATIONS, AND SO FORTH. — Nothing herein contained shall be held to interfere with or abridge the rights of, or apply to, any fraternal beneficial societies, orders, or associations under the act of Congress entitled "An act regulating fraternal beneficial associations in the District of Columbia," approved March third, eighteen hundred and ninety-seven, the provisions of which are embodied in subchapter twelve of this chapter, except that the superintendent of insurance herein provided for shall be substituted for and perform all the duties in said act of Congress assigned to the assessor of the District of Columbia: *Provided*, That any insurance company or agent licensed to do business in the District of Columbia may employ solicitors, and the license fee to be paid for each solicitor so employed shall be five dollars per year, payable in the month of March, and such license shall have printed on its face the words "Insurance solicitor's license," and shall contain the name of the company for which such solicitor is employed, and no other: *Provided*, That nothing herein contained shall be held to prevent any life or fire insurance company from carrying on the business commonly known as industrial insurance, and the license fee to be paid for solicitors for such industrial insurance shall be two dollars for every such solicitor, to be paid in the month of March in each year. Such license certificate shall have conspicuously printed on its face "Industrial insurance license," and shall also express upon its face the name of the company for which such solicitor is employed; and any certificate of license granted under this section or the next preceding section may be assigned, upon application to the superintendent of insurance, by canceling the old certificate and issuing a new one of like tenor to the assignee for the unexpired term, for which assignment a fee of twenty-five cents shall be paid to the collector of taxes; and any person who shall act as solicitor for any such insurance company, without having first procured such license therefor, or shall solicit for any company other than the one named in such license, shall be guilty of a misdemeanor and, on conviction thereof in

Fraternal associa-
tions; rights of, un-
abridged.

Vol. 29, p. 630.

Provisos.
Insurance solicitors.

—license of.

Industrial insur-
ance.

—solicitors' license.

Assignment of cer-
tificate of license.

Penalty.

the police court of said District, be punished by a fine of not less than ten dollars nor more than fifty dollars, and in default of payment of such fine by imprisonment in the jail of said District for a term of not less than ten days nor more than thirty days, at the discretion of the court: *Provided*, That nothing in this subchapter shall be held to prevent any life insurance company organized in the District of Columbia under special act of Congress, but which has discontinued writing new insurance, from collecting premiums or dues upon any undetermined policies under which such company has liabilities, provided such company has sufficient assets and reserves to safely meet such liabilities.

Provide.
Collecting premiums on undetermined policies by discontinued companies.

Wagering policies.

SEC. 656. **WAGERING POLICIES.**—No insurance shall be made by any person or persons, bodies politic or corporate, on any ship or ships, or on any goods, merchandise, or effects laden or to be laden on board of any ship or ships, interest or no interest, or without further proof of interest than the policy, or by way of gaming or wagering, or without benefit of salvage to the insurer; and every such insurance shall be null and void to all intents and purposes.

Copy of application to be attached to policy.

SEC. 657. **COPY OF APPLICATION TO BE ATTACHED TO POLICY.**—Each life insurance company doing business in the District of Columbia shall attach to each policy issued by such company a copy of the application made by the insured, so that the whole contract may appear in said application and policy.

SUBCHAPTER SIX.

CEMETERY ASSOCIATIONS.

Cemetery associations.

How incorporated.

SEC. 658. **HOW INCORPORATED.**—When five or more persons shall associate themselves together for the purpose of forming a cemetery association in the District, such persons shall have the power to adopt a corporate name, and by that name shall be known as a body corporate, and by that name shall have perpetual succession and be invested with all powers, rights, privileges, liabilities, and immunities incident to corporations, and may have a common seal, and may alter or change the same at their pleasure.

Power to acquire land.

SEC. 659. **POWERS.**—Such persons so associated shall have power to acquire by gift, grant, or purchase any lot or lots of land not exceeding fifty acres, and lay out the same for a burial place for the dead, with convenient aisles, and to sell the same for such purpose and for no other purposes, reserving a sufficient portion thereof for the burial of the stranger and indigent.

—survey of.

SEC. 660. They shall cause the land designed as a burial ground to be surveyed and platted, and a plat of the ground so surveyed shall be recorded in the office of the surveyor of the District. Each lot shall be duly numbered by the surveyor and such number shall be marked on the plat and recorded.

—improvements.

SEC. 661. Such association shall have power to inclose and ornament their burial ground, to build and erect a hearse house, and keep the same in proper repair; to purchase a hearse or hearses, and to do all other necessary acts to the end that all the appliances, conveniences, and benefits of a public and private cemetery may be obtained.

Distribution of proceeds from sale of lots.

SEC. 662. The proceeds arising from the sale of lots, after deducting all expenses of purchasing and laying out the same, shall be applied, appropriated, and used in improving and ornamenting the burial ground, or for other purposes named in this subchapter.

Officers.

SEC. 663. **OFFICERS.**—The officers of any such corporation shall be a president, a treasurer (who shall act as a secretary), and not less than three directors, who shall be severally chosen annually by ballot, and shall hold office until their successors are chosen. Any neglect to choose officers on the day fixed upon for that purpose shall not operate

as a forfeiture of the act of incorporation, in accordance with the provisions of this subchapter.

SEC. 664. The first election of officers by the persons associating, according to and for the purpose specified in section six hundred and fifty-eight, shall be at the time and place designated and agreed upon by a majority of the persons so associating themselves together, and no other than such persons shall vote at such election. —first election of.

SEC. 665. VOTERS.—At each subsequent election of officers of any such corporation the owner of a lot in said burial ground shall be entitled to one vote in the election of officers of the corporation and no more, and shall, by virtue of such membership, be a member of the corporation. Voters.

SEC. 666. BY-LAWS.—Each corporation shall have power to establish and change by-laws and prescribe rules and regulations for its government and the duties of its officers and the management of its property. By-laws.

SEC. 667. EXEMPTION FROM TAXATION.—The property of any such corporation, its grounds, lots, and appliances, shall be exempt from taxation and shall not be liable to sale on execution. Exemption from taxation.

SEC. 668. DEDICATION.—Any person desiring to dedicate any lot of land, not exceeding five acres, as a burial place for the interment of the dead for the use of any society, association, or neighborhood may, by deed duly executed and recorded, convey such land to the District of Columbia, by the corporate name of said District of Columbia, specifying in such deed the society, association, or neighborhood for the use of which the dedication is desired to be made, and thereby (provided such conveyance shall be accepted by the Commissioners of the District of Columbia) vest the title to such land in perpetuity, for the uses stated in the deed, and such land shall be thereafter exempt from taxes for all purposes whatever. Dedication.

SEC. 669. GRANTS AND BEQUESTS FOR CARE OF LOTS.—It shall be lawful for such association to take and hold any grant, donation, or bequest upon trust to apply the income thereof, under the direction of the board of managers, for the embellishment, preservation, renewal, or repair of any tomb, monument, gravestone, or other structure, fence, railing, or other inclosure in or around any cemetery lot, or for the planting and cultivation of any trees, shrubs, flowers, or plants in or around any cemetery lot, according to the terms of such grant, donation, or bequest; and the supreme court of the District of Columbia shall have full power and jurisdiction to compel the due performance of such trusts, or any of them, upon a bill filed by the proprietor of any lot in such cemetery for that purpose. Grants and bequests for care of lots.

SEC. 670. DISTANCE FROM CITY AND FROM DWELLINGS.—No person or persons or cemetery association shall lay out any new cemetery, or part of any cemetery, within the city of Washington, in the District of Columbia, nor in said District, within one mile and a half from the boundaries of said city; no person or cemetery association shall, in said District, lay out any cemetery, or part of any cemetery, within less than two hundred yards of any dwelling house, except with the written consent of the owner, lessee, and occupant of such house, nor without a permit to do so from the Commissioners of said District. Distance from city and from dwellings.

SEC. 671. INCLOSURES.—It shall be the duty of the owner or owners of any cemetery or cemeteries in said District to inclose such cemetery or cemeteries with good and sufficient walls or fences to prevent entrance thereto or exit therefrom except by gates provided for that purpose. Such cemetery or cemeteries shall, if required by the Commissioners of said District, be underdrained to such a depth as will prevent water remaining in any grave or vault therein. Inclosures.

SEC. 672. LOTS AND PLATS.—It shall be the duty of the owner or owners of any cemetery or cemeteries in said District to divide the area to be used for graves into lots of reasonable size, to be perma- Lots and plats.

Plat to be filed.

Size of grave spaces.

Register.

Superintendent to register at health department.

Removal of dead bodies; permits.

Conveyance through the District.
Permit of health officer.

Proviso.
—of authority at place of death.

nently designated by conspicuous marks, so that the position of each may be readily determined, each lot to be duly numbered. A plat of such cemetery showing the area so divided, the division into lots, and the number of each such lot shall be filed in the office of the surveyor of said District; the grave spaces hereafter laid out for the burial of persons above ten years of age to be at least eight feet by three feet, and those for the burial of children under ten years of age at least six feet by two feet, or, if preferred by said owner or owners, one-half the measurement of the adult grave space, namely, four feet by three feet.

SEC. 673. REGISTER.—It shall be the duty of the owner or owners of any cemetery or cemeteries in said District to cause to be kept in the office of the superintendent or person in charge of such cemetery or cemeteries a register showing the number of each lot, the name, age, cause of death, and date of burial of each person or persons buried in any such lot or grave space, and the number of the burial permit authorizing such burial. In cases of disinterment said register shall show the date of such disinterment and the number of the official permit therefor opposite the name of the person whose remains are disinterred. Such register shall be at all times open to inspection by duly authorized representatives of the health department and of the police department of said District.

SEC. 674. SUPERINTENDENT TO REGISTER AT HEALTH DEPARTMENT.—It shall be the duty of the superintendent or person in charge of any cemetery or other place for the disposal of dead bodies of human beings in the District of Columbia to register his or her name at the office of the health department of said District, giving full name, residence, and place of business, and in case of removal from one place to another in said District to make change in such register accordingly.

SEC. 675. REMOVAL OF DEAD BODIES.—No dead body of any human being or any part of such body shall, in said District, be removed from place to place, interred, disinterred, or in any manner disposed of without a permit for such removal, interment, disinterment, or disposal granted by the health officer of said District, nor otherwise than in accordance with the terms of said permit; permits for the removal, interment, or disposal to be issued upon the presentation of a proper death certificate, signed by a physician registered at the health department of said District, who has attended the deceased during his or her last illness, or by the coroner of said District or his deputy, or by the proper municipal, county, or State authorities at the place where the death occurred; permits for disinterment (including permission to reinter or transport the body disinterred) to be issued upon the written application of the nearest relative or the legal representative of the deceased; and no superintendent or other person in charge of any cemetery in said District or other place for the disposal of dead bodies shall assist in or assent to or allow any such interment, disinterment, or disposition to be made in such cemetery or place until permit shall be given as aforesaid. It shall be the duty of every such superintendent or other person who shall receive any such permit aforesaid to indorse thereon the date of the interment, disinterment, or disposal, and to preserve, sign, and return the same to the health officer of said District before six o'clock postmeridian of the Saturday following the day of burial, disinterment, or disposal.

SEC. 676. CONVEYANCE THROUGH THE DISTRICT.—No dead body or part of the dead body of any human being shall be in any manner carried or conveyed from, in, to, or through said District by any person, or by means of any boat, vessel, car, stage, or other vehicle, or by any public or private conveyance, without a permit therefor first granted by the health officer of said District: *Provided*, That bodies or parts of dead bodies aforesaid, except such as have died of Asiatic cholera,

yellow fever, typhus fever, smallpox (including varioloid), leprosy, the plague, diphtheria, or scarlet fever, may be brought into said District, or carried through the same in transit, upon a permit of the proper municipal, county, or State authorities of the place at which such person died; and whenever the remains of any deceased person have been conveyed, transferred, or removed beyond the limits of said District it shall be the duty of the person or agent or officer of the corporation having charge of such conveyance, transfer, or removal to detach, date, sign, and return to the health officer the permit authorizing such conveyance, transfer, or removal before six o'clock postmeridian of the Saturday following the day of such conveyance, transfer, or removal of said remains.

Return of permit.

SEC. 677. REPORTS OF DEATH.—It shall be the duty of any person or persons having custody or control of the dead body of any human being or any part of such body to report in writing or cause to be reported in writing, to the health officer of said District, within forty-eight hours after the death of the deceased, the name of said deceased and the location of the body or part thereof. No such body or part thereof shall be kept in said District in such manner as to give rise to any offensive odors to the annoyance of any person or persons in the neighborhood or to the public, nor so as to be exposed to the public view; nor shall any such body or part thereof be permitted by the person or persons having custody or control of it to remain unburied for a longer period than one week after death without permission of the health officer, unless it has been cremated or deposited in the vault of some cemetery; nor shall any person publicly exhibit in said District, for pay or otherwise, any dead body of any human being or any part of such body without a permit from the health officer of said District so to do, except such exhibition be in connection with some Government museum or with some institution of learning permanently located in said District.

Reports of death.

Exposure of bodies
odors, etc.

SEC. 678. PLACE OF BURIAL.—No person shall bury or cause to be buried within said District the body or part of the body of any deceased person, except in such grounds as are now known and used as public or private burial grounds, or such as shall hereafter be designated by the Commissioners of said District and authorized by them to be used as such.

Place of burial.

SEC. 679. MODE OF BURIAL.—No body shall be buried in said District in any vault unless the coffin be separately entombed in properly cemented stone or brick work, so as to render such vault air-tight; such vault, after having been sealed, shall not be opened within ten years; no body shall be temporarily deposited in any vault for a longer period than one month, unless such body is in an hermetically sealed metallic case, nor in any instance for a longer period than one year.

Mode of burial.

SEC. 680. REOPENING GRAVES.—No grave in said District shall be reopened, except for the purpose of disinterment, within ten years after the burial of a person above twelve years of age, or within eight years after the burial of a child under twelve years of age, unless the grave has been, in the first instance, of sufficient depth to permit subsequent interments, in which case a layer of earth of not less than one foot thick shall be left undisturbed over the previously buried coffin, unless such coffin has been separately entombed in properly cemented stone or brick work; but if on reopening any grave the soil be found to be offensive, such soil shall not be disturbed. In no case shall a grave be opened in which has been buried the body of any person who has died of Asiatic cholera, yellow fever, typhus fever, smallpox (including varioloid), leprosy, the plague, tetanus, diphtheria, or scarlet fever.

Reopening graves.

SEC. 681. DEPTH OF GRAVES.—No coffin shall be buried in said District so that any part thereof is within less than four feet of the ordi-

Depth of graves.

nary level of the ground, unless it contains the body of a child under twelve years of age, when it shall not be less than three feet below that level.

Cremation; permit,
etc.

SEC. 682. CREMATION.—No person shall, in the District of Columbia, build or maintain a crematory or other device for destroying human bodies, except within the limits of some duly established cemetery in said District, unless such person or persons has in writing the consent of the owners of more than one-half of the property within a radius of two hundred feet from the place where such crematory is to be erected and maintained and a permit from the Commissioners of said District for the erection and maintenance of such crematory or other device; such permit to be for a term of years, not exceeding five, to be specified therein: *Provided*, That this section shall not apply to such crematories or other devices for destroying human bodies as may have been erected and are in operation at the time of the passage of this law.

Proviso.
Existing cremato-
ries unaffected.

Permit to cremate.

SEC. 683. PERMIT TO CREMATE; EMBALMING.—It shall be unlawful for any person or persons to cremate or otherwise to destroy the dead body, or part of the dead body, of any human being in said District before the issue of the burial permit by the health officer of said District, and then only when said permit is countersigned by the coroner of said District, authorizing such cremation or destruction. It shall be unlawful for any person or persons to embalm, inject, or by any similar method preserve the dead body, or part of the dead body, of any human being in said District within four hours after death or before the issue of the death certificate; and in case the death is believed to be due to other than natural causes, or the cause thereof is unknown, such embalming, injecting, or preserving shall at no time be done unless such death certificate has been signed or approved by the coroner of said District.

Embalming.

Penalty.

SEC. 684. PENALTY.—Any person who shall violate or aid and abet in violating any of the provisions of this subchapter shall, upon conviction thereof by competent judicial authority, be punished, for each offense, by a fine of not more than two hundred dollars, or by imprisonment for not more than ninety days, or both.

Prosecutions.

Proviso.
—trial by jury.

SEC. 685. PROSECUTIONS.—Prosecutions hereunder shall be in the police court of the District of Columbia, in the name of said District: *Provided*, That any person or persons so tried shall have the privilege, when demanded, of a trial by jury, as in other jury-cases in said police court.

Disinterment by or-
der of court.

SEC. 686. DISINTERMENT BY ORDER OF COURT.—Nothing herein shall be construed to interfere with or prevent the disinterment of any body when such disinterment is ordered by one of the justices of the supreme court of the District of Columbia, or by the coroner of said District, for judicial purposes. The provisions hereof shall not be held to interfere with the disposal of the ashes of bodies which have been cremated.

SUBCHAPTER SEVEN.

Building associa-
tions.

BUILDING ASSOCIATIONS.

Certificate of organi-
zation.

SEC. 687. CERTIFICATE OF ORGANIZATION.—Any five or more persons who desire to form an incorporated building or homestead association, all being citizens of the United States, and a majority of them residents of the District of Columbia, may make, sign, seal, and acknowledge, before some officer authorized to take the acknowledgment of deeds, and file for record in the office of the recorder of deeds, a certificate, in writing, to the same effect as that required in subchapter four of this chapter, aforesaid, for the formation of the corporations therein mentioned.

SEC. 688. When such certificate shall have been filed for record as aforesaid, the persons who have signed and acknowledged the same, and their successors, shall become and be a body politic and corporate, in fact and in law, by the name stated in the certificate, and by that name have succession and be capable of suing and being sued in the courts of the District, and of purchasing, holding, and conveying such real estate as may be necessary to the conduct of its business, and to make reasonable by-laws not inconsistent herewith.

Incorporation, powers, etc.

SEC. 689. POWERS AS TO STOCK.—Such corporation shall have power, in its certificate of incorporation or in its by-laws, to provide that its shares of stock may be issued in series; to limit the number of shares which each stockholder may be allowed to hold; to prescribe the entrance fee to be paid by each stockholder at the time of subscribing, and to regulate the installments to be paid on each share and the times at which they shall be payable. It shall also have power to enforce the payment of all installments and other dues by such fines and forfeitures as its by-laws may from time to time provide.

Powers as to stock.

SEC. 690. Any person applying for membership or stock after a month from the time of the incorporation may be required to pay on subscribing such bonus or assessment as may be fixed by said by-laws in order to place said new members or stockholders on a footing with the original members and others holding stock at the time of such application.

Assessments, etc., of applicants for stock after incorporation.

SEC. 691. OBJECTS.—The object of such corporation shall be the accumulation of a capital in money, to be derived from the savings and accumulation by the members thereof, to be paid into said corporation in periodical installments, in fixed and certain sums, and in such amount as shall be designated by the by-laws, until the value of all the shares of stock in said corporation, and every series thereof, shall be equal to the nominal or par value thereof or of some multiple thereof, at which time said corporation shall cease to exist, and in the meantime to enable the members thereof, by obtaining advances upon their shares of stock, to purchase or erect homes for themselves.

Objects.

SEC. 692. ADVANCEMENTS.—The moneys accumulated from time to time shall be offered to such shareholder or shareholders as shall bid the highest premium for preference or priority of right to an advancement of the ultimate value of one or more of his or their respective shares. The said premium shall consist of a percentage on the amount of the advance and shall be deemed to be a consideration or bonus paid by the shareholder for the present and immediate use and possession of the future or ultimate value of the share so advanced, and shall not be deemed usurious. The said premium may either be deducted in advance from the amount to be advanced to the shareholder or be made payable in monthly installments, in addition to legal interest on the sum advanced, as the by-laws may provide.

Advancements.

SEC. 693. For every advance made as aforesaid a bond in a penalty equal to the ultimate value of the shares advanced may be required, secured by a first mortgage or deed of trust on real estate, and a pledge of the shares advanced upon, as additional or collateral security, which bond shall be conditioned for the payment at the stated meetings of the corporation of the monthly dues on the shares so advanced upon and the interest on the sum advanced, and the installments of premium, if made so payable, and all fines chargeable upon arrears of payments, until said shares shall reach their ultimate value aforesaid, or said advance be otherwise canceled or discharged.

Bond required on advancements.

SEC. 694. PROFITS.—The shares advanced upon shall participate equally with the other shares in the profits and the amounts paid by the advanced shareholders, together with such proportion of the profits accrued or such rate of interest as said by-laws may determine, the

Profits.

same as allowed on shares withdrawn not advanced upon, less all fines and a proportionate part of losses and other charges incurred.

Redemption of shares.

SEC. 695. REDEMPTION OF SHARES.—Where advances from the funds on hand can not be made on satisfactory terms, the shareholders failing to bid therefor, the by-laws may provide for the redemption of shares of stock, with the consent of the shareholders, and in case that can not be done, for the involuntary withdrawal and cancellation of shares, the said shares to be selected by lot, always from the oldest series, until exhausted, or the funds to be applied ratably among the owners of shares of the same series.

Withdrawal of shareholders.

SEC. 696. WITHDRAWAL.—A shareholder shall be entitled to withdraw at any time, by giving such notice as the by-laws may require, where no advance has been made on his shares, in which case he shall be entitled to receive the amount of dues paid in by him on each of his shares, together with such proportion of the profits accrued or such rate of interest as said by-laws may determine, less all fines due and a proportionate part of all losses and other charges incurred: *Provided*, That not more than one-half of the funds in the treasury at any time shall be applicable to the demands of the withdrawing shareholders without the consent of the board of trustees.

Proviso.

—limit of funds applicable.

Repayment of advances by shareholders.

SEC. 697. REPAYMENT OF ADVANCES.—A shareholder who has been advanced may at any time repay his advance upon application to the corporation, whereupon, on settlement of his account, he shall be charged with the full amount of the advance and of the accrued installments of the premium, if that has been added to the advancement and made payable in installments, together with all monthly dues, interest, and fines accrued and charged, and shall receive credit for all monthly dues paid on his shares and the profits thereon the same as are allowed under the by-laws on shares withdrawn not advanced upon, and, if the premium has been deducted in advance, with such proportion of the premium as the by-laws may direct, and the balance remaining due, over and above such credits, shall be received by said corporation in satisfaction and discharge of said advance: *Provided*, That in case of the insolvency of the association, he shall not be entitled to credit for the full amount of dues paid by him, but shall only be entitled to a dividend upon said amount, in common with the nonadvanced shareholders.

Proviso.

—credits where association insolvent.

Forfeiture.

SEC. 698. FORFEITURE.—Any nonadvanced shareholder failing to pay the installments due on his shares and the fines due from him for such time as the by-laws shall determine, shall forfeit his stock, but may, on application, receive a return of the amount paid in on account of his stock, less the accrued fines.

Foreclosure on advanced shareholder in arrears, etc.

SEC. 699. FORECLOSURE.—In case any advanced shareholder shall fail to pay all dues, interest, or premiums and shall be in arrears for any part of the same for the period of two months, the payment of the same and of the principal of the advance may be enforced by a foreclosure of the securities given for the same, and if upon a statement of account, as in case of a voluntary settlement of said advance, as hereinbefore authorized, there shall be any surplus of the proceeds of sale of the property given as security over the amount found due from such advanced shareholder, together with all costs incurred by the corporation, such surplus shall be paid to said defaulting shareholder, or his assigns, and his shares of stock so advanced upon shall be the property of the corporation.

Real estate; limit on acquisition of.

SEC. 700. REAL ESTATE.—Such corporation shall not invest its funds in any real estate except what is necessary for the conduct of its business, but may purchase such property at sales made upon foreclosure of mortgages or in satisfaction of judgments or other liens held by it: *Provided*, That such property so purchased be sold within a reasonable time thereafter.

Proviso.

—subsequent sale.

SUBCHAPTER EIGHT.

BOARD OF TRADE.

Board of trade.

SEC. 701. HOW INCORPORATED.—Any number of persons, not less than twenty, residing in the District, may associate themselves together as a board of trade, and assemble at any time and place upon which a majority of the members so associating may agree, and elect a president and one or more vice-presidents, as they may see fit, and adopt a name, constitution, and by-laws, such as they may agree upon.

How incorporated.

SEC. 702. Such persons shall thereupon become a body corporate and politic in fact and in name, by the name and style or title which they may have adopted, and by that name shall have succession, shall be capable in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all the courts of law and equity; and they and their successors shall have a common seal, and may alter and change the same at their discretion.

Powers, etc.

SEC. 703. Such corporation, by the name and style which shall be adopted, shall be capable in law of purchasing, holding, and conveying any estate, real or personal, for the use of the corporation, not exceeding in quantity one city lot and building in the District.

Limit on real estate holdings.

SEC. 704. OFFICERS.—The president, vice-president, secretary, and treasurer shall be ex officio members of the board of directors, and, together with the directors elected, shall manage the business of the corporation.

Officers.

SEC. 705. ELECTIONS.—All officers shall be elected by a plurality of votes given at any election, and a general election of officers shall be held at least once in each year; but in case of any accidental failure or neglect to hold such general election the corporation shall not thereby lapse or terminate, but shall continue and exist, and the old officers shall hold over until the next general election of officers provided for in the constitution adopted.

Elections.

SEC. 706. TENURE OF OFFICE.—The officers shall hold their offices for the time which shall be prescribed in the constitution adopted by the corporation and until others shall be elected and qualified as prescribed by such constitution.

Tenure of office.

SEC. 707. BY-LAWS.—Such corporation shall have the right to admit as members such persons as they may see fit, and expel any members as they may see fit; and in all cases a majority of the members present at any stated meetings shall have the right to pass, and also the right to repeal, any by-law of the corporation; and in all cases the constitution and by-laws adopted by the corporation shall be binding upon and control the same until altered, changed, or abrogated in the manner that may be prescribed in such constitution.

By-laws.

SEC. 708. FINES.—Such corporation may inflict fines upon any of its members, and collect the same, for breach of the provisions of the constitution or by-laws; but no fine shall in any case exceed twenty-five dollars. Such fines may be collected by action of debt, brought in the name of the corporation, before a justice of the peace, against the person upon whom the fine shall have been imposed.

Fines.

SEC. 709. WHAT BUSINESS TO BE CARRIED ON.—Such corporation shall have no power or authority to do or carry on any business excepting such as is usual in the management and conduct of boards of trade or chambers of commerce and is provided for in the preceding sections of this subchapter.

What business to be carried on.

SUBCHAPTER NINE.

Street railways.

STREET RAILWAYS.

Removal of disused tracks.

SEC. 710. REMOVAL OF DISUSED TRACKS.—Whenever the track or tracks, or any part thereof, of any street railway company in the District of Columbia shall not have been regularly operated for railway purposes upon a schedule approved by the Commissioners for a period of three months, the Commissioners of said District, in their discretion, may thereupon notify such company to remove said unused tracks and to place the street in good condition; and if such company shall neglect or refuse to remove said tracks and place the street in good condition within sixty days after such notice, the said company shall be deemed guilty of a misdemeanor and shall be liable to a fine of ten dollars for each and every day during which said tracks are permitted to remain upon the street or streets, or said roadway shall remain out of repair, which fine shall be recovered in the police court of said District, in the name of said District, as other fines and penalties are now recovered in said court.

Penalty.

Using other company's lines to have same motive power.

SEC. 711. USING OTHER COMPANY'S LINES.—It shall be unlawful for any street railway company operating its system or parts of its system over any portion of the underground electric lines owned and operated by another street railway company in the city of Washington to continue such operation, or to enter into reciprocal trackage relations with any other company, as provided for under existing law, unless its motive power for the propulsion of its cars shall be the same as that of the company whose tracks are used or to be used. For every violation of this subchapter the company violating it shall be subject to a fine of ten dollars for every car operated in violation of the provisions of this subchapter, said fine to be collected and applied in the same manner as is provided by the preceding section.

—penalty.

Free transfers.

SEC. 712. FREE TRANSFERS.—All street railway companies within the District of Columbia now operating their systems, or parts of their systems, in the city of Washington by use of the tracks of one or more of such companies, under a reciprocal trackage agreement, as provided for under existing law, which shall be compelled to discontinue the use of the tracks of another company, shall issue free transfers to their patrons from one system to the other at such junctions of their respective lines as may be provided for by the Commissioners of the District of Columbia.

SUBCHAPTER TEN.

Savings banks.

SAVINGS BANKS.

Report to be made to Comptroller.

SEC. 713. REPORT TO BE MADE TO COMPTROLLER, AND TO BE SUBJECT TO PROVISIONS OF LAW APPLICABLE TO NATIONAL BANKS.—All savings banks or savings companies or institutions organized under authority of any act of Congress to do business in the District of Columbia shall be, and are hereby, required to make to the Comptroller of the Currency, and publish, all the reports which national banking associations are required to make and publish under the provisions of sections fifty-two hundred and eleven, fifty-two hundred and twelve, and fifty-two hundred and thirteen of the Revised Statutes, and shall be subject to the same penalties for failure to make or publish such reports as are therein provided; which penalties may be collected by suit before the supreme court of the District of Columbia.

R. S., secs. 5211, 5212, 5213, pp. 1007, 1008.

Subject to provisions of law applicable to national banks.

And all savings or other banks now organized, or which shall hereafter be organized, in the District of Columbia, under any act of Congress, which shall have capital stock paid up in whole or in part,

shall be subject to all the provisions of the Revised Statutes and of all acts of Congress applicable to national banking associations, so far as the same may be applicable to such savings or other banks: *Provided*, That any savings banks established before eighteen hundred and seventy-four shall not be required to have a paid-up capital exceeding one hundred thousand dollars.

Proviso.
Capital if established before 1874.

SEC. 714. COMPTROLLER AUTHORIZED TO EXAMINE.—The Comptroller of the Currency, in addition to the powers now conferred upon him by law for the examination of national banks, is hereby further authorized, whenever he may deem it useful, to cause examination to be made into the condition of any bank in the District of Columbia organized under act of Congress. The Comptroller, at his discretion, may report to Congress the results of such examination. The expense necessarily incurred in the execution of this section shall be paid out of any appropriation made by Congress for special bank examinations.

Comptroller may examine.

SUBCHAPTER ELEVEN.

TRUST, LOAN, MORTGAGE, AND CERTAIN OTHER CORPORATIONS.

Trust, loan mortgage, and certain other corporations.

SEC. 715. FOR WHAT PURPOSES TO BE FORMED.—Corporations may be formed within the District of Columbia for the purposes hereinafter mentioned in the following manner:

For what purposes to be formed.

At any time hereafter any number of natural persons, citizens of the United States, not less than twenty-five, may associate themselves together to form a company for the purpose of carrying on, in the District of Columbia, any one of the three classes of business herein specified, to wit:

First. A safe deposit, trust, loan, and mortgage business.

Second. A title insurance, loan, and mortgage business.

Third. A security, guarantee, indemnity, loan, and mortgage business: *Provided*, That the capital stock of any of said companies shall not be less than one million dollars, and that any of said companies may also do a storage business when their capital stock amounts to the sum of not less than one million two hundred thousand dollars.

Proviso.
Capital stock required.

SEC. 716. ORGANIZATION CERTIFICATE.—Such persons shall, under their hands and seals, execute before some officer in said District competent to take the acknowledgment of deeds, an organization certificate, which shall specifically state—

Organization certificate.

First. The name of the corporation.

Second. The purposes for which it is formed.

Third. The term for which it is to exist, which shall not exceed the term of fifty years, and be subject to alteration, amendment, or repeal by Congress at any time.

Fourth. The number of its directors and the names and residences of the officers who for the first year are to manage the affairs of the company.

Fifth. The amount of its capital stock and its subdivision into shares.

SEC. 717. POWER OF COMMISSIONERS OF THE DISTRICT.—This certificate shall be presented to the Commissioners of the District, who shall have power and discretion to grant or refuse to said persons a charter of incorporation upon the terms set forth in the said certificate and the provisions of this subchapter.

Power of Commissioners of the District of Columbia with reference to.

SEC. 718. NOTICE OF APPLICATION TO COMMISSIONERS.—Previous to the presentation of the said certificate to the said Commissioners, notice of the intention to apply for such charter shall be inserted in two newspapers of general circulation, printed in the District of Columbia, at least four times a week for three weeks, setting forth briefly the name of the proposed company, its character and object, the names of

Notice of application to Commissioners.

the proposed corporators, and the intention to make application for a charter on a specified day; and the proof of such publication shall be presented with said certificate when presentation thereof is made to said Commissioners.

Recording charter,
etc.

SEC. 719. RECORDING CHARTER, AND SO FORTH.—If the charter be granted as aforesaid, it, together with the certificate of the Commissioners granting the same indorsed thereon, shall be filed for record in the office of the recorder of deeds for the District of Columbia, and shall be recorded by him. On the filing of the said certificate with the said recorder of deeds as herein provided, approved as aforesaid by the said Commissioners, the persons named therein and their successors shall thereupon and thereby be and become a body corporate and politic, and as such shall be vested with all the powers and charged with all the liabilities conferred upon and imposed by this subchapter upon companies organized under the provisions hereof: *Provided, however,* That no corporation created and organized under the provisions hereof, or availing itself of the provisions hereof as contained in section seven hundred and twenty-five, shall be authorized to transact the business of a trust company, or any business of a fiduciary character, until it shall have filed with the Comptroller of the Currency a copy of its certificate of organization and charter, and shall have obtained from him and filed the same for record with the said recorder of deeds, a certificate that the said capital stock of said company has been paid in and the deposit of securities made with said Comptroller in the manner and to the extent required by this subchapter.

proviso.

Papers to be filed by
trust companies.

Comptroller, reports
to.
R. S., secs. 5211, 5212,
and 5213, pp. 1007, 1008.

SEC. 720. REPORTS TO COMPTROLLER.—All companies organized hereunder, or which shall, under the provisions hereof, become entitled to transact the business of a trust company, shall report to the Comptroller of the Currency in the manner prescribed by sections fifty-two hundred and eleven, fifty-two hundred and twelve, and fifty-two hundred and thirteen of the Revised Statutes of the United States in the case of national banks, and all acts amendatory thereof or supplementary thereto, and with similar provisions for compensating examiners, and shall be subject to like penalties for failure to do so. The Comptroller shall have and exercise the same visitorial powers over the affairs of the said corporation as is conferred upon him by section fifty-two hundred and forty of the Revised Statutes of the United States in the case of national banks. He shall also have power, when in his opinion it is necessary, to take possession of any such company for the reasons and in the manner and to the same extent as are provided in the laws of the United States with respect to national banks.

—visitorial powers of.
R. S., sec. 5240, p.
1013.

Special powers. of
companies.

SEC. 721. SPECIAL POWERS.—All companies organized under this subchapter are hereby declared to be corporations possessed of the powers and functions of corporations generally, and shall have power—

—contracts.

—sue and be sued.

—seal.

—loans.

—safe deposit, trust,
etc., companies; pow-
ers of, etc.

First. To make contracts.

Second. To sue and be sued, plead and be impleaded, in any court as fully as natural persons.

Third. To make and use a common seal and alter the same at pleasure.

Fourth. To loan money.

Fifth. When organized under subdivision one of section seven hundred and fifteen of this subchapter, to accept and execute trusts of any and every description which may be committed or transferred to them, and to accept the office and perform the duties of receiver, assignee, executor, administrator, collector of estate or property of any decedent, guardian of the estate of minors with the consent of the guardian of the person of such minor, and committee of the estates of lunatics and idiots whenever any trusteeship or any such office or appointment is committed or transferred to them, with their consent, by any person, body politic or corporate, or by any court in the District of Columbia; and all such companies organized under the first subdivision

of section seven hundred and fifteen of this subchapter are further authorized to accept deposits of money for the purposes designated herein, upon such terms as may be agreed upon from time to time with depositors, and to act as agent for the purpose of issuing or countersigning the bonds or obligations of any corporation, association, municipality, or State, or other public authority, and to receive and manage any sinking fund on any such terms as may be agreed upon, and shall have power to issue its debenture bonds upon deeds of trust or mortgages of real estate to a sum not exceeding the face value of said deeds of trust or mortgages, and which shall not exceed fifty per centum of the fair cash value of the real estate covered by said deeds or mortgages, to be ascertained by the Comptroller of the Currency; but no debenture bonds shall be issued until the securities on which the same are based have been placed in the actual possession of the trustee named in the debenture bonds, who shall hold said securities until all of said bonds are paid; and when organized under the second subdivision of section seven hundred and fifteen of this subchapter said company is authorized to insure titles to real estate and to transact generally the business mentioned in said subdivision; and when organized under the third subdivision of section seven hundred and fifteen of this subchapter said company is hereby authorized, in addition to the loan and mortgage business therein mentioned, to secure, guarantee, and insure individuals, bodies politic, associations, and corporations against loss by or through trustees, agents, servants, or employees, and to guarantee the faithful performance of contracts and obligations of whatever kind entered into by or on the part of any person or persons, association, corporation, or corporations, and against loss of every kind: *Provided*, That any corporations formed under the provisions of this subchapter when acting as trustee shall be liable to account for the amounts actually earned by the moneys held by it in trust in addition to the principal so held; but such corporation may be allowed a reasonable compensation for services performed in the care of the trust estate.

Title insurance, loan, etc., companies; powers of, etc.

Security, guarantee, etc., companies; powers of, etc.

Proviso.
Corporations acting as trustee accountable for amounts actually earned by trust funds, etc.

Court may appoint company trustee, executor, etc.

SEC. 722. MAY BE APPOINTED TRUSTEE, EXECUTOR, AND SO FORTH.—In all cases in which application shall be made to any court in the District of Columbia, or wherever it becomes necessary or proper for said court to appoint a trustee, receiver, administrator, collector, guardian of the estate of a minor, or committee of the estate of a lunatic, it shall and may be lawful for said court (but without prejudice to any preference in the order of any such appointments required by existing law) to appoint any such company organized under the first subdivision of section seven hundred and fifteen of this subchapter, with its assent, such trustee, receiver, administrator, collector, committee, or guardian, with the consent of the guardian of the person of such minor: *Provided, however*, That no court or judge who is an owner of or in any manner financially interested in the stock or business of such corporation shall commit by order or decree to any such corporation any trust or fiduciary duty.

Proviso.
—not if financially interested.

SEC. 723. OATH.—Whenever any corporation operating under this code shall be appointed such trustee, executor, administrator, collector, receiver, assignee, guardian, or committee, as aforesaid, the president, vice-president, secretary, or treasurer of said company shall take the oath or affirmation now required by law to be made by any trustee, executor, administrator, collector, receiver, assignee, guardian, or committee.

Oath.

SEC. 724. STOCK TO BE SECURITY.—When any court shall appoint the said company a trustee, receiver, administrator, collector, or such guardian or committee, or shall order the deposit of money or other valuable with said company, or where any individual or corporation shall appoint any of said companies a trustee, executor, assignee, or

Stock to be security.

such guardian, the capital stock of said company subscribed for or taken, and all property owned by said company, together with the liability of the stockholders and officers as herein provided, shall be taken and considered as the security required by law for the faithful performance of its duties, and shall be absolutely liable in case of any default whatever.

Existing companies
may avail themselves
of present provisions.

SEC. 725. EXISTING COMPANIES.—Any safe-deposit company, trust company, surety or guaranty company, or title insurance company now incorporated and operating under the laws of the United States in the District of Columbia or of any of the States, and now doing business in said District, may avail itself of the provisions of this subchapter on filing in the office of the recorder of deeds of the District of Columbia, or with the Comptroller of the Currency, a certificate of its intention to do so, which certificate shall specify which one of the three classes of business set out in section seven hundred and fifteen it will carry on, and shall be verified by the oath of its president to the effect that it has in every respect complied with the requirements of existing law, especially with the provisions of this subchapter, that its capital stock is paid in as provided in section seven hundred and thirty-five of this subchapter and is not impaired; and thereafter such company may exercise all powers and perform all duties authorized by any one of the subdivisions of section seven hundred and fifteen of this subchapter in addition to the powers now lawfully exercised by such company.

—certificate required.

Real estate.

SEC. 726. REAL ESTATE.—Any company operating under this subchapter may lease, purchase, hold, and convey real estate, not exceeding in value five hundred thousand dollars, and such in addition as it may acquire in satisfaction of debts due the corporation under sales, decrees, judgments, and mortgages. But no such association shall hold the possession of any real estate under foreclosure of mortgage, or the title and possession of any real estate purchased to secure any debts due to it, for a longer period than five years.

Duration of charter.

SEC. 727. DURATION OF CHARTER.—The charters for incorporations named in this subchapter may be made perpetual, or may be limited in time by their provisions, subject to the approval of Congress.

Capital stock.

SEC. 728. CAPITAL STOCK.—The capital stock of every such company shall be at least one million dollars, and at least fifty per centum thereof must have been paid in, in cash or by the transfer of assets as hereinafter provided in section seven hundred and thirty-five of this subchapter, before any such company shall be entitled to transact business as a corporation, except with its own members, and before any company organized hereunder shall be entitled to transact the business of a trust company, or to become and act as an administrator, executor, guardian of the estate of a minor, or undertake any other kindred fiduciary duty, it shall deposit, either in money or in bonds, mortgages, deeds of trust, or other securities equal in actual value to one-fourth of the capital stock paid in, with the Comptroller of the Currency, to be kept by him upon the trust and for the purposes hereinafter provided; and the said Comptroller may from time to time require an additional deposit from any such company, to be held upon and for the same trust and purposes, not exceeding, however, in value one-half the paid-in capital stock; and the said Comptroller shall not issue to any corporation the certificate heretofore provided for until said deposit with him of securities required by this section. Within one year after the organization of any corporation under the provisions of this subchapter, or after any corporation heretofore existing shall have availed itself of the powers and rights given by this subchapter in the manner herein provided for, its entire capital stock shall have been paid in.

—trust companies.

Shares.

SEC. 729. SHARES.—The capital stock of every such company shall be divided into shares of one hundred dollars each. It shall be lawful

for such company to call for and demand from the stockholders, respectively, all sums of money by them subscribed, at such time and in such proportions as its board of directors shall deem proper, within the time specified in section seven hundred and twenty-eight, and it may enforce payment by all remedies provided by law; and if any stockholder shall refuse or neglect to pay any installment, as required by a resolution of the board of directors, after thirty days' notice of the same, the said board of directors may sell at public auction to the highest bidder so many shares of said stock as shall pay said installment, under such general regulations as may be adopted in the by-laws of said company, and the highest bidder shall be taken to be the person who offers to purchase the least number of shares for the assessment due.

SEC. 730. ANNUAL REPORTS TO COMPTROLLER.—Every such company shall annually, within twenty days after the first of January of each year, make a report to the Comptroller of the Currency, which shall be published in a newspaper in the District, which shall state the amount of capital and of the proportion actually paid, the amount of debts, and the gross earnings for the year ending December thirty-first then next previous, together with their expenses, which report shall be signed by the president and a majority of the directors or trustees, and shall be verified by the oath of the president, secretary, and at least three of the directors or trustees; and said company shall pay to the District of Columbia, in lieu of personal taxes for each next ensuing year, one and one-half per centum of its gross earnings for the preceding year, shown by said verified statement, which amount shall be payable to the collector of taxes at the times and in the manner that other taxes are payable.

Annual reports to
Comptroller.

Taxes.

SEC. 731. LIABILITY OF TRUSTEES.—If any company fails to comply with the provisions of the preceding section, all the directors or trustees of such company shall be jointly and severally liable for the debts of the company then existing and for all that shall be contracted before such report shall be made: *Provided*, That in case of failure of the company in any year to comply with the provisions of section seven hundred and thirty of this subchapter, and any of the directors shall, on or before January fifteenth of such year, file his written request for such compliance with the secretary of the company, the Comptroller of the Currency, and the recorder of deeds of the District of Columbia, such director shall be exempt from the liability prescribed in this section.

Liability of trustees.

Proviso.
—exemption.

SEC. 732. FALSE SWEARING.—Any willful false swearing in regard to any certificate or report or public notice required by the provisions of this subchapter shall be perjury and shall be punished as such according to the laws of the District of Columbia. Any misappropriation of any of the money of any corporation or company formed under this Act, or of any money, funds, or property intrusted to it, shall be held to be larceny, and shall be punished as such under the laws of said District.

False swearing.

SEC. 733. STOCK PERSONAL ESTATE.—The stock of such company shall be deemed personal estate, and shall be transferable only on the books of such company in such manner as shall be prescribed by the by-laws of the company; but no shares shall be transferable until all previous calls thereon shall have been fully paid, and the said stock shall not be taxable in the hands of individual owners, the tax on the gross earnings of the company hereinbefore provided being in lieu of other personal tax. All certificates of the stock of any company organized under this subchapter shall show upon their face the par value of each share and the amount paid thereon.

Stock personal es-
tate.

SEC. 734. LIABILITY OF STOCKHOLDERS.—All stockholders of every company incorporated under this subchapter, or availing itself of its

Liability of stock-
holders.

provisions under section seven hundred and twenty-five, shall be severally and individually liable to the creditors of such company to an amount equal to and in addition to the amount of stock held by them respectively for all debts and contracts made by such company.

Stock to be paid up in money only.

All assets of existing companies, etc., desiring new charter considered money.

Proviso.
—transfer of assets required.

Number of trustees.

Officers.

Proviso.
One office to be held at a time.

Subordinate officers.

By-laws.

Dividends.

—liability of trustees, etc.

—exemption.

Liabilities exceeding assets.

Executors, etc., holding stock.

SEC. 735. STOCK TO BE PAID UP IN MONEY ONLY.—Nothing but money shall be considered as payment of any part of the capital stock, except that in the case of any company now doing business in the District of Columbia in any of the classes herein provided for, or under any act of Congress, or by virtue of the laws of any of the States, and which company has actually received full payment in money of at least fifty per centum of the capital stock required by this act, and which company desires to obtain a charter under this act, all the assets or property may be received and considered as money at a value to be appraised and fixed by the Comptroller of the Currency: *Provided*, That all such assets and property are also transferred to and are thereafter owned by the company organized under this act.

SEC. 736. NUMBER OF TRUSTEES.—The stock, property, and concerns of such company shall be managed by not less than nine nor more than thirty directors or trustees, who shall, respectively, be stockholders, and at least one-half residents and citizens of the District of Columbia, and shall, except the first year, be annually elected by the stockholders at such time and place and after such published notice as shall be determined by the by-laws of the company, and said directors or trustees shall hold until their successors are elected and qualified.

SEC. 737. OFFICERS.—There shall be a president of the company, who shall be a director, also a secretary and a treasurer, all of whom shall be chosen by the directors or trustees: *Provided*, That only one of the above-named offices shall be held by the same person at the same time. Subordinate officers may be appointed by the directors or trustees, and all such officers may be required to give such security for the faithful performance of the duties of their offices as the directors or trustees may require.

SEC. 738. BY-LAWS.—The directors or trustees shall have power to make such by-laws as they deem proper for the management or disposal of the stock and business affairs of such company, not inconsistent with the provisions of this subchapter, and prescribing the duties of officers and servants that may be employed, for the appointment of all officers, and for carrying on all kinds of business within the objects and purposes of such company.

SEC. 739. DIVIDENDS.—If the directors or trustees of any company shall declare or pay any dividend the payment of which would render it insolvent, or which would create a debt against such company, they shall be jointly and severally liable as guarantors for all the debts of the company then existing, and for all that shall be thereafter contracted while they shall, respectively, remain in office.

SEC. 740. If any of the directors or trustees shall object to declaring such dividends or the payment of the same, and shall at any time before the time fixed for the payment thereof file a certificate of their objection in writing with the secretary of the company and with the recorder of deeds of the District, they shall be exempt from the liability prescribed in the preceding section.

SEC. 741. LIABILITIES EXCEEDING ASSETS.—If the liabilities of any company shall at any time exceed the amount of the fair cash value of the assets, the directors or trustees of such company assenting thereto shall be personally and individually liable for such excess to the creditors of the company, after the additional liability of the stockholders has been enforced.

SEC. 742. EXECUTORS, AND SO FORTH, HOLDING STOCK.—No person holding stock in such company as executor, administrator, guardian, or trustee shall be personally subject to any liability as stockholder of such company, but the estate and funds in the hands of such executor,

administrator, guardian, or trustee shall be liable in like manner and to the same extent as the testator or intestate or the ward or the person interested in such trust fund would have been if he had been living and competent to act and hold the stock in his own name.

SEC. 743. INCREASE OF CAPITAL STOCK.—Any corporation which may be formed under this subchapter may increase its capital stock by complying with the provisions of this subchapter to any amount which may be deemed sufficient and proper for the purposes of the corporation.

Increase of capital stock.

SEC. 744. COPY OF CERTIFICATE TO BE EVIDENCE.—A copy of any certificate of incorporation filed in pursuance of this subchapter, certified by the recorder of deeds to be a true copy and the whole of such certificate, shall be received in all courts and places as presumptive legal evidence of the facts therein stated.

Copy of certificate to be evidence.

SEC. 745. NO BOND TO BE REQUIRED WHEN COMPANY APPOINTED EXECUTOR, AND SO FORTH, EXCEPT, AND SO FORTH.—No bond or other collateral security, except as hereinafter stated, shall be required from any trust company incorporated under this subchapter for and in respect to any trust, nor when appointed trustee, guardian, receiver, executor, or administrator with or without the will annexed, collector, committee of the estate of a lunatic or idiot, or other fiduciary appointment; but the capital stock subscribed for or taken, and all property owned by said company and the amount for which said stockholders shall be liable in excess of their stock, shall be taken and considered as the security required by law for the faithful performance of its duties, and shall be absolutely liable in case of any default whatever; and in case of the insolvency or dissolution of said company, the debts due from the said company as trustee, guardian, receiver, executor, administrator, collector, or committee of the estate of lunatics, idiots, or any other fiduciary appointment shall have a preference.

No bond to be required when company appointed executor.

SEC. 746. BOND MAY BE REQUIRED.—The supreme court of the District of Columbia, or any justice thereof, shall have power to make orders respecting such company whenever it shall have been appointed trustee, guardian, receiver, executor, administrator with or without the will annexed, collector, committee of the estate of a lunatic, idiot, or any other fiduciary, and require the said company to render all accounts which might lawfully be made or required by any court or any justice thereof if such trustee, guardian, receiver, executor, administrator with or without the will annexed, collector, committee of the estate of a lunatic or idiot, or fiduciary were a natural person. And said court, or any justice thereof, at any time, on application of any person interested, may appoint some suitable person to examine into the affairs and standing of such companies, who shall make a full report thereof to the court, and said court, or any justice thereof, may at any time, in its discretion, require of said company a bond with sureties or other security for the faithful performance of its obligations, and such sureties or other security shall be liable to the same extent and in the same manner as if given or pledged by a natural person.

Court may require bond, etc., in fiduciary estates, etc.

SEC. 747. CORPORATIONS ORGANIZED UNDER STATE LAWS.—No corporation or company organized by virtue of the laws of any of the States of this Union and having its principal place of business within the District of Columbia shall carry on in the District of Columbia any of the kinds of business named in this subchapter without strict compliance in all particulars with the provisions of this subchapter for the government of such corporations formed under it, and each one of the officers of the corporation or company so offending shall be punished by a fine not exceeding one thousand dollars or imprisonment not exceeding one year, or by both fine and imprisonment, in the discretion of the court.

—cause examination of company's affairs, etc.

Corporations organized under State laws.

SEC. 748. RIGHT TO AMEND OR REPEAL RESERVED TO CONGRESS.—Congress may at any time alter, amend, or repeal this subchapter, but

Right to amend or repeal reserved to Congress.

any such amendment or repeal shall not, nor shall the dissolution of any company formed under this subchapter, take away or impair any remedy given against such corporation, its stockholders, or officers for any liability or penalty which shall have been previously incurred.

SUBCHAPTER TWELVE.

FRATERNAL BENEFICIAL ASSOCIATIONS.

Fraternal benefit associations.

—defined.

—may pay benefits for physical disability, etc.

Proviso.
—for old age not to be under 70 years.

Reserve emergency, etc., fund, etc.

To whom payments made.

Laws applicable to.

Outstanding agreements to pay unspecified benefits not to exclude company, etc.

Existing associations may continue.

Proviso.
—compliance with certain provisions.

Nonresident association; papers to be filed before doing business.

SEC. 749. DEFINED.—A fraternal beneficial association is hereby declared to be a corporation, society, order, or voluntary association, formed or organized and carried on for the sole benefit of its members and their beneficiaries, and not for profit, having a lodge system with ritualistic form of work and representative form of government, making provision for the payment of benefits in case of death. Each such association may make provision for the payment of benefits in case of sickness, temporary or permanent physical disability, either as a result of disease, accident, or old age: *Provided*, That the period in life at which physical disability benefits on account of old age commences shall not be under seventy years, or the age of expectancy from the time of entering, subject to their compliance with its laws. Any such association may create and maintain a reserve, emergency or benefit fund in accordance with its laws. Any such association having a reserve, emergency or benefit fund may, in addition to the benefits hereinbefore named, pay withdrawal benefits, not exceeding the contributions of such member, to a member unable or unwilling to continue membership, provided such membership shall continue not less than three successive years. Such association may also, after ten years of membership, apply its funds and accumulations as its laws provide or the association and members agree. The fund from which the payment of such benefits shall be made and the fund from which the expenses of such association shall be defrayed shall be derived from assessments, dues, and other payments collected from its members or otherwise. Payment of death benefits shall be to the families, heirs, blood relatives, affianced husband or affianced wife of or to persons dependent upon the member. Such association shall be governed by this subchapter, and shall be exempt from the provisions of insurance laws of the United States relating to the District of Columbia, and no law hereafter passed shall apply to them unless they be expressly designated therein: *Provided, however*, That the fact that any such association has outstanding agreements with its members for the payment of benefits other than those hereinbefore specified, if it is making no new contracts of that character and is retiring those already existing, shall not exclude such association from the operation of this subchapter.

SEC. 750. EXISTING ASSOCIATIONS.—All such associations coming within the description as set forth in section seven hundred and forty-nine of this subchapter, organized under the laws of the United States relating to said District, or of any State, country, province, or Territory, and now doing business in said District, may continue such business: *Provided*, That they hereafter comply with the provisions of this subchapter regulating annual reports and the designation of the superintendent of insurance of said District, provided for in subchapter five of this chapter, as the person upon whom process may be served as hereinafter provided.

SEC. 751. NONRESIDENT ASSOCIATIONS.—Any such association coming within the description as set forth in section seven hundred and forty-nine of this subchapter, organized under the laws of any State, country, province, or Territory, and not now doing business in said District, shall be admitted to do business within said District when it shall have filed with the superintendent of insurance a duly certified

copy of its charter and articles of association and a copy of its by-laws, certified to by its secretary or corresponding officer, together with an appointment of the said superintendent as the person upon whom process may be served as hereinafter provided: *Provided*, That such association shall be shown to be authorized to do business in the State, country, province, or Territory in which it is incorporated or organized, in case the laws of such State, country, province, or Territory shall provide for such authorization; and in case the laws of such State, country, province, or Territory do not provide for any formal authorization to do business on the part of any such association, then such association shall be shown to be conducting its business in accordance with the provisions of this subchapter; for which purpose the said superintendent may personally, or by some person to be designated by him, examine into the condition, affairs, character, and business methods, accounts, books, and investments of such association at its home office, which examination shall be at the expense of such association and shall be made within thirty days after demand therefor, and the expense of such examination shall be limited to fifty dollars. Any association doing business under this subchapter shall be permitted to do business upon filing annually with the superintendent of insurance the certificate of authority of the insurance department of the State, Province, or Territory in which it is incorporated or organized: *Provided, however*, That in case of failure to file said certificate by any such association, or in case the superintendent of insurance shall deem it necessary, he shall have power, either personally or by some person designated by him, to examine into the condition, affairs, character, business methods, accounts, books, and investments of such association, at its home office, which examination shall be at the expense of the association. The amount of such expense shall not exceed one hundred dollars for associations which have no reserve or emergency fund and two hundred dollars for associations with a reserve or emergency fund.

Proviso.
—must show authority to act at place of incorporation.

Filing certificate of authority.

—examination at home office.

SEC. 752. ANNUAL REPORTS.—Every such association doing business in said District shall, on or before the first day of March of each year, make and file with the said superintendent a report of its affairs and operations during the year ending on the thirty-first day of December immediately preceding; which annual report shall be in lieu of all other reports required by any other law. Such report shall be upon blank forms to be provided by the said superintendent, or may be printed in pamphlet form, and shall be verified under oath by the duly authorized officers of such association, and shall be published, or the substance thereof, in the annual report of the said superintendent under a separate part entitled "Fraternal Beneficial Associations," and shall contain answers to the following questions:

Annual reports.

First. Number of certificates issued during the year or members admitted.

Questions required to be answered.

Second. Amount of indemnity effected thereby.

Third. Number of losses or benefit liabilities incurred.

Fourth. Number of losses or benefit liabilities paid.

Fifth. The amount received from each assessment for the year.

Sixth. Total amount paid members, beneficiaries, legal representatives, or heirs.

Seventh. Number and kind of claims for which assessments have been made.

Eighth. Number and kind of claims compromised or resisted, and brief statement of reasons.

Ninth. Does the association charge annual or other periodical dues or admission fees?

Tenth. If so, how much on each one thousand dollars, annually or per capita, as the case may be?

Eleventh. Total amount received, from what source, and the disposition thereof.

Twelfth. Total amount of salaries paid to officers.

Thirteenth. Does the association guarantee in its certificates fixed amounts to be paid regardless of amount realized from assessments, dues, admission fees, and donations?

Fourteenth. If so, state amount guaranteed and the security of such guaranty.

Fifteenth. Has the association a reserve or emergency fund?

Sixteenth. If so, how is it created, and for what purpose, the amount thereof, and how invested?

Seventeenth. Has the association more than one class?

Eighteenth. If so, how many; and the amount of indemnity in each case.

Nineteenth. Number of members in each class.

Twentieth. If voluntary, so state; and give date of organization.

Twenty-first. If organized under the laws of said District, under what law and at what time, giving chapter and year, and date of passage of the act.

Twenty-second. If organized under the laws of any State, country, province, or Territory, state such fact and the date of organization, giving chapter and year, and date of passage of the act.

Twenty-third. Number of certificates of beneficial membership lapsed during the year.

Twenty-fourth. Number in force at beginning and end of year; if more than one class, number in each class.

Twenty-fifth. Names and addresses of its president, secretary, and treasurer, or corresponding officers.

Nonresident associations to name an attorney in the District.

SEC. 753. NONRESIDENT ASSOCIATIONS TO NAME AN ATTORNEY IN THE DISTRICT.—Each such association now doing or hereafter admitted to do business within said District, and not having its principal office within said District, and not being organized under the laws of the United States relating to said District, shall appoint, in writing, the said superintendent and his successors in office to be its true and lawful attorney, upon whom all lawful process in any action or proceeding against it may be served, and in such writing shall agree that any lawful process against it which is served on said attorney shall be of the same legal force and validity as if served upon the association, and that the authority shall continue in force so long as any liability remains outstanding in said District. Copies of said certificate certified by said superintendent shall be deemed sufficient evidence thereof, and shall be admitted in evidence with the same force and effect as the original thereof might be admitted. Service upon such attorney shall be deemed sufficient service upon such association. When legal process against such association is served upon said superintendent he shall immediately notify the association of such service by letter, prepaid and directed to its secretary or corresponding officer, and shall, within two days after such service, forward in the same manner a copy of the process served on him to such officer. The plaintiff in such process so served shall pay to the said superintendent at the time of such service a fee of three dollars, which shall be recovered by him as a part of the taxable costs if he prevails in his suit. The said superintendent shall keep a record of all processes served upon him, which record shall show the day and hour when such service was made.

—service on, etc.

Permit from superintendent of insurance.

SEC. 754. PERMIT FROM SUPERINTENDENT OF INSURANCE.—The said superintendent shall, upon the application of any association having the right to do business within said District, as provided by this subchapter, issue to such association a permit in writing authorizing such association to do business within said District, for which certificate and all proceedings in connection therewith such association shall pay the said superintendent the fee of five dollars.

SEC. 755. CERTIFICATE OF ORGANIZATION; TRUSTEES.—Any nine or more persons, at least one-third of whom shall be residents of the District of Columbia, being desirous of forming a fraternal beneficial association for the purposes set forth in section seven hundred and forty-nine of this subchapter, may associate themselves together and effect such organization as hereinafter prescribed, and not otherwise. Such persons shall make, sign, and acknowledge before any officer authorized to take the acknowledgment of deeds in this District and file in the office of the recorder of deeds of said District a certificate or declaration in writing, to be recorded in a book kept for that purpose and open to public inspection, in which shall be stated the name or title by which said association shall be known to law; the mode and manner in which the corporate powers granted by this subchapter are to be exercised; the name or official title of the officers, trustees, representatives, or other persons by whatever name or title designated, who are to have and exercise the general control and management of its affairs; the place of doing business defined; the limit as to age of applicants for beneficial membership, which shall not exceed fifty-five years, and that medical examinations are required of applicants for life benefits, together with the sworn statement by three of said corporators that at least one hundred persons eligible under the proposed laws of such association to membership therein have in good faith made application in writing for membership. The recorder of deeds, upon the filing of said declaration, shall deliver to such association a certified copy of the papers so filed and recorded in his office, together with a certificate to such association, stating that the provisions of this subchapter relative to incorporation have been complied with and that said association becomes thereby authorized to carry on the work of a fraternal beneficial association. Upon filing the certificate or declaration as aforesaid, the persons who shall have signed and acknowledged the same, and their successors and associates, shall, by the provisions of this subchapter, be a body politic and corporate by the name and style stated in the certificate, and by that name and style shall have perpetual succession, and by said name may sue and be sued, and may have and use a common seal, and the same may alter and change at pleasure, and may make and alter, at times or from time to time; such laws, not inconsistent with the Constitution of the United States or the laws in force in said District, as they may deem necessary for the government of said association. And they and their successors, by their corporate name, shall in law be capable of creating, maintaining, and disbursing a reserve or emergency fund in accordance with its laws and the provisions of this subchapter, and of taking, receiving, purchasing, and holding real and personal estate necessary for the purpose of such association, and may let, place out at interest, or sell and convey the same as may seem most beneficial for said association. The association shall elect from its members trustees, directors, or managers, by whatever title known in its laws, at such time and place and in such manner as may be specified in its laws, who shall have the control and management of the affairs and funds of said association, a majority of whom shall be a quorum for the transaction of business; and whenever any vacancy shall happen among such trustees, directors, or managers, by death, resignation, or otherwise, such vacancy shall be filled in such manner as shall be provided by the laws of said association.

Certificate of organization.

—contents of, etc.

Powers of association.

Election of officers.

Reincorporation.

SEC. 756. REINCORPORATION.—The officers, trustees, directors, or governing body of any existing fraternal beneficial association may, by conforming to the requirements of the several provisions of this subchapter, reincorporate themselves or continue their existing corporate powers under this subchapter, or change their name, stating in their certificate the original name of such corporation as well as their

new name assumed, and all the property and effects of such existing corporation shall vest in and belong to the corporation so reincorporated or continued.

subordinate bodies.

SEC. 757. SUBORDINATE BODIES.—Any subordinate body of any fraternal beneficial association incorporated under the provisions of this subchapter, or of such association now doing business or which may hereafter be admitted to do business in this District under this subchapter, where the laws of the governing body of said association do not prohibit the incorporation of their subordinate bodies, may become a body corporate in the manner following: At some regular meeting of such subordinate body a resolution expressing the desire of such subordinate body to be incorporated, and directing its officers to perfect such incorporation, shall be submitted to a vote of the members present, and if two-thirds of the members present vote therefor the president and secretary of such subordinate body, or the officers holding relative offices therein, shall prepare articles of association, under their hands and the seal of such subordinate body, setting forth, first, the number of members of such subordinate body then in good standing; second, the name by which said subordinate body is known; third, the date of its organization and the period for which it is to be incorporated, not exceeding thirty years. A copy of such articles of association shall be filed with the recorder of deeds, and shall by him be recorded, together with the affidavit hereafter named, in a book to be kept for that purpose. On the execution of said articles of association and before the filing thereof with the recorder the secretary of such subordinate body shall annex thereto his affidavit, stating that he is a member in good standing in such subordinate body and occupies the position of secretary, or the office corresponding therewith, and that the resolution, a copy of which shall be set forth at length, was regularly passed at a regular meeting of said subordinate body and received the vote of two-thirds of the members present and voting, and that, to the best of his knowledge and belief, the statements made in the articles of association are true, and that such subordinate body is organized and acting under the laws of its respective association, giving the name by which such association is known. When the foregoing requirements are complied with such subordinate body shall be a body corporate by the name expressed in such articles, and by that name shall be a person in law, capable of suing and being sued in the courts, and taking and holding property of every kind the same as natural persons, and a copy of said articles of association, duly certified to by the recorder of deeds, shall be prima facie evidence in all courts and places of the existence and the due incorporation of such subordinate body.

—Incorporation of.

—powers, etc.

Contract invalid if beneficiary to pay assessments.

SEC. 758. CONTRACT INVALID IF BENEFICIARY TO PAY ASSESSMENTS.—No contract with any such association shall be valid when there is a contract, agreement, or understanding between the member and the beneficiary prior to or at the time of becoming a member of the association that the beneficiary, or any person for him, shall pay such member's assessments and dues, or either of them.

Benefits exempt from attachment.

SEC. 759. BENEFITS EXEMPT FROM ATTACHMENT.—The money or other benefit, charity, relief, or aid to be paid, provided, or rendered by any association authorized to do business under this subchapter shall not be liable to attachment, garnishment, or other process, and shall not be seized, taken, appropriated, or applied by any legal or equitable process, or by operation of law to pay any debt or liability of a certificate holder or of any beneficiary named in a certificate, or any person who may have any right thereunder.

Meetings.

SEC. 760. MEETINGS.—Any such association organized under the laws of said District may provide for the meetings of its legislative or governing body in any State, country, province, or Territory wherein

such association shall have subordinate bodies, and all business transacted at such meetings shall be valid in all respects as if such meetings were held within said District; and where the laws of any such association provide for the election of its officers by votes to be cast in its subordinate bodies, the votes so cast in its subordinate bodies in any State, country, province or Territory shall be valid as if cast within said District.

SEC. 761. FRAUDULENT REPRESENTATIONS.—Any person, officer, member, or examining physician who shall knowingly or willfully make any false or fraudulent statement or representation in or with reference to any application for membership or for the purpose of obtaining any money or benefit in any association transacting business under this subchapter shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or imprisonment in the United States jail in said District for not less than thirty days nor more than one year, or both, in the discretion of the court; and any person who shall willfully make a false statement of any material fact or thing in a sworn statement as to the death or disability of a certificate holder in any such association for the purpose of procuring payment of a benefit named in the certificate of such holder, and any person who shall willfully make any false statement in any verified report or declaration under oath required or authorized by this subchapter, shall be guilty of perjury.

Fraudulent representations.

—penalty.

SEC. 762. NEGLECT TO REPORT.—Any such association refusing or neglecting to make the report as provided in this subchapter shall be excluded from doing business within said District. Said superintendent of insurance must, within sixty days after failure to make such report, or in case any such association shall exceed its powers, or shall conduct its business fraudulently, or shall fail to comply with any of the provisions of this subchapter, give notice in writing to the attorney for said District, who shall immediately commence an action against such association to enjoin the same from carrying on any business. An injunction against any such association may be granted on application by the Commissioners of said District at the request of the said superintendent. No association so enjoined shall have authority to continue business until such report shall be made, or overt act or violation complained of shall have been corrected, nor until the costs of such action be paid by it, (provided, the court shall find that such association was in default, as charged,) whereupon the superintendent of insurance shall reinstate such association, and not until then shall such association be allowed again to do business in said District. Any officer, agent, or person acting for any association or subordinate body thereof, within said District, while such association shall be so enjoined or prohibited from doing business pursuant to this subchapter, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars, or by imprisonment in said jail not less than thirty days nor more than one year, or by both such fine and imprisonment, in the discretion of the court.

Neglect of association to report.

—injunction against continuance of business.

—penalty to officers.

SEC. 763. ACTING WITHOUT AUTHORITY.—Any person who shall act within said District as an officer, agent, or otherwise, for any association which shall have failed, neglected, or refused to comply with, or shall have violated any of the provisions of this subchapter, or shall have failed or neglected to procure from the said superintendent a proper certificate of authority to transact business as provided for in this subchapter, shall be subject to the penalty provided in the last preceding section for the misdemeanor therein specified. To "transact business" or "doing business" under this subchapter means the writing of applications and the soliciting of new members so far as the penalty

Acting without authority.

of this subchapter applies thereto. It shall not be unlawful for any organization under section seven hundred and forty-nine to continue the operation of its lodges or branches except in securing new members.

Law not to apply to associations for profit.

SEC. 764. THIS LAW NOT TO APPLY TO ASSOCIATIONS FOR PROFIT.—Nothing in this subchapter shall be construed to apply to any corporation, society, order, or association carrying on the business of life, health, casualty, or accident insurance for profit or gain, and it shall only apply to fraternal beneficial associations as defined by section seven hundred and forty-nine, and nothing in this subchapter contained shall be construed to affect any grand or subordinate lodge or branch of any such fraternal beneficial societies, orders, or associations which limits its certificate holders to a particular religious denomination or to the employees of a particular town or city, designated firm, business house, or corporation, or department or branch of the United States Government, nor the grand or subordinate lodges of the Independent Order of Odd Fellows, nor any grand or subordinate lodge, or other body of Free and Accepted Masons, nor the grand or any subordinate lodge of the Knights of Pythias, or similar orders, associations, or societies that do not have as their principal object the issuance of benefit certificates of membership in case of death or the payment of sick, funeral, or death benefits exceeding in amount one hundred dollars.

—nor to associations or individuals using name of previously existing corporation.

SEC. 765. NOR TO ASSOCIATIONS OR INDIVIDUALS USING NAME OF PREVIOUSLY EXISTING CORPORATION.—The provisions of this subchapter shall not extend to nor apply to any association or individual who shall, in the certificate filed with the recorder of deeds, use or specify a name or style the same as that of any previously existing incorporated fraternal beneficial association in the District of Columbia.

SUBCHAPTER THIRTEEN.

EXISTING CORPORATIONS.

Existing corporations.

Reorganization.

SEC. 766. REORGANIZATION.—Any corporation heretofore existing or doing business in the District of Columbia may come under and avail itself of the provisions of this chapter by giving to its stockholders, members, or associates notice as prescribed in section six hundred and thirty-five of subchapter four thereof and pursuing the same procedure and complying with the same requirements as are prescribed in said subchapter in respect to increase or diminution of capital stock; and upon filing its certificate of reorganization in such case, such company shall be entitled to the privileges and provisions and be subject to the liabilities of the class of corporations to which it belongs, as provided in and by this chapter.

Notice of application for charter, etc.

SEC. 767. NOTICE OF APPLICATION FOR CHARTER, AND SO FORTH.—Whoever, not being a Senator or Representative in Congress, intends to present to Congress a bill for an act of incorporation, or for an alteration or extension of the charter of a corporation in the District of Columbia, or of any special privileges in said District, shall give notice of such intention by publishing a copy of the bill at least once a week for four successive weeks, in a newspaper published in the District of Columbia, the last of said publications to be made at least fourteen days prior to the presentation of such bill. Such newspaper shall be designated by the person proposing the bill and approved by the Commissioners of the District of Columbia.

SUBCHAPTER FOURTEEN.

DISSOLUTION OF CORPORATIONS.

Dissolution of corporations.

Voluntary.

SEC. 768. VOLUNTARY, WHEN.—When a majority of the trustees, directors, or other officers having the management of the concerns of any corporation in the District, or stockholders representing not less

than one-third of the capital stock of any such corporation, discover that the property and effects of the corporation have been so far reduced, by losses or otherwise, that it will not be able to pay all just demands against it or offer a reasonable security to those who deal with it, or they shall deem it beneficial to the interests of the stockholders that the corporation be dissolved, or when such directors, trustees, or other officers are authorized by a majority of the stockholders to apply for a decree, as hereinafter provided, or when the objects of the corporation have wholly failed or are entirely abandoned or are impracticable, they may apply to the supreme court of the District by petition for the dissolution of said corporation.

Petition for dissolution.

SEC. 769. APPLICATION TO SUPREME COURT OF THE DISTRICT OF COLUMBIA.—Such application shall contain a statement of the reasons upon which it is founded, and there shall be annexed thereto—

—contents of, etc.

First. A full, just, and true inventory of all the estate, real and personal, of the corporation, and of all the books, vouchers, and securities relating thereto.

Second. A full, just, and true account of the capital stock of the corporation, specifying the names of the stockholders, their residences, when known, the number of shares belonging to each, the amounts paid in upon said shares, respectively, and the amounts still due thereon.

Third. A statement of all the incumbrances on the property of the corporation and of all the engagements entered into by it which have not been fully satisfied or canceled, specifying the place of residence of each creditor and of every person to whom such engagements were made, if known, the sum owing to each creditor and the nature and consideration of the indebtedness, and such application shall be verified by affidavit.

SEC. 770. PUBLICATION.—On the filing of such application, accounts, inventories, and affidavit, an order shall be passed requiring all persons interested in said corporation to appear in said court and show cause by a day named, if any they have, why it should not be dissolved, and a notice of said order shall be published in some newspaper of general circulation weekly for three successive weeks, the first insertion to be not less than one month before the day fixed for showing cause as aforesaid.

Publication of order to show cause.

SEC. 771. REFERENCE TO TAKE TESTIMONY.—Whether answer be made or not, the cause shall be referred to the auditor, who shall take testimony in relation to the allegations of the petition, and report to the court, with all convenient speed, with a statement of the property and effects, debts, credits, and engagements of the corporation and all other matters relative to the issues in said cause.

Reference to take testimony.

SEC. 772. DECREE OF DISSOLUTION.—If it appear to the court that the corporation is insolvent, or that a dissolution thereof will be beneficial to the stockholders and not injurious to the public interests, or that the objects of the corporation have wholly failed or been abandoned or are impracticable, a decree shall be entered dissolving the corporation and appointing one or more receivers of its estate and effects; and the corporation shall thereupon be dissolved and cease to exist.

Decree of dissolution.

SEC. 773. RECEIVER.—A director, trustee, or other officer of the corporation, or any of its stockholders, may be appointed a receiver, and any receiver so appointed shall give bond in such penalty, and with such surety or sureties, as may be approved by the court, conditioned for the due discharge of his duties as receiver.

Receiver.

—bond of.

SEC. 774. Upon his giving surety as aforesaid the receiver shall be vested with all the estate, real or personal, of the corporation, for the benefit of its creditors and stockholders.

SEC. 775. The said receiver shall proceed to collect and take into his possession all the assets and effects of the corporation, including any

—duties, etc.

sums due and unpaid upon the subscriptions to the capital stock of the corporation, and shall have authority to institute all needful actions for that object. He shall give public notice of his appointment and require all creditors of the corporation to present their claims to him.

Void assignments.

SEC. 776. VOID ASSIGNMENTS.—All sales, assignments, transfers, mortgages, and conveyances of any part of the estate, real or personal, of said corporation, including choses in action of every description, made after the filing of the petition for dissolution, in payment of or as security for any existing or prior debt, or for any other consideration, and all judgments confessed by said corporation after that time, shall be void as against the receiver appointed on said petition and as against the creditors of the corporation.

Controversies with debtors and creditors.

SEC. 777. CONTROVERSIES WITH DEBTORS AND CREDITORS.—The receiver may settle controversies that arise between him and the debtors or creditors of the corporation by arbitration. If there be any open and subsisting engagements or contracts of the corporation in the nature of insurance, or contingent engagements of any kind, the receiver may, with the consent of the party holding such engagements, cancel and discharge the same by refunding to such party the premium or consideration paid thereon to the corporation, or so much thereof as shall be in the same proportion to the time which remains of any risk assumed by such engagements as the whole premium bears to the whole term of such risk; and upon such amount being paid by the receiver to the person holding such engagement it shall be deemed canceled and discharged as against the receiver.

Distribution.

SEC. 778. DISTRIBUTION.—The receiver may retain out of the money in his hands the amounts necessary for the purpose of canceling and discharging any open and subsisting engagements and of satisfying any demands for which a suit may be pending against the corporation and the costs of the proceeding, and distribute the residue among the creditors of the corporation, giving preference to debts which are liens on the property of the corporation, and shall make dividends from time to time among the creditors until their debts are paid in full.

Dividends to stockholders.

SEC. 779. DIVIDENDS TO STOCKHOLDERS.—No dividends shall be paid to stockholders until after the final dividend to the creditors, and if, after such final dividend is made, there remain any surplus in the receiver's hands, he shall distribute the same among the stockholders in proportion to the respective amounts paid in by them severally on their shares of stock.

Receiver under court's direction.

SEC. 780. RECEIVER UNDER COURT'S DIRECTION.—The receiver shall be subject to the direction of the court as to making dividends and rendering his accounts and shall receive such commission as the court shall allow, not exceeding the rate allowed to executors and administrators, and reasonable counsel fees for services rendered to him.

Dissolution by stockholders.

SEC. 781. DISSOLUTION BY STOCKHOLDERS.—When a majority of the directors, trustees, or other officers of a corporation become satisfied that the objects of the corporation can not be accomplished, and no installment of the capital stock has been paid, and no investments have been made and no debts incurred which are unpaid, they may call a meeting of the stockholders, by a notice published in some newspaper of general circulation, and if a majority, in amount, of the stockholders present at such meeting, in person or by proxy, shall decide that the objects of the corporation can not be accomplished, the corporation shall thereupon be dissolved and cease.

Who to be trustees for creditors and stockholders.

SEC. 782. WHO TO BE TRUSTEES FOR CREDITORS AND STOCKHOLDERS.—Upon the dissolution of a corporation by the expiration of its charter, or otherwise, unless other persons be appointed by the stockholders, directors, or trustees of the corporation, or by a decree of the supreme court of the District, the directors or trustees acting last before the dissolution, and their survivors, shall be the trustees for

the creditors and stockholders of the dissolved corporation, and shall have full power to settle the affairs of the same, to collect its assets and pay its outstanding debts, and divide among its stockholders the money or other property remaining, in proportion to the stock of each stockholder paid up; and in case of the refusal of said trustees or directors, or a majority of them, to act, the said court may, upon the application of any person interested, appoint trustees in their place.

SEC. 783. ACTIONS NOT TO ABATE.—No action pending in favor of or against any corporation shall be discontinued or abate by the dissolution of the corporation, whether such dissolution occur by the expiration of its charter or otherwise, but all such actions may be prosecuted to final judgment in its corporate name; and on all judgments so obtained, whether before or after its dissolution, execution may be had and satisfaction enforced in such corporate name.

—Action not to abate by dissolution of corporation.

SEC. 784. A corporation may, after its dissolution, prosecute any action in and by its corporate name, for the use of the person or persons entitled to receive the proceeds of such action, upon any cause of action accrued, or which, but for such dissolution, would have accrued in favor of the corporation, in the same manner and with the like effect as if it had not been dissolved.

—suits where proceeds of action would have accrued to corporation but for dissolution.

SEC. 785. SUITS AFTER DISSOLUTION.—Any such dissolved corporation may be sued by its corporate name for or upon any cause of action accrued or which, but for such dissolution, would have accrued against it in the same manner and with the like effect as if it were not dissolved; and process in such action may be served upon any one of the assignees, trustees, or receivers having the management of the assets of the corporation.

—Suits after dissolution.

—process.

SEC. 786. INVOLUNTARY DISSOLUTION AT THE SUIT OF THE UNITED STATES.—Whenever the district attorney of the United States for the District of Columbia shall become satisfied that any corporation organized under the laws of said District has been guilty of such misuse, abuse, or nonuser of its corporate powers and franchises, or such violation of law as would authorize and make proper the forfeiture of its charter, corporate powers, and franchises, the said district attorney shall file in the supreme court of the District a petition in the name of the United States, setting forth, fully and in detail, the alleged abuse, misuse, or nonuser by reason whereof such forfeiture is sought, which petition shall be supported by affidavits of credible persons; and upon the filing of such petition the said court shall lay a rule requiring such defendant corporation to show cause, within such time as the court may deem proper, why a decree should not issue as prayed in said petition, a copy of which rule and petition shall be served on said corporation by a day therein limited.

—Involuntary dissolution at the suit of the United States.

SEC. 787. ANSWER OF CORPORATION.—The said corporation, by the day named in said order, unless further time be granted by the court, shall file an answer to said petition, fully setting forth all the defenses upon which it intends to rely in resisting the application, which shall be verified by affidavit of some officer of the corporation.

—answer of corporation.

SEC. 788. PLEADING.—The petitioners may thereupon plead to or traverse all or any of the material averments set forth in the answer, and the defendant shall join issue with or demur to said plea or traverse within five days thereafter.

—pleading.

SEC. 789. TRIAL.—If issue or issues be joined on such proceedings, the same shall stand for trial at such time as the court shall direct and shall be tried by a jury if either party desire it; otherwise, they shall be heard and determined by the court. If, from the findings of the jury or upon consideration and determination of the case by the court, the court shall be of opinion that legal cause of forfeiture has been shown and the public interests require that said forfeiture shall be declared, a decree of forfeiture shall be entered and the charter of

—trial.

—decree of forfeiture.

—receiver. said corporation shall thereby be annulled and vacated and its corporate franchises and powers shall cease and be void; and the court shall thereupon appoint a receiver or receivers of the assets and estate of said corporation, who shall proceed to wind up the affairs of said corporation, for the benefit of its creditors and stockholders, under the direction of the court.

Ex parte hearing. SEC. 790. If any corporation upon which a petition and rule to show cause shall have been served as aforesaid, shall neglect to file an answer thereto at the time appointed by the court, the court shall proceed to hear the application ex parte within five days thereafter, and if it shall be of opinion that good cause of forfeiture is shown it shall proceed to decree as provided in the preceding section.

Judgment. SEC. 791. JUDGMENT.—If the court, either upon a hearing ex parte or after answer, shall be of opinion that no cause of forfeiture is shown or that the public interests do not demand that such forfeiture be decreed, though legal cause therefor has been shown, it shall dismiss the petition. And if the court shall determine that legal cause of forfeiture has been shown, it may, in its discretion, before passing a final decree of forfeiture, pass orders requiring the said corporation, within a time to be therein fixed, to remedy the grievance complained of, and may suspend the passage of the final decree of forfeiture until the time so fixed, and may afterwards refuse to pass such decree if the grievance shall have been remedied by the time so fixed.

Appeal. SEC. 792. APPEAL.—From any judgment or determination of the court on petitions filed for forfeiture, as aforesaid, either party may appeal to the court of appeals, subject to such regulations as may be prescribed by said court.

Injunction. SEC. 793. INJUNCTION.—The district attorney may file a bill in the name of the United States in said supreme court for the purpose of restraining by injunction any corporation organized under the laws of the District from assuming or exercising any franchise, liberty, or privilege or transacting any business not allowed by its charter or certificate of incorporation or not by law allowed to be assumed or exercised by said corporation; and in the same manner may file a bill to restrain any individuals from exercising any corporate rights, privileges, or franchises not granted to them by law; and on the filing of any such bill the said supreme court shall have power to issue an injunction as prayed and to exercise all the powers of a court of equity over the subject-matter of such bill.

Involuntary dissolution at the suit of creditors. SEC. 794. INVOLUNTARY DISSOLUTION AT THE SUIT OF CREDITORS.—When any corporation in the District has remained insolvent for a year, or has neglected or refused for that period to pay and discharge its notes or other evidences of debt, or has, for that period, suspended its ordinary and lawful business, a bill may be filed by the district attorney, as aforesaid, for the dissolution of said corporation, or, if he shall decline to do so, on the application of any judgment creditor of said corporation, the said judgment creditor, if an execution upon his judgment shall be returned unsatisfied, in whole or in part, may file such bill.

—injunction. SEC. 795. Upon prima facie proof of the facts necessary to sustain such suit the court may issue an injunction restraining the corporation, its trustees, directors, and officers from collecting or receiving any debt or demand and from paying out or transferring or delivering to any person any of its property or effects and from exercising any of its corporate rights and franchises during the pendency of the suit, unless by permission of the court. And at any stage of the proceeding the court may appoint a receiver to collect and preserve the property of the corporation and dispose of and manage the same, under the direction of the court, until final decree in the cause.

—receiver.

SEC. 796. PARTIES.—Where the action is brought by a creditor, the stockholders, directors, trustees, or other officers, or any of them who may be made liable by law for the payment of the complainant's debt, may be made parties defendant by the original or a supplemental bill, and their liability may be declared and enforced by the decree; but nothing herein shall prevent any creditor from enforcing such liability in a separate suit against such parties.

SEC. 797. ACCOUNT AND DISTRIBUTION.—In such suit, if the court shall be of opinion that the complainant is entitled to the relief prayed, and that such corporation ought to be dissolved, the court shall cause an account to be taken of the assets and debts of the corporation and shall decree an equal distribution of the assets among the creditors, subject to existing liens; but if said corporation has no property to satisfy its creditors, or to the extent to which its property is insufficient therefor, the court may require the stockholders, who are parties defendant to the suit, to pay into court the amounts due and unpaid on the shares of stock held by them, and shall ascertain the amounts properly chargeable, in favor of creditors, to said stockholders and the trustees, directors, or other officers who are parties to the suit, and in the final decree for the dissolution shall adjudge and decree that said amounts shall be paid into court by the parties respectively liable therefor, to be applied to the payment of the debts of the corporation.

CHAPTER NINETEEN.

CRIMES AND PUNISHMENTS.

SUBCHAPTER ONE.

OFFENSES AGAINST THE PERSON.

SEC. 798. MURDER IN FIRST DEGREE.—Whoever, being of sound memory and discretion, purposely, and either of deliberate and premeditated malice or by means of poison, or in perpetrating or in attempting to perpetrate any offense punishable by imprisonment in the penitentiary, kills another, is guilty of murder in the first degree.

SEC. 799. Whoever maliciously places an obstruction upon a railroad or street railroad, or displaces or injures anything appertaining thereto, or does any other act with intent to endanger the passage of any locomotive or car, and thereby occasions the death of another, is guilty of murder in the first degree.

SEC. 800. MURDER IN SECOND DEGREE.—Whoever with malice aforethought, except as provided in the last two sections, kills another is guilty of murder in the second degree.

SEC. 801. PUNISHMENT.—The punishment of murder in the first degree shall be death by hanging. The punishment of murder in the second degree shall be imprisonment for life, or for not less than twenty years.

SEC. 802. MANSLAUGHTER.—Whoever commits manslaughter shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding fifteen years, or by both such fine and imprisonment.

SEC. 803. ASSAULT WITH INTENT TO KILL, AND SO FORTH.—Every person convicted of any assault with intent to kill or to commit rape, or to commit robbery, or mingling poison with food, drink, or medicine with intent to kill, or willfully poisoning any well, spring, or cistern of water, shall be sentenced to imprisonment for not more than fifteen years.

SEC. 804. MAYHEM.—Every person convicted of an assault with intent to commit mayhem, or of an assault with a dangerous weapon, shall be sentenced to imprisonment for not more than ten years.

—parties.

—account and distribution.

Crimes and punishments.

Offenses against the person.

Murder in first degree.

—placing obstruction on a railroad.

Murder in second degree.

Punishment.

Manslaughter.

Assault with intent to kill, etc.

Mayhem.

Assault.

SEC. 805. ASSAULT.—Whoever assaults another with intent to commit any other offense which may be punished by imprisonment in the penitentiary shall be imprisoned not more than five years.

—penalty.

SEC. 806. Whoever unlawfully assaults, or threatens another in a menacing manner, shall be fined not more than five hundred dollars, or be imprisoned not more than twelve months, or both.

—mayhem.

SEC. 807. Every person convicted of mayhem or of maliciously disfiguring another shall be imprisoned for not more than ten years.

Rape: penalty.

SEC. 808. RAPE.—Whoever has carnal knowledge of a female forcibly and against her will, or carnally knows and abuses a female child under sixteen years of age, shall be imprisoned for not less than five nor more than thirty years: *Provided*, That in any case of rape the jury may add to their verdict, if it be guilty, the words “with the death penalty,” in which case the punishment shall be death by hanging: *Provided further*, That if the jury fail to agree as to the punishment, the verdict of guilty shall be received and the punishment shall be imprisonment as provided in this section.

Provided.

—jury may add death.

—failure of to agree.

Procuring miscarriage.

SEC. 809. PROCURING MISCARRIAGE.—Whoever, with intent to procure the miscarriage of any woman, prescribes or administers to her any medicine, drug, or substance whatever, or with like intent uses any instrument or means, unless when necessary to preserve her life or health and under the direction of a competent licensed practitioner of medicine, shall be imprisoned for not more than five years; or if the woman or her child dies in consequence of such act, by imprisonment for not less than three nor more than twenty years.

Robbery.

SEC. 810. ROBBERY.—Whoever by force or violence, whether against resistance or by sudden or stealthy seizure or snatching, or by putting in fear, shall take from the person or immediate actual possession of another anything of value, is guilty of robbery, and any person convicted thereof shall suffer imprisonment for not less than six months nor more than fifteen years.

—attempt.

SEC. 811. Whoever attempts to commit robbery, as defined in the preceding section, by an overt act, shall be imprisoned for not more than three years or be fined not more than five hundred dollars, or both.

Abduction.

SEC. 812. ABDUCTION.—Whoever unlawfully and forcibly or fraudulently carries off or decoys out of the District any person, or arrests or imprisons any person with the intention of having such person carried out of the District, shall be imprisoned for not less than one nor more than seven years, or fined not exceeding one thousand dollars, or both: *Provided*, That whoever leads, carries, or entices away a child under the age of sixteen years, with the intent unlawfully to detain or conceal such child so lead, taken, or enticed away, shall be imprisoned for not more than twenty years or fined not exceeding one thousand dollars, or both.

Provided.

—of child under 16 years, etc.

—for purposes of prostitution.

SEC. 813. Any person who, for purposes of prostitution, persuades, entices, or forcibly abducts from her home or usual abode, or from the custody and control of her parents or guardian, any female under sixteen years of age shall be punished by imprisonment for not less than two nor more than twenty years; and whoever knowingly secretes or harbors any such female so persuaded, enticed, or abducted as aforesaid shall suffer imprisonment for not more than eight years.

Cruelty to children.

SEC. 814. CRUELTY TO CHILDREN.—Any person who shall torture, cruelly beat, abuse, or otherwise willfully maltreat any child under the age of eighteen years; or any person, having the custody and possession of a child under the age of fourteen years, who shall expose, or aid and abet in exposing, such child in any highway, street, field, house, outhouse, or other place, with intent to abandon it; or any person, having in his custody or control a child under the age of fourteen years, who shall in any way dispose of it with a view to its being

employed as an acrobat, or a gymnast, or a contortionist, or a circus rider, or a ropewalker, or in any exhibition of like dangerous character, or as a beggar, or mendicant, or pauper, or street singer, or street musician; or any person who shall take, receive, hire, employ, use, exhibit, or have in custody any child of the age last named for any of the purposes last enumerated, shall be deemed guilty of a misdemeanor, and, when convicted thereof, shall be subject to punishment by a fine of not more than two hundred and fifty dollars, or by imprisonment for a term not exceeding two years, or both. —penalty.

SEC. 815. LIBEL.—Whoever publishes a libel shall be punished by a fine not exceeding one thousand dollars or imprisonment for a term not exceeding five years, or both. Libel.

SEC. 816. WHAT IS PUBLICATION.—To knowingly send or deliver any libelous communication to the party libeled is a sufficient publication to subject the person sending or delivering the same to punishment as aforesaid. What is publication.

SEC. 817. JUSTIFICATION.—Any publication of a libel shall be justified if it appear that the matter charged as libelous was true and was published with good motives and for justifiable ends. Justification.

SEC. 818. FALSE CHARGES OF UNCHASTITY.—Whoever wrongfully accuses any woman of unchastity shall be punished by a fine not exceeding five hundred dollars or by imprisonment not exceeding one year, or both, and shall also be liable to a civil action for damages by the party injured. False charges of unchastity.

SEC. 819. BLACKMAIL.—Whoever verbally or in writing accuses or threatens to accuse any other person of a crime or of any conduct which, if true, would tend to disgrace such other person, or in any way subject him to the ridicule or contempt of society, or threatens to expose or publish any of his infirmities or failings, with intent to extort from such other person anything of value or any pecuniary advantage whatever, or to compel the person accused or threatened to do or to refrain from doing any act, and whoever with such intent publishes any such accusation against any other person shall be imprisoned for not more than five years or be fined not more than one thousand dollars, or both. Blackmail.

SUBCHAPTER TWO.

OFFENSES AGAINST PROPERTY.

SEC. 820. ARSON.—Whoever shall maliciously burn or attempt to burn any dwelling, or house, barn, or stable adjoining thereto, or any store, barn, or outhouse, or any shop, office, stable, store, warehouse, or any other building, or any steamboat, vessel, canal boat, or other water craft, or any railroad car, the property, in whole or in part, of another person, or any church, meetinghouse, schoolhouse, or any of the public buildings in the District, belonging to the United States or to the District of Columbia, shall suffer imprisonment for not less than one year nor more than ten years. Offenses against property.

SEC. 821. Whoever maliciously burns or sets fire to any dwelling, shop, barn, stable, store, or warehouse or other building, or any steamboat, vessel, canal boat, or other water craft, or any goods, wares, or merchandise, the same being his own property, in whole or in part, with intent to defraud or injure any other person, shall be imprisoned for not more than fifteen years. Arson. —burning his own property.

SEC. 822. Whoever shall maliciously burn or set fire to any fences, woods, stacks of hay, grain, or straw, or growing crops, the property, in whole or in part, of another, shall be imprisoned for not more than thirty days or be fined not more than five hundred dollars, or both. —fences, stacks of hay, etc.

SEC. 823. HOUSEBREAKING.—Whoever shall, either in the night or in the daytime, break and enter, or enter without breaking, any Housebreaking.

dwelling, bank, store, warehouse, shop, stable, or other building, or any apartment or room, whether at the time occupied or not, or any steamboat, canal boat, vessel, or other water craft, or railroad car, or any yard where any lumber, coal, or other goods or chattels are deposited and kept for the purpose of trade, with intent to break and carry away any part thereof or any fixture or other thing attached to or connected with the same, or to commit any criminal offense, shall be imprisoned for not more than fifteen years.

Unlawful entry on private property.

SEC. 824. UNLAWFUL ENTRY ON PRIVATE PROPERTY.—Any person who, without lawful authority, shall enter, or attempt to enter, a private dwelling against the will of the lawful occupant thereof, or being therein without lawful authority to remain therein, shall refuse to quit the same on the demand of the lawful occupant thereof, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding fifty dollars or imprisonment in the jail for not more than six months, or both, in the discretion of the court.

Depredation on fixtures in houses.

SEC. 825. DEPREDACTION ON FIXTURES IN HOUSES.—Whoever shall willfully and without color of right enter into any occupied or unoccupied dwelling house or other building, property of another, and shall cut, break, or tear from its place any gas pipe, water pipe, doorbell, or other fixture therein; or whoever shall in such dwelling house or other building willfully and without color of right cut, break, or tear down any wall or part of a wall, or door, with intent to cut, break, or tear from its place any pipe or fixture therein, shall be fined not more than two hundred dollars, or be imprisoned not more than two years, or both.

Grand larceny.

SEC. 826. GRAND LARCENY.—Whoever shall feloniously take and carry away anything of value of the amount or value of thirty-five dollars or upward, including things savoring of the realty, shall suffer imprisonment for not less than one nor more than ten years.

Petit larceny.

SEC. 827. PETIT LARCENY.—Whoever shall feloniously take and carry away anything of value of the amount or value of less than thirty-five dollars, including things savoring of the realty, shall be fined not more than two hundred dollars, or be imprisoned for not more than one year, or both.

Destroying stolen property.

SEC. 828. DESTROYING STOLEN PROPERTY.—Whoever shall maliciously destroy anything of value of the amount or value of thirty-five dollars or upward which shall have been stolen, knowing the same to have been stolen, shall suffer imprisonment for not less than one year nor more than three years.

Receiving stolen goods.

SEC. 829. RECEIVING STOLEN GOODS.—Any person who shall receive or buy anything of value which shall have been stolen or obtained by robbery, knowing the same to be so stolen or so obtained by robbery, with intent to defraud the owner thereof, if the thing or things received or bought shall be of the value of thirty-five dollars or upward, shall suffer imprisonment for not less than one year nor more than ten years; or if the value of the thing or things so received or bought be less than thirty-five dollars, shall suffer imprisonment for not more than two years.

Stealing will.

SEC. 830. STEALING WILL.—Whoever, during the life of a testator or after his death, shall, for a fraudulent purpose, take and carry away a will, codicil, or other testamentary instrument, or destroy, mutilate, or secrete the same, whether it relates to personal or real property, shall suffer imprisonment for not more than five years.

Stealing property of District of Columbia.

SEC. 831. STEALING PROPERTY OF DISTRICT OF COLUMBIA.—Whoever shall embezzle, steal, or purloin any money, property, or writing, the property of the District of Columbia, shall suffer imprisonment for not exceeding five years, or be fined not more than five thousand dollars, or both.

SEC. 832. RECEIVING PROPERTY STOLEN FROM THE DISTRICT OF COLUMBIA.—Whoever shall receive, conceal, or aid in concealing, or have in possession, with intent to convert to his own use, any money, property, or writing, the property of the District of Columbia, knowing the same to have been embezzled, stolen, or purloined from the District of Columbia by any other person, shall be punished by a fine not exceeding five thousand dollars, or imprisonment not exceeding five years, or both.

Receiving property stolen from the District of Columbia.

SEC. 833. EMBEZZLEMENT.—Whoever, being charged with the collection, receipt, safe-keeping, transfer, or disbursement of public money or other property or effects belonging or payable to the District of Columbia or in the custody of the same, fraudulently converts to his own use, or to the use of any other person, body corporate, or association whatever, or uses, by way of investment, in any kind of security, stock, loan, property, or in any other manner or form loans, with or without interest, to any company, corporation, association or individual, excepting by depositing in bank to said party's own credit, in the usual course of business, any public money, funds, property, bonds, securities, assets, or effects received, controlled, or held by him for safe-keeping or for any other purpose, shall forfeit all right, by way of commissions or compensation, to any part of the said money or other property and shall be deemed guilty of embezzlement of the whole of the money or other property thus converted, used, invested, loaned, deposited, or paid out, and shall be imprisoned for not more than twenty years and fined in a sum not exceeding double the value of the money or property embezzled.

Embezzlement defined.

SEC. 834. EMBEZZLEMENT BY AGENT, ATTORNEY, CLERK, OR SERVANT.—If any agent, attorney, clerk, or servant of a private person or copartnership, or any officer, attorney, agent, clerk, or servant of any association or incorporated company, shall wrongfully convert to his own use, or fraudulently take, make way with, or secrete, with intent to convert to his own use, anything of value which shall come into his possession or under his care by virtue of his employment or office, whether the thing so converted be the property of his master or employer or that of any other person, copartnership, association, or corporation, he shall be deemed guilty of embezzlement, and shall be punished by a fine not exceeding one thousand dollars, or by imprisonment for not more than ten years, or both.

Embezzlement by agent, attorney, clerk, or servant

SEC. 835. EMBEZZLEMENT OF NOTE NOT DELIVERED.—Every embezzlement of any evidence of debt negotiable by delivery only, actually executed by the master or employer of any such clerk, attorney, agent, officer, or servant, but not delivered or issued as a valid instrument, shall be deemed an offense within the meaning of the last preceding section.

Embezzlement of note not delivered.

SEC. 836. RECEIVING WITH KNOWLEDGE.—Every person who shall buy or in any way receive anything of value, knowing the same to have been embezzled, taken, or secreted contrary to the provisions of any of the three next preceding sections, shall be punished in the same manner and to the same extent as prescribed in said sections, respectively.

Receiving with knowledge.

SEC. 837. CARRIERS AND INNKEEPERS.—Any person intrusted with anything of value, to be carried for hire, or being an innkeeper and intrusted by his guest with anything of value for safe-keeping, who fraudulently converts the same to his own use, shall be deemed guilty of embezzlement and punished as provided in section eight hundred and thirty-four.

Embezzlement by carriers and innkeepers.

SEC. 838. WAREHOUSEMAN, AND SO FORTH.—Any warehouseman, factor, storage, forwarding, or commission merchant, or his clerk, agent, or employee, who, with intent to defraud the owner thereof,

By warehouseman etc.

sells, disposes of, or applies or converts to his own use any property intrusted or consigned to him, or the proceeds or profits of any sale of such property, shall be deemed guilty of embezzlement, and shall suffer imprisonment for not more than ten years.

By mortgagor in possession.

SEC. 839. MORTGAGOR IN POSSESSION.—Any mortgagor of personal property in possession of the same, who, with intent to defraud the owner of the claim secured by the mortgage, removes any of the mortgaged property out of the District, or secretes or sells the same, or converts the same to his own use, shall be deemed guilty of embezzlement, and shall be punished by a fine not exceeding one thousand dollars, or by imprisonment for not more than five years, or both.

Taking away or concealing writings.

SEC. 840. TAKING AWAY OR CONCEALING WRITINGS.—Whoever, with intent to defraud or injure another person, shall take away or conceal any writing whereby the estate or right of such other person shall or may be defeated, injured, or altered shall suffer imprisonment for not more than seven years.

Embezzlement by executors and other fiduciaries.

SEC. 841. EXECUTORS AND OTHER FIDUCIARIES.—Any executor, administrator, guardian, trustee, receiver, collector, or other officer into whose possession money, securities, or other property of the property or estate of any other person may come by virtue of his office or employment, who shall fraudulently convert or appropriate the same to his own use, shall forfeit all right or claim to any commissions, costs, and charges thereon, and shall be deemed guilty of embezzlement of the entire amount or value of the money or other property so coming into his possession and converted or appropriated to his own use, and shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding ten years, or both.

False pretenses.

SEC. 842. FALSE PRETENSES.—Whoever, by any false pretense, with intent to defraud, obtains from any person anything of value, or procures the execution and delivery of any instrument of writing or conveyance of real or personal property, or the signature of any person, as maker, indorser, or guarantor, to or upon any bond, bill, receipt, promissory note, draft, or check, or any other evidence of indebtedness, and whoever fraudulently sells, barter, or disposes of any bond, bill, receipt, promissory note, draft, or check, or other evidence of indebtedness, for value, knowing the same to be worthless, or knowing the signature of the maker, indorser, or guarantor thereof to have been obtained by any false pretenses, shall, if the value of the property or the sum or value of the money or property mentioned or described in the instrument so obtained, procured, sold, bartered, or disposed of is thirty-five dollars or upward, be imprisoned not less than one year nor more than three years; or, if less than that sum, shall be fined not more than two hundred dollars or imprisoned for not more than six months, or both. Any person who obtains any lodging, food, or accommodation at an inn, boarding house, or lodging house, without paying therefor, with intent to defraud the proprietor or manager thereof, or who obtains credit at such an inn, boarding house, or lodging house by the use of any false pretense, or who, after obtaining credit or accommodation at such an inn, boarding house, or lodging house, absconds or surreptitiously removes his baggage therefrom without paying for his food, accommodation, or lodging, shall be deemed guilty of a misdemeanor, and upon conviction thereof in the police court of the District of Columbia be fined not more than one hundred dollars or imprisoned not more than six months, or both, in the discretion of said court.

—penalty.

Forgery.

SEC. 843. FORGERY.—Whoever, with intent to defraud or injure another, falsely makes or alters any writing of a public or private nature, which might operate to the prejudice of another, or passes, utters, or publishes, or attempts to pass, utter, or publish as true and genuine, any paper so falsely made or altered, knowing the same to

be false or forged, with the intent to defraud or prejudice the right of another, shall be imprisoned for not less than one year nor more than ten years.

SEC. 844. DESTROYING OR DEFACING PUBLIC RECORDS.—Whoever maliciously or with intent to injure or defraud any other person defaces, mutilates, destroys, abstracts, or conceals the whole or any part of any record authorized by law to be made, or pertaining to any court or public office in the District, or any paper duly filed in such court or office, shall be fined not more than three hundred dollars or imprisoned not more than two years, or both.

Destroying or defacing public records.

SEC. 845. FALSE CERTIFICATE OF ACKNOWLEDGMENT.—Any officer authorized to take the proof or acknowledgment of an instrument which, by law, may be recorded, who willfully certifies falsely that the instrument was acknowledged by any party thereto, or who willfully certifies falsely as to any other material matter in such acknowledgment, shall be imprisoned for not less than one year nor more than ten years.

False certificate of acknowledgment.

SEC. 846. MALICIOUS INJURY.—Whoever maliciously places an obstruction on or near the track of any steam or street railway, or displaces or injures anything appertaining to such track, with intent to endanger the passage of any locomotive or car, shall be imprisoned for not more than ten years.

Malicious injury.
—to steam or street railways.

SEC. 847. Whoever maliciously cuts down or destroys, by girdling or otherwise, any standing or growing vine, bush, shrub, sapling, or tree on the land of another, or severs from the land of another any product standing or growing thereon, or any other thing attached thereto, shall, if the value of the thing destroyed or the amount of damage done to any such thing or to the land is thirty-five dollars or more, be imprisoned for not less than one year nor more than three years, or, if such value or amount is less than that sum, shall be fined not less than five dollars nor more than one hundred dollars, or be imprisoned not more than one year, or both.

—to trees, etc.

SEC. 848. Whoever maliciously injures or destroys, or attempts to injure or destroy, by fire or otherwise, any movable property not his own, of the value of thirty-five dollars or more, shall be punished by imprisonment for not less than one year and not more than ten years, and if the value of the property be less than thirty-five dollars, by a fine not exceeding two hundred dollars, or by imprisonment not exceeding one year, or both.

—to any movable property.

SEC. 849. STEALING OR INJURING BOOKS, AND SO FORTH.—Any person who shall steal, wrongfully deface, injure, mutilate, tear, or destroy any book, pamphlet, or manuscript, or any portion thereof belonging to the Library of Congress, or to any public library in the District of Columbia, whether the property of the United States or of any individual or corporation in said District, or who shall steal, wrongfully deface, injure, mutilate, tear, or destroy any book, pamphlet, document, manuscript, print, engraving, medal, newspaper, or work of art, the property of the United States, shall be held guilty of a misdemeanor, and, on conviction thereof, shall, when the offense is not otherwise punishable by some statute of the United States, be punished by a fine of not less than ten dollars nor more than one thousand dollars, and by imprisonment for not less than one month nor more than one year, or both, for every such offense.

Stealing or injuring books, etc.

SEC. 850. If any person shall maliciously cut down, demolish, or otherwise injure any railing, fence, or inclosure around or upon any cemetery, or shall injure or deface any tomb or inscription thereon, he shall be fined not more than one hundred dollars.

Injuring tombs, cemeteries, etc.

SEC. 851. FORCIBLE ENTRY AND DETAINER.—Whoever shall forcibly enter upon any premises, or, having entered without force, shall unlawfully detain the same by force against any person previously in the

Forcible entry and detainer.

peaceable possession of the same and claiming right thereto, shall be punished by imprisonment for not more than one year or a fine of not more than one hundred dollars, or both.

SUBCHAPTER THREE.

OFFENSES AGAINST THE PUBLIC PEACE.

Offenses against the public peace.

Challenging to fight a duel.

SEC. 852. CHALLENGING TO FIGHT A DUEL.—If any person shall in the District challenge another to fight a duel, or send or deliver any written or verbal message purporting or intended to be such challenge, or shall accept any such challenge or message, or shall knowingly carry or deliver an acceptance of such challenge or message to fight a duel in or out of the District, he shall be punished by imprisonment for a term not exceeding ten years.

Assaulting for refusal.

SEC. 853. ASSAULTING FOR REFUSAL.—If any person shall assault, beat, or wound, or cause to be assaulted, beaten, or wounded, any person in the District for refusing to accept such challenge, or cause him to be published or posted as a coward, or use other opprobrious language in such publication tending to degrade and disgrace him for so declining or refusing such challenge, he shall be punished by imprisonment for a term not exceeding three years.

Leaving the District to fight.

SEC. 854. LEAVING THE DISTRICT TO FIGHT.—If any person, for the purpose of evading the provisions aforesaid, shall leave the District, by previous arrangement or concert within the same, with intent to give or receive any such challenge without the District, and shall give or receive the same accordingly, the person or persons so offending shall be punished in the same manner as if said challenge had been given and received within the District.

Carrying weapons.—penalty.

SEC. 855. CARRYING WEAPONS.—Any person who shall within the District of Columbia have concealed about his person any deadly or dangerous weapon, or who shall carry openly any such weapon, with intent to unlawfully use the same, shall be fined not less than fifty dollars nor more than five hundred dollars, or be imprisoned not exceeding one year, or both: *Provided*, That the officers, noncommissioned officers, and privates of the United States Army, Navy, or Marine Corps, or of any regularly organized militia company, police officers, officers guarding prisoners, officials of the United States or the District of Columbia engaged in the execution of the laws for the protection of persons or property, when any of such persons are on duty, shall not be liable for carrying necessary arms for use in performance of their duty: *Provided further*, That nothing contained in this section shall be so construed as to prevent any person from keeping or carrying about his place of business, dwelling house, or premises any such dangerous or deadly weapon, or from carrying the same from place of purchase to his dwelling house or place of business, or from his dwelling house or place of business to any place where repairing is done to have the same repaired and back again: *Provided further*, That nothing contained in this section shall be so construed as to apply to any person who shall have been granted a written permit to carry such weapon or weapons by any judge of the police court of the District of Columbia; and authority is hereby given to any such judge to grant such permit for a period of not more than one month at any one time, upon satisfactory proof to him of the necessity for the granting thereof, and, further, upon the filing with such judge of a bond, with sureties to be approved by said judge, by the applicant for such permit, conditioned to the United States in such penal sum as said judge shall require for the keeping of the peace, save in the case of necessary self-defense by such applicant during the continuance of said

Provisos.
—exceptions; police, etc.

—carrying in place of business, etc.

—permit to carry.

permit, which bond shall be put in suit by the United States for its benefit upon any breach of such condition.

SEC. 856. All such weapons, as hereinbefore described, which may be taken from any person offending against any of the provisions of the last preceding section shall, upon conviction of such person, be disposed of as may be ordered by the judge trying the case, and the record shall show any and all such orders relating thereto as a part of the judgment in the case. Disposition of weapons taken.

SEC. 857. SELLING, AND SO FORTH, TO MINORS.—Any person or persons who shall, within the District of Columbia, sell, barter, hire, lend, or give to any minor under the age of twenty-one years any such weapon as hereinbefore described shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be fined not more than one hundred dollars or be imprisoned not more than three months, or both. No person shall engage in or conduct the business of selling, bartering, hiring, lending, or giving any weapon or weapons of the kind hereinbefore named without having previously obtained from the Commissioners of the District of Columbia a special license authorizing the conduct of such business by such person, and the said Commissioners are hereby authorized to grant such license, without fee therefor, upon the filing with them by the applicant therefor of a bond, with sureties to be by them approved, conditioned in such penal sum as they shall fix, to the United States, for the compliance by said applicant with all the provisions of this section, and upon any breach or breaches of said condition said bond shall be put in suit by said United States for its benefit, and said Commissioners may revoke said license. Selling, etc., to minors.

Any person engaging in said business without having previously obtained said special license shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars nor more than five hundred dollars, of which one-half shall be paid to the informer, if any, whose information shall lead to the conviction of the person paying said fine; and in default of payment of said fine shall be imprisoned for not more than six months. Special license to sell, etc., required.

All persons whose business is to sell, barter, hire, lend, or give any such weapon or weapons shall be, and they hereby are, required to keep a written register of the name and residence of every purchaser, barterer, hirer, borrower, or donee of any such weapon or weapons, together with a full description of such weapon, which register shall be subject to the inspection of the major and superintendent of the Metropolitan police of the District of Columbia; and, further, to make a report, under oath, on or before the first Tuesday of each and every month, to said major and superintendent of all such sales, barterings, hirings, lendings, or gifts, together with the respective names and residences of the person buying or receiving such weapon. Any person failing to keep such register or to make such reports shall be fined not more than one hundred dollars and the Commissioners may revoke his license. —penalty.

Register of purchasers.

Report of sales, etc.

SUBCHAPTER FOUR.

OFFENSES AGAINST PUBLIC JUSTICE.

SEC. 858. PERJURY.—Every person who, having taken an oath or affirmation before a competent tribunal, officer, or person, in any case in which the law authorized such oath or affirmation to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, willfully and contrary to such oath or affirmation states or subscribes any material matter which he does not believe to be true, shall be guilty of perjury; and any person convicted of perjury or Offenses against public justice.

Perjury.

subornation of perjury shall be punished by imprisonment in the penitentiary for not less than two nor more than ten years. Any such false testimony, declaration, deposition, or certificate given in the District of Columbia, but intended to be used in a judicial proceeding elsewhere, shall also be perjury within the meaning of this section.

False personation
before courts, etc.

SEC. 859. FALSE PERSONATION.—Whoever falsely personates another person before any court of record or judge thereof, or clerk of court, or justice of the peace, or any officer in the District authorized to administer oaths or take the acknowledgment of deeds or other instruments or to grant marriage licenses, with intent to defraud, shall be imprisoned for not less than one year nor more than five years.

—of public officer,
minister, etc.

SEC. 860. Whoever falsely represents himself to be a justice of the peace, notary public, police officer, constable, or other public officer, or a minister qualified to celebrate marriage, and attempts to perform the duty or exercise the authority pertaining to any such office or character, or having been duly appointed to any of such offices shall knowingly attempt to act as any of such officers after his appointment or commission has expired or he has been dismissed from such office, shall suffer imprisonment in the penitentiary for not less than one year nor more than three years.

Bribery.

SEC. 861. BRIBERY.—Whoever promises, offers, or gives, or causes or procures to be promised, offered, or given, any money or other thing of value, or makes or tenders any contract, undertaking, obligation, credit, or security for the payment of money, or for the delivery or conveyance of anything of value, to any executive, judicial, or other officer, or to any person acting in any official function, or to any juror or witness, with intent to influence the decision, action, verdict, or evidence of any such person on any question, matter, cause, or proceeding or with intent to influence him to commit or aid in committing, or to collude in or allow any fraud, or make any opportunity for the commission of any fraud, shall be fined not more than five hundred dollars, or be imprisoned not more than three years, or both.

Threats.

SEC. 862. THREATS.—Whoever corruptly, by threats or force, endeavors to influence, intimidate, or impede any juror, witness, or officer in any court in the District in the discharge of his duties, or, by threats or force, in any other way obstructs or impedes or endeavors to obstruct or impede the due administration of justice therein, shall be fined not more than two hundred dollars or imprisoned not more than three years, or both.

SUBCHAPTER FIVE.

Offenses against
public policy.

OFFENSES AGAINST PUBLIC POLICY.

Lotteries.
—penalty.

SEC. 863. LOTTERIES.—If any person shall within the District keep, set up, or promote, or be concerned as owner, agent, or clerk, or in any other manner, in managing any policy lottery or policy shop, or shall sell or transfer any ticket, certificate, bill, token, or other device purporting or intended to guarantee or assure to any person or entitle him to a chance of drawing or obtaining a prize, to be drawn in any lottery, or in the game or device commonly known as policy lottery or policy, or shall, for himself or another person, sell or transfer, or have in his possession for the purpose of sale or transfer, or shall aid in selling, exchanging, negotiating, or transferring a chance or ticket in or share of a ticket in any policy lottery or any such bill, certificate, token, or other device, he shall be fined not more than five hundred dollars or be imprisoned not more than one year, or both.

—for permitting on
premises.

SEC. 864. If any person shall knowingly permit, on any premises under his control in the District, the sale of any chance or ticket in or share of a ticket in any lottery or policy lottery, or shall knowingly

permit any lottery or policy lottery or policy shop on such premises, he shall be fined not less than fifty dollars nor more than five hundred dollars, or be imprisoned not more than one year, or both.

SEC. 865. GAMING.—Whoever shall in the District set up or keep any gaming table, or any house, vessel, or place, on land or water, for the purpose of gaming, or gambling device commonly called A B C, faro bank, E O, roulette, equality, keno, thimbles, or little joker, or any kind of gaming table or gambling device adapted, devised, and designed for the purpose of playing any game of chance for money or property, or shall induce, entice, and permit any person to bet or play at or upon any such gaming table or gambling device, or on the side of or against the keeper thereof, shall be punished by imprisonment for a term of not more than five years.

Gaming.
—penalty.

SEC. 866. Whoever in the District knowingly permits any gaming table, bank, or device to be set up or used for the purpose of gaming in any house, building, vessel, shed, booth, shelter, lot, or other premises to him belonging or by him occupied, or of which at the time he has possession or control, shall be punished by imprisonment in the jail for not more than one year or by a fine not exceeding five hundred dollars, or both.

—for permitting on
premises.

SEC. 867. THREE-CARD MONTE, AND SO FORTH.—Whoever shall in the District deal, play, or practice, or be in any manner accessory to the dealing or practicing, of the confidence game or swindle known as three-card monte, or of any such game, play, or practice, or any other confidence game, play, or practice, shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding one thousand dollars and by imprisonment for not more than five years.

Three-card monte,
etc.

SEC. 868. WHAT IS GAMING TABLE.—All games, devices, or contrivances at which money or any other thing shall be bet or wagered shall be deemed a gaming table within the meaning of these sections; and the courts shall construe the preceding sections liberally, so as to prevent the mischief intended to be guarded against.

What is gaming
table.

SEC. 869. POOL SELLING, AND SO FORTH.—It shall be unlawful for any person or association of persons in the cities of Washington and Georgetown, in the District of Columbia, or within said District within one mile of the boundaries of said cities, to bet, gamble, or make books or pools on the result of any trotting race or running race of horses, or boat race, or race of any kind, or on any election or any contest of any kind, or game of base ball. Any person or association of persons violating the provisions of this section shall be fined not exceeding five hundred dollars or be imprisoned not more than ninety days, or both.

Pool selling, etc.

SUBCHAPTER SIX.

OFFENSES AGAINST MORALITY.

Offenses against
morality.

SEC. 870. BIGAMY.—Whoever, having a husband or wife living, marries another shall be deemed guilty of bigamy, and on conviction thereof shall suffer imprisonment for not less than two nor more than seven years: *Provided*, That this section shall not apply to any person whose husband or wife has been continually absent for five successive years next before such marriage without being known to such person to be living within that time, or whose marriage to said living husband or wife shall have been dissolved by a valid decree of a competent court, or shall have been pronounced void by a valid decree of a competent court on the ground of the nullity of the marriage contract.

Bigamy.

Provided.
—exceptions.

SEC. 871. SEDUCTION BY TEACHER.—Any male person, over twenty-one years of age, who is superintendent, tutor, or teacher in any public or private school, seminary, or other institution, or instructor of any female in any branch of instruction, who has sexual intercourse with

Seduction by
teacher.

any female under twenty-one years of age, with her consent, while under his instruction during the term of his engagement as superintendent, tutor, or teacher, shall be imprisoned for not less than one year nor more than ten.

Indecent publica-
tions.

SEC. 872. INDECENT PUBLICATIONS.—Whoever sells, or offers to sell, or give away, in the District, or has in his possession with intent to sell or give away or to exhibit to another, any obscene, lewd, or indecent book, pamphlet, drawing, engraving, picture, photograph, instrument, or article of indecent or immoral use, or advertises the same for sale, or writes or prints any letter, circular, handbill, book, pamphlet, or notice of any kind stating by what means any of such articles may be obtained, or advertises any drug, nostrum, or instrument intended to produce abortion, or gives or participates in, or by bill, poster, or otherwise advertises; any public exhibition, show, performance, or play containing obscene, indecent, or lascivious language, postures, or suggestions, or otherwise offending public decency, shall be fined not less than fifty dollars nor more than five hundred dollars, or imprisoned not more than one year, or both.

Seduction.

SEC. 873. SEDUCTION.—If any person shall seduce and carnally know any female of previous chaste character, between the ages of sixteen and twenty-one years, out of wedlock, such seduction and carnal knowledge shall be deemed a misdemeanor, and the offender, being convicted thereof, shall be punished by imprisonment for a term not exceeding three years, or fined not exceeding two hundred dollars, or may be punished by both such fine and imprisonment.

Adultery.

SEC. 874. ADULTERY.—Whoever commits adultery in the District shall, on conviction thereof, be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding one year, or both; and when the act is committed between a married woman and a man who is unmarried both parties to such act shall be deemed guilty of adultery; and when such act is committed between a married man and a woman who is unmarried, the man only shall be deemed guilty of adultery.

Incest.

SEC. 875. INCEST.—If any person in the District related to another person within and not including the fourth degree of consanguinity, computed according to the rules of the Roman or civil law, shall marry or cohabit with or have sexual intercourse with such other so-related person, knowing him or her to be within said degree of relationship, the person so offending shall be deemed guilty of incest, and, on conviction thereof, shall be punished by imprisonment for not more than twelve years.

SUBCHAPTER SEVEN.

Miscellaneous.

MISCELLANEOUS.

Prize fighting, etc.

SEC. 876. PRIZE FIGHTING, AND SO FORTH.—Any person who shall voluntarily engage in a pugilistic encounter between man and man or a fight between a man and a bull or any other animal, for money or for other thing of value, or for any championship, or upon the result of which any money or any thing of value is bet or wagered, or to see which any admission fee is charged, either directly or indirectly, shall be deemed guilty of a felony, and upon conviction shall be punished by imprisonment not less than one nor more than five years.

—“pugilistic encounter” defined.

By the term “pugilistic encounter,” as used in this section, is meant any voluntary fight by blows by means of fists or otherwise, whether with or without gloves, between two or more men, for money or for a prize of any character, or for any other thing of value, or for any championship, or upon the result of which any money or thing of value is bet or wagered, or to see which any admission fee is charged, either directly or indirectly.

SEC. 877. USING BOTTLES OF DEALERS IN MINERAL WATERS.—All manufacturers and vendors of mineral waters and other beverages allowed by law to be sold in bottles, upon which their names or marks shall be respectively impressed, may file with the clerk of the supreme court of the District a description of such bottles and of the names or marks thereon, and shall cause the same to be published for not less than two weeks successively in a daily or weekly newspaper published in the District.

Mineral water bottles.

Filing description of, etc.

SEC. 878. It shall be unlawful for any person, without the permission of the owner thereof, to fill with mineral waters or other beverages any such bottles so marked, for sale, or to traffic in any such bottles so marked and not bought by him of such owner; and every person so offending shall be liable to a penalty of fifty cents for every bottle so filled, or sold, or used, or disposed of, or bought, or trafficked in, for the first offense, and of five dollars for every subsequent offense, to be recovered as other fines are recovered in the District.

—sale, etc., of by others prohibited.

SEC. 879. FORGING OR IMITATING LABELS, AND SO FORTH.—Whoever willfully forges or counterfeits or makes use of any imitation calculated to deceive the public, though with colorable difference or deviation therefrom, of the private brand, wrapper, label, trade-mark, bottle, or package usually affixed or used by any person to or with the goods, wares, merchandise, preparation, or mixture of such person, with the intent to pass off any work, goods, manufacture, compound, preparation, or mixture as the manufacture or production of such person which is not really such, shall be fined not more than five hundred dollars or imprisoned not more than one year, or both.

Forging or imitating labels, etc.

SEC. 880. DESTROYING BOUNDARY TREES.—Whoever maliciously cuts down, destroys, or removes any boundary tree, stone, or other mark or monument, or maliciously effaces any inscription thereon, either of his own lands or of the lands of any other person whatsoever, even though such boundary or bounded trees should stand within the person's own land so cutting down and destroying the same, shall be fined not more than one thousand dollars and imprisoned not exceeding one year.

Destroying boundary trees.

SEC. 881. TRESPASSING ON CAPITOL GROUNDS.—Public travel in and occupancy of the Capitol grounds shall be restricted to the roads, walks, and places prepared for the purpose by flagging, paving, or otherwise.*

Capitol grounds. Public use restricted.

SEC. 882. It is forbidden to occupy the roads therein in such manner as to obstruct or hinder their proper use; to drive violently upon them or with animals not under perfect control, or to use them for the conveyance of goods or merchandise except to or from the Capitol on Government service.

—of roads.

SEC. 883. It is forbidden to offer or expose any article for sale; to display any sign, placard, or other form of advertisement; to solicit fares, alms, subscriptions, or contributions therein.

Begging, etc., forbidden.

SEC. 884. It is forbidden to step or climb upon, remove, or in any way injure any statue, seat, wall, or other erection, or any tree, shrub, plant, or turf therein.

Injuring statues, etc.

SEC. 885. It is forbidden to discharge any firearms, firework, or explosive, set fire to any combustible, make any harangue or oration, or utter loud, threatening, or abusive language therein.

Discharging firearms, etc.

SEC. 886. It is forbidden to parade, stand, or move in processions or assemblages, or display any flag, banner, or device designed or adapted to bring into public notice any party or organization or movement therein.

Parading in processions, etc.

SEC. 887. Offenses against the six preceding sections shall be punishable by fine or imprisonment, or both, the fine not to exceed one hundred dollars, the imprisonment not to exceed sixty days; but in the case of heinous offenses, by reason of which public property shall have suffered damage to an amount exceeding one hundred dollars in value,

Penalties.

the offense shall be punishable by imprisonment in the penitentiary for a period of not less than six months nor more than five years.

Arrests by District
police.

SEC. 888. It shall be the duty of all policemen and watchmen having authority to make arrests in the District of Columbia to be watchful for offenses against these sections, and to arrest and bring before the proper tribunal those who shall offend against them under their observation or of whose offenses they shall be advised by witnesses.

—Capitol employees
to aid, etc.

SEC. 889. It shall be the duty of all persons employed in the service of the Government in the Capitol or on its grounds to prevent, as far as may be in their power, offenses against these sections, and to aid the police, by information or otherwise, in securing the arrest and conviction of the offenders.

Who may suspend
prohibition.

SEC. 890. WHO MAY SUSPEND PROHIBITION.—In order to admit of the due observance within the Capitol grounds of occasions of national interest becoming the cognizance and entertainment of Congress, the President of the Senate and the Speaker of the House of Representatives, acting concurrently, are hereby authorized to suspend for such proper occasion so much of the above prohibitions as would prevent the use of the roads and walks of the said grounds by processions or assemblages and the use upon them of suitable decorations, music, addresses, and ceremonies: *Provided*, That responsible officers shall have been appointed and arrangements determined adequate in the judgment of the said President of the Senate and Speaker of the House of Representatives for the maintenance of suitable order and decorum in the proceedings and for guarding the Capitol and its grounds from injury. In the absence from Washington of either of the officers designated in this section the authority therein given to suspend certain prohibitions of this subchapter shall devolve upon the other, and in the absence from Washington of both it shall devolve upon the Capitol police commission.

Proviso.
Maintenance of or-
der.

When Capitol police
commission may act.

Grave robbery.

SEC. 891. GRAVE ROBBERY.—Whoever, without legal authority or without the consent of the nearest surviving relative, shall disturb or remove any dead body from a grave for the purpose of dissecting, or of buying, selling, or in any way trafficking in the same, shall be imprisoned not less than one year nor more than three years.

Eight hours daily
service for laborers on
public works.

SEC. 892. LIMITATION OF HOURS OF DAILY SERVICE FOR LABORERS AND MECHANICS ON PUBLIC WORKS.—The service and employment of all laborers and mechanics who are now or may hereafter be employed by the Government of the United States, by the District of Columbia, or by any contractor or subcontractor upon any of the public works of the United States or of the said District of Columbia, is hereby limited and restricted to eight hours in any one calendar day; and it shall be unlawful for any officer of the United States Government or of the District of Columbia, or any such contractor or subcontractor, whose duty it shall be to employ, direct, or control the service of such laborers or mechanics, to require or permit any such laborer or mechanic to work more than eight hours in any calendar day except in case of extraordinary emergency.

Penalty to contract-
ors, etc.

SEC. 893. Any officer or agent of the Government of the United States or of the District of Columbia, or any contractor or subcontractor, whose duty it shall be to employ, direct, or control any laborer or mechanic employed upon any of the public works of the United States or of the District of Columbia who shall intentionally violate any provision of the last preceding section for each and every such offense shall be punished by a fine not to exceed one thousand dollars or by imprisonment for not more than six months, or both.

Not applicable to
contracts prior to Au-
gust 1, 1892.

SEC. 894. The provisions of the two next preceding sections shall not be so construed as to in any manner apply to or affect contractors or subcontractors or to limit the hours of daily service of laborers or

mechanics engaged upon the public works of the United States or of the District of Columbia for which contracts were entered into prior to August first, eighteen hundred and ninety-two.

SEC. 895. HARBOR REGULATIONS.—Every vessel coming to anchor in the Potomac River between the junction of the Washington and Georgetown channels of said river and the extension of the south line of P street southwest, in the city of Washington, shall anchor as near the flats in said river as possible, so that the channel of said river will not be obstructed; and if such vessel is to remain over twelve hours it shall be moored with both anchors, so as to give room for passing vessels and so as not to swing and obstruct said channel. No vessel shall be permitted to anchor in the Washington channel of the Potomac River between the extended lines of P or K street south. Vessels coming to anchor above the line of K street south aforesaid shall come to anchor as near the flats as possible and so that the channel will not be obstructed; and all vessels coming to anchor shall be so moored by the use of both anchors as to prevent obstruction of the channel within four hundred feet of the nearest wharf, the said anchorage to continue only twenty-four hours unless otherwise ordered or directed by the harbor master. No vessel shall be permitted to lie in Seventeenth street canal, New Jersey avenue canal, James Creek canal, or at the entrance thereof, so as to obstruct the passage of any vessel going into or out of the same or moving from one place to another therein, unless such obstructing vessel is actually engaged in loading or unloading, and shall then, if deemed expedient by the harbor master, be removed to such place as shall be necessary to give room to passing vessels. Any captain or owner of or anyone in charge of any barge, sand scow, or any vessel that may sink in said canals shall raise and remove the same in five days. Any vessel at the end of wharves or in docks shall, when required by the harbor master, haul either way to accommodate vessels going in or coming out from such wharves or docks. They shall not occupy regular steamers or sailing packets' berths without permission from the recognized occupants of such wharves and dock, and they are required to rig in all fore-and-aft spars, have boats hoisted up under the bow, and davits turned up, as the harbor master may direct. Vessels when not engaged in loading or discharging cargo shall give place to such vessels as are ready to receive or deliver freights; and if the captain or person in charge of any vessel refuse to move said vessel when notified by the occupant of the wharf at which she is lying, the harbor master shall order him to haul to some other berth or into the stream. The powers and authority herein conferred upon the harbor master may, in his absence or temporary disability, be exercised by the pilot of the harbor police boat. Any person refusing to obey the instructions of the harbor master or, in case of his absence or temporary disability, the said pilot of the harbor police boat, or any person failing to comply with any of the provisions of this section, shall be punished by a fine not exceeding one hundred dollars, or by imprisonment not exceeding six months, or both.

Harbor regulations.
—vessels anchoring.

—removing sunken
vessels.

—giving place
to
other vessels, etc.

Penalty.

SEC. 896. NET FISHING IN POTOMAC RIVER, AND SO FORTH.—It shall not be lawful for any person to fish with fyke net; pound net, stake net, weir, float net, gill net, haul seine, dip net, or any other contrivance, stationary or floating, in the waters of the Potomac River and its tributaries within the District of Columbia: *Provided*, That this section shall not be construed to prevent the use of barrel nets or pots for the catching or killing of eels or prevent the United States Commissioner of Fish and Fisheries or his agents from taking from said waters, in any manner desired, fish of any kind for scientific purposes or for purposes of propagation, and that nothing herein contained shall apply to persons employed in catching young catfish, smelt, chub, bull minnows, and crayfish for use as bait in fishing with

Net fishing in Potomac River, etc.

Proviso.
—barrel nets or pots
may be used for eels.

—fish for propagation,
etc.

Permit required for taking bait.

hook and line: *Provided further*, That any person engaged in taking such catfish, smelt, chub, bull minnows, and crayfish shall first have procured a written permit from the said Commissioner of Fish and Fisheries to take such bait for hook and-line fishing.

Bass.

SEC. 897. BASS.—No person shall catch or kill in the waters of the Potomac River or its tributaries within the District of Columbia any black bass (otherwise known as green bass and chub) or crappie (otherwise known as calico bass and strawberry bass), between the first day of April and the first day of June of each year, nor have in possession nor expose for sale any of said species between the dates aforesaid, nor catch or kill any of said species of fish at any other time during the year except by angling, nor catch nor kill any of the aforesaid species by what are known as out lines or trot lines having a succession of hooks or devices.

Shad or herring.

SEC. 898. SHAD OR HERRING.—It shall be unlawful for any person to have in possession or expose for sale in the District of Columbia after the tenth day of June in any year any fresh fish of the shad or herring species.

Small fish.

SEC. 899. SMALL FISH.—It shall be unlawful for any person to expose for sale in the District of Columbia at any time during the year any striped bass or rockfish or black bass having a length of less than nine inches.

Use of explosives, etc.

SEC. 900. USE OF EXPLOSIVES, AND SO FORTH.—It shall be unlawful for any person to catch or kill in the waters of the Potomac River or its tributaries within the District of Columbia any fish by means of explosives, drugs, or poisons.

Deposits of deleterious matter.

SEC. 901. DEPOSITS OF DELETERIOUS MATTER.—No person shall allow any tar, oil, ammoniacal liquor, or other waste products of any gas works or works engaged in using such products, or any waste product whatever of any mechanical, chemical, manufacturing, or refining establishment to flow into or be deposited in Rock Creek or the Potomac River or any of its tributaries within the District of Columbia or into any pipe or conduit leading to the same.

Penalties.

SEC. 902. PENALTIES.—Any person who shall violate any of the provisions of the six next preceding sections shall be fined for each and every such offense not less than ten dollars nor more than one hundred dollars, and in default of payment of fine shall be imprisoned for a period not exceeding six months; and any officer or other person securing such conviction shall be entitled to and receive one-half of any fine or fines imposed upon and paid by the party or parties adjudged guilty.

One-half fine to informer, etc.

Disposition of nets, etc., taken.

SEC. 903. All nets, boats, or other contrivances the property of any person convicted under the provisions of the preceding sections shall be returned to the property clerk of the Metropolitan police department, to be delivered to the owner upon the order of the court, and if not called for within six months by the claimant the same shall be treated as other abandoned property coming into the hands of the police.

SUBCHAPTER EIGHT.

General provisions.

GENERAL PROVISIONS.

Definition of terms — "writing" and "paper."

SEC. 904. DEFINITION OF TERMS.—Except where such a construction would be unreasonable, the words "writing" and "paper," wherever mentioned in this chapter, are to be taken to include instruments wholly in writing or wholly printed, or partly printed and partly in writing.

— "anything of value."

SEC. 905. The words "anything of value," wherever they occur in this chapter, shall be held to include not only things possessing intrinsic value, but bank notes and other forms of paper money, and commercial paper and other writings which represent value.

SEC. 906. ATTEMPTS TO COMMIT CRIME.—Whoever shall attempt to commit any crime, which attempt is not otherwise made punishable by this chapter, shall be punished by a fine not exceeding one thousand dollars or by imprisonment for not more than one year, or both.

Attempts to commit crime.

SEC. 907. SECOND CONVICTION.—Every person upon his second conviction of any criminal offense punishable by fine or imprisonment or both may be sentenced to pay a fine not exceeding fifty per centum greater, and to suffer imprisonment for a period not more than one-half longer than the maximum fine and imprisonment for the first offense.

Second conviction.

SEC. 908. PERSONS ADVISING, INCITING, OR CONNIVING AT CRIMINAL OFFENSE TO BE CHARGED AS PRINCIPALS.—In prosecutions for any criminal offense all persons advising, inciting, or conniving at the offense, or aiding or abetting the principal offender, shall be charged as principals and not as accessories, the intent of this section being that as to all accessories before the fact the law heretofore applicable in cases of misdemeanor only shall apply to all crimes, whatever the punishment may be.

Persons advising, inciting, or conniving at criminal offense to be charged as principals.

SEC. 909. ACCESSORIES.—Whoever shall be convicted of being an accessory after the fact to any crime punishable by death shall be punished by imprisonment for not more than twenty years. Whoever shall be convicted of being accessory after the fact to any crime punishable by imprisonment shall be punished by a fine or imprisonment, or both, as the case may be, not more than one-half the maximum fine or imprisonment, or both, to which the principal offender may be subjected.

Accessories.

SEC. 910. PUNISHMENT FOR OFFENSES NOT COVERED BY PROVISIONS OF CODE.—Whoever shall be convicted of any criminal offense not covered by the provisions of any section of this code, or of any general law of the United States not locally inapplicable in the District of Columbia, shall be punished by a fine not exceeding one thousand dollars or by imprisonment for not more than five years, or both.

Punishment for offenses not covered by provisions of code.

CHAPTER TWENTY.

CRIMINAL PROCEDURE.

Criminal procedure.

SEC. 911. SEARCHES.—Upon complaint, under oath, before the police court, or a justice of the peace, setting forth that the affiant believes and has good cause to believe that there are concealed in any house or place articles stolen, taken by robbers, embezzled, or obtained by false pretenses, forged or counterfeited coin, stamps, labels, bank bills or other instruments, or dies, plates, stamps, or brands for making the same, books or printed papers, drawings, engravings, photographs, or pictures of an indecent or obscene character, or instruments for immoral use, or any gaming table, device, or apparatus kept for the purpose of unlawful gaming, or any lottery tickets or lottery policies, particularly describing the house or place to be searched, the things to be seized, substantially alleging the offense in relation thereto and describing the person to be seized, the said court or justice may issue a warrant to the marshal or any officer of the police commanding him to search such house or place for the property or other things, and, if found, to bring the same, together with the person to be seized, before the police court.

Warrant to search suspected house, etc.

The said warrant shall have annexed to it or inserted therein a copy of the affidavit upon which it is issued, and may be substantially in the form following:

—form of, etc.

Whereas there has been filed before an affidavit, of which the following is a copy (here insert): These are therefore to

command you to enter (here describe the place) and there diligently search for the said articles, goods or chattels in the said affidavit described, and that you bring the same, or any part thereof, found on said search and also the body of -----, before the police court, to be dealt with and disposed of according to law.

Custody of seized property.

SEC. 912. When the warrant is executed by the seizure of the property or things described therein, the said property or things shall be delivered to the marshal, and shall be safely kept to be used as evidence.

—to continue until trial, etc.

SEC. 913. If upon the examination the court is satisfied that the offense charged with reference to the things seized has been committed, the party accused shall be committed for trial or held to bail, and said things shall remain in the custody of the marshal until the accused is tried or the right of the claimant to said things is otherwise ascertained.

—final disposition.

SEC. 914. If the accused be discharged, the property or other things seized shall be returned to the person in whose possession they were found. If he be convicted, the property stolen, embezzled, or obtained by false pretenses shall be returned to its owner, and the other articles before described shall be destroyed, under direction of the court.

Offenses that may be joined.

SEC. 915. OFFENSES THAT MAY BE JOINED.—An indictment for larceny may contain a count for obtaining the same property by false pretenses, a count for embezzlement thereof, and a count for receiving or concealing the same property, knowing it to be stolen or embezzled, or any of such counts, and the jury may convict of any of such offenses, and may find any or all of the persons indicted guilty of any of said offenses.

Description of money.

SEC. 916. DESCRIPTION OF MONEY.—In every indictment, except for forgery, in which it is necessary to make an averment as to any money or bank bill or notes, United States Treasury notes, postal and fractional currency, or other bills, bonds, or notes, issued by lawful authority and intended to pass and circulate as money, it shall be sufficient to describe such money, bills, notes, currency, or bonds simply as money, without specifying any particular coin, note, bill, or bond; and such allegation shall be sustained by proof that the accused has stolen or embezzled any amount of coin, or any such note, bill, currency, or bond, although the particular amount or species of such coin, note, bill, currency, or bond be not proved.

Intent to defraud.

SEC. 917. INTENT TO DEFRAUD.—In an indictment in which it is necessary to allege an intent to defraud, it shall be sufficient to allege that the party accused did the act complained of with intent to defraud, without alleging an intent to defraud any particular person or body corporate; and on the trial of such an indictment it shall not be necessary to prove an intent to defraud any particular person, but it shall be sufficient to prove a general intent to defraud.

Peremptory challenges.

SEC. 918. PEREMPTORY CHALLENGES.—In all trials for capital offenses the accused and the United States shall each be entitled to twenty peremptory challenges. In trials for offenses punishable by imprisonment in the penitentiary the accused and the United States shall each be entitled to ten peremptory challenges. In all other cases, civil as well as criminal, in which the plaintiff is the United States, each party shall be entitled to three peremptory challenges; and if there are several defendants, they shall be treated as one person in the allowance of such challenges.

Cause of challenge not available after verdict.

SEC. 919. CAUSE OF CHALLENGE NOT AVAILABLE AFTER VERDICT.—No verdict shall be set aside for any cause which might be alleged as ground for challenge of a juror before the jury are sworn, except when the objection to the juror is that he had a bias against the defendant such as would have disqualified him, and such disqualification was

not known to or suspected by the defendant or his counsel before the juror was sworn.

SEC. 920. WITNESSES FOR DEFENSE.—In any criminal trial the justice trying the case may allow such number of witnesses on behalf of the defendant as may appear to be necessary, the fees of such witnesses to be paid in the same manner as the fees of the witnesses for the Government: *Provided*, That the defendant makes application under oath before the trial, or, in cases of manifest necessity, during the trial, setting forth that he is not possessed of sufficient means and is actually unable to pay the fees of such witnesses, and setting forth also the names of such witnesses and what he expects to prove by them, in order that the court may be advised whether or not the testimony be material to the issue.

Witness for defendant.

Proviso.
—inability of, to pay fees, etc.

SEC. 921. DISCHARGING DEFENDANTS DURING TRIAL.—When two or more persons are jointly indicted the court may, before a defendant has gone into his defense, direct any such defendant to be discharged, that he may be a witness for the United States. An accused party may also, when there is not sufficient evidence to put him upon his defense, be discharged by the court, or, if not discharged by the court, shall be entitled to the immediate verdict of the jury for the purpose of giving evidence for the other parties accused with him; and such order of discharge, in either case, equally with the verdict of acquittal, shall be a bar to another prosecution for the same offense.

Discharging defendants during trial.

SEC. 922. DEPOSITIONS.—If a material witness for the defendant resides more than a hundred miles from the city of Washington, or is sick or infirm, or about to leave the District, the defendant may apply in writing to the court for a commission to examine such witness upon interrogatories thereto annexed when the deposition is to be taken beyond the District of Columbia, and orally in other cases, and the court may grant the same and pass an order stating for what length of time notice shall be given to the district attorney before said witness shall be examined. At or before the time fixed in said notice, when the examination is upon written interrogatories, the district attorney may file cross-interrogatories; but if he fail to do so the clerk shall file the following:

Depositions.

Cross-interrogatories.

First. Are all your statements in the foregoing answers made from your own personal knowledge? And if not, show what is stated upon information and give its source.

Second. State everything you know in addition to what is stated in your above answers concerning this case favorable to either the United States or the defendant.

For good cause shown the court may order in any case that the examination be conducted orally.

Oral examination.

SEC. 923. The commission shall issue from the clerk's office, the examination of the witnesses shall be made and certified, and the return thereof made in the same manner as in civil cases, and unimportant irregularities or errors in the proceedings under said commission shall not cause the deposition to be excluded where no substantial prejudice can be wrought to the Government by such irregularities or errors.

Procedure the same as in civil cases, etc.

SEC. 924. SENTENCE.—If a new trial be not granted nor the judgment arrested the court may pronounce sentence upon the party convicted; but the execution of such sentence shall be postponed for a sufficient time to enable the defendant to prosecute an appeal, on the application of the defendant, if he shall give notice of his intention to appeal from the judgment to the court of appeals.

Sentence.

SEC. 925. Whenever the punishment shall be imprisonment for more than one year, it shall be sufficient for the court to sentence the defendant to imprisonment in the penitentiary without specifying the

Penitentiary; designation of.

particular prison, and the imprisonment shall be in such penitentiary as the Attorney-General shall from time to time designate.

Time of execution.

SEC. 926. TIME OF EXECUTION.—In case of a sentence of death, the time fixed for the execution of the sentence shall not be considered an essential part of the sentence, and if it be not executed at the time therein appointed, by reason of the pendency of an appeal or for other cause, the court may appoint another day for carrying the same into execution.

Insanity of criminals.
—at the time offense committed.

—after indictment, etc.

SEC. 927. INSANE CRIMINALS.—When any person tried upon an indictment for an offense is acquitted on the sole ground that he was insane at the time of its commission, that fact shall be set forth by the jury in their verdict; and whenever a person is indicted for an offense and before trial or after a verdict of guilty prima facie evidence is submitted to the court that the accused is then insane, the court may cause a jury to be impaneled from the jurors then in attendance on the court or, if the regular jurors have been discharged, may cause a sufficient number of jurors to be drawn to inquire into the insanity of the accused, and said inquiry shall be conducted in the presence and under the direction of the court. If the jury shall find the accused to be then insane (or if an accused person shall be acquitted by the jury solely on the ground of insanity) the court may certify the fact to the Secretary of the Interior, who may order such person to be confined in the hospital for the insane, and said person and his estate shall be charged with the expenses of his support in the said hospital. The person whose sanity is in question shall be entitled to his bill of exceptions and an appeal, as in other cases.

—confinement of, etc.

—appeal.

Becoming insane while undergoing sentence.

SEC. 928. Any person becoming insane while undergoing a sentence of any court of the District of Columbia for crime may, in like manner, be committed to said hospital for the insane, by order of the Secretary of the Interior, to receive the same treatment as other patients during the continuance of his disorder.

Restoration to sanity.

SEC. 929. RESTORATION TO SANITY.—When any person confined in the hospital for the insane, charged with crime and subject to be tried therefor or undergoing sentence therefor, shall be restored to sanity the superintendent of the hospital shall give notice thereof to the justice holding the criminal court and deliver him to the court according to its proper precept.

Extradition.

SEC. 930. EXTRADITION.—In all cases where the laws of the United States provide that fugitives from justice shall be delivered up, the chief justice of the supreme court of the District of Columbia shall cause to be apprehended and delivered up such fugitive from justice who shall be found within the District, in the same manner and under the same regulations as the executive authorities of the several States are required to do by the provisions of sections fifty-two hundred and seventy-eight and fifty-two hundred and seventy-nine, title sixty-six, of the Revised Statutes of the United States, "Extradition," and all executive and judicial officers are required to obey the lawful precepts or other process issued for that purpose, and to aid and assist in such delivery.

R. S., secs. 5278, 5279
pp. 1022, 1023.

Associate justices may act, etc.

SEC. 931. Any associate justice of said court shall have like power, in case of the illness, absence, or other disability of the chief justice, or when any such application shall be certified to him by the chief justice.

Attorney for the District to be known as the city solicitor.

SEC. 932. CONDUCT OF PROSECUTIONS, AND SO FORTH.—The attorney for the District of Columbia shall hereafter be known as the city solicitor.

Prosecutions conducted by city solicitor.

Prosecutions for violations of all police or municipal ordinances or regulations and for violation of all penal statutes in the nature of police or municipal regulations, where the maximum punishment is a fine only, or imprisonment not exceeding one year, shall be conducted in the name of the District of Columbia and by the city solicitor or his

assistants. All other criminal prosecutions shall be conducted in the name of the United States and by the attorney for the United States for the District of Columbia or his assistants.

—by United States attorney.

SEC. 933. If in any case any question shall arise as to whether under the preceding section the prosecution should be conducted by the city solicitor or by the attorney of the United States for the District of Columbia, the presiding justice shall forthwith, either of his own motion or upon suggestion of the city solicitor or the attorney of the United States, certify the case to the court of appeals of the District of Columbia, which court shall hear and determine the question in a summary way. In every such case the defendant or defendants shall have the right to be heard in the court of appeals. The decision of such court shall be final.

—where doubtful as to who shall conduct.

SEC. 934. PLACE OF IMPRISONMENT.—When any person shall be sentenced to imprisonment for a term not exceeding six months the court may direct that such imprisonment shall be either in the workhouse or in the jail. When any person is sentenced for a term longer than six months and not longer than one year such imprisonment shall be in the jail, and where the sentence is imprisonment for more than one year it shall be in the penitentiary. Cumulative sentences aggregating more than one year shall be deemed one sentence for the purposes of the foregoing provision. When the punishment of an offense may be imprisonment for more than one year the prosecution shall be in the supreme court of the District. When the maximum punishment is imprisonment for one year or less the prosecution may be in the police court.

Place of imprisonment.

Prosecution, etc.

SEC. 935. APPEALS BY UNITED STATES AND DISTRICT OF COLUMBIA.—In all criminal prosecutions the United States or the District of Columbia, as the case may be, shall have the same right of appeal that is given to the defendant, including the right to a bill of exceptions: *Provided*, That if on such appeal it shall be found that there was error in the rulings of the court during the trial, a verdict in favor of the defendant shall not be set aside.

Government allowed same right of appeal as defendant.

Proviso.
—verdict for defendant not to be set aside, etc.

SEC. 936. COMMUTATION OF FINE.—In all cases in the District of Columbia where a defendant is sent to jail or to the workhouse in default of the payment of a fine he shall be released upon the payment of the balance of the fine due by him after crediting thereon as paid an amount equal to the proportion the time thus served by him in the jail or workhouse bears to the whole time he was to serve under the sentence.

Commutation of fine.

SEC. 937. DEDUCTION FOR GOOD CONDUCT.—All persons sentenced to and imprisoned in the jail or in the workhouse of the District of Columbia, and confined there for a term of one month or longer, who conduct themselves so that no charge of misconduct shall be sustained against them, shall have a deduction of five days in each month made from the term of their sentence and shall be entitled to their discharge so much the earlier upon the certificate of the warden of the jail for those confined in the jail and the certificate of the intendant of the Washington Asylum for those confined in the workhouse of their good conduct during their imprisonment (with the approval of the judge making the commitment); and it shall be the duty of said judge to write or cause to be written in the docket of his court, across the face of the commitment of the person to be so discharged, the following words: "Discharged by order of the court (giving date) on account of good conduct during imprisonment."

Deduction for good conduct.

SEC. 938. BAIL.—Whenever a person charged with crime is held to bail the court shall have power to allow a deposit with the clerk of such court of money in the amount of the bail instead of requiring a bond or recognizance, and in case of default to declare such deposit forfeited to the United States or the District of Columbia as the case may be.

Bail.

Failure to take action an abandonment of prosecution.

Proviso.
—enlargement of time.

SEC. 939. ABANDONMENT OF PROSECUTION.—If any person charged with a criminal offense shall have been committed or held to bail to await the action of the grand jury, and within nine months thereafter the grand jury shall not have taken action on the case, either by ignoring the charge or by returning an indictment into the proper court, the prosecution of such charge shall be deemed to have been abandoned and the accused shall be set free or his bail discharged, as the case may be: *Provided, however,* That the supreme court of the District of Columbia holding a special term as a criminal court, or, in vacation, any justice of said court, upon good cause shown in writing, and, when practicable, upon due notice to the accused, may from time to time enlarge the time for the taking action in such case by the grand jury.

CHAPTER TWENTY-ONE.

DESCENTS.

Descents.

Children.

SEC. 940. CHILDREN.—On the death of any person seized of an estate in fee simple in lands, tenements, or hereditaments in the District of Columbia, and intestate thereof, the same shall descend in fee simple to such person's kindred in the following order, namely: First. To his child or children and their descendants, if any, equally.

Estate descended from father.

SEC. 941. ESTATE DESCENDED FROM FATHER.—If there be no child or descendant of a child, and the estate descended to the intestate on the part of the father, then to the brothers and sisters of the intestate, of the blood of the father, and their descendants equally.

SEC. 942. If there be no brother or sister, as aforesaid, or descendant from a brother or sister, then to the grandfather on the part of the father; and if no such grandfather living, then to the descendants of such grandfather and their descendants in equal degree equally; and if no descendant of such grandfather, then to the father of such grandfather, and if none such living, then to the descendants of such father in equal degree; and so on, passing to the next lineal male paternal ancestor, and if none such, to his descendants in equal degree equally, without end.

SEC. 943. If there be no paternal ancestor or descendant from such ancestor, then to the mother of the intestate, and if no mother living, then to her descendants in equal degree equally.

SEC. 944. If there be no mother living, or descendants from such mother, then to the maternal ancestors and their descendants, in the same manner as is above directed as to the paternal ancestors and their descendants.

Estate descended from mother.

SEC. 945. ESTATE DESCENDED FROM MOTHER.—If the estate descended to the intestate on the part of the mother, and said intestate shall leave no child or descendant of a child surviving him, then the estate shall go to his brothers and sisters, of the blood of the mother, and their descendants in equal degree equally.

SEC. 946. If there be no such brother or sister or descendant of such brother or sister, then to the grandfather on the part of the mother, and if no such grandfather living, then to his descendants in equal degree equally; if no such descendant of such grandfather, then to the father of such grandfather, and if none such living, then to his descendants in equal degree; and so on, passing to the next male maternal ancestor, and, if none such living, to his descendants in equal degree equally.

SEC. 947. If there be no such maternal ancestor or descendant from such maternal ancestor, then to the father, and if no father living, then to his descendants in equal degree equally; and if no father or descendant from the father, then to the paternal ancestors and their descendants, in the same manner as hereinbefore directed as to the maternal ancestors.

SEC. 948. ESTATE ACQUIRED BY PURCHASE.—If the estate was acquired by the intestate by purchase, or descended to or vested in him in any other manner than as hereinbefore mentioned, and there be no child or descendant of a child of such intestate, then the estate shall descend to his brothers and sisters of the whole blood and their descendants in equal degree equally.

Estate acquired by purchase.

SEC. 949. HALF-BLOOD BROTHERS AND SISTERS.—If there be no brother or sister of the whole blood, or descendant of such brother or sister, then to the brothers and sisters of the half blood and their descendants in equal degree equally.

Half-blood brothers and sisters.

SEC. 950. PATERNAL AND MATERNAL ANCESTORS ALTERNATELY.—If there be no brother or sister of the whole or the half blood, or any descendant from such, then to the father, and if no father living, then to the mother, and if no mother living, then to the grandfather on the part of the father, and if no such grandfather living, then to the descendants of such grandfather in equal degree equally; and if no such grandfather or any descendant from him, then to the grandfather on the part of the mother, and if no such grandfather, then to his descendants in equal degree equally; and so on without end, alternating the next male paternal ancestor and his descendants, and the next male maternal ancestor and his descendants, and giving preference to the paternal ancestor and his descendants.

Paternal and maternal ancestors alternately.

SEC. 951. HUSBAND AND WIFE.—If there be no descendants or kindred of the intestate, as aforesaid, to take the estate, then the same shall go to the husband or wife, if any, as the case may be; and if the husband or wife be dead, then to his or her kindred, in the like course as if such husband or wife had survived the intestate and had then died entitled to the estate by purchase; and if the intestate has had more husbands or wives than one, and all shall have died before such intestate, then the estate shall be equally divided among the kindred of the several husbands or wives in equal degree equally.

Husband and wife.

SEC. 952. TRUST ESTATES.—Whenever a trustee is seized of the naked legal estate in any lands, tenements, or hereditaments in fee simple, and shall die intestate thereof, the said legal estate shall be deemed to have descended to such person or persons as would inherit the beneficial estate if the same were vested in him according to the provisions aforesaid.

Trust estates.

SEC. 953. HEIR MUST BE SUCH AT TIME OF DEATH OF ANCESTOR.—No right in the inheritance shall accrue to or vest in any person other than the children of the intestate and their descendants, unless such person is in being and capable in law to take as heir at the time of the intestate's death; but any child or descendant of the intestate born after the death of the intestate shall have the same right of inheritance as if born before his death.

Heir must be such at time of death of ancestor.

SEC. 954. WHEN WHOLE AND HALF BLOOD TAKE EQUALLY.—There shall be no distinction between brothers and sisters of the whole and of the half blood, all being descendants of the same father, where the estate descended on the part of the father, nor between the brothers and sisters of the whole and the half blood, all being descendants of the same mother, where the estate descended on the part of the mother.

When whole and half blood take equally.

SEC. 955. REPRESENTATION.—If in the descending or collateral line any father or mother shall be dead, leaving a child or children, such child or children shall, by representation, be considered in the same degree as the father or mother would have been if living, and shall have the same share of the estate as the father or mother if living would have been entitled to, and no more; and in such case, when there are more children than one, the share aforesaid shall be equally divided among such children.

Representation.

SEC. 956. COPARCENARY.—There shall be no estate in coparcenary in the District, and where two or more persons inherit from an intestate,

Coparcenary.

tate by virtue of the provisions aforesaid they shall be tenants in common.

Antenuptial children.

SEC. 957. ANTENUPTIAL CHILDREN.—If any man shall have a child or children by any woman whom he shall afterwards marry, such child or children, if acknowledged by the man, shall, in virtue of such marriage and acknowledgment, be legitimated and capable in law of inheriting and transmitting heritable property as if born in wedlock.

Illegitimate children.

SEC. 958. ILLEGITIMATE CHILDREN.—The illegitimate child or children of any female and the issue of such illegitimate child or children shall be capable in law of taking real estate by inheritance from their mother, or from each other, or from the descendants of each other, as the case may be; and where such illegitimate child or children shall die leaving no descendants or brothers or sisters, or the descendants of such brothers or sisters, then and in that case the mother of such illegitimate child or children, if living, shall be entitled as heir to the real estate of such illegitimate child or children, and if the mother be dead, the heirs of the mother shall take in like manner as if such illegitimate child or children had been born in lawful wedlock.

Advancement to be brought into hotchpot.

SEC. 959. ADVANCEMENTS.—Any child or children of an intestate, or their issue, who may have received from the intestate any real estate by way of advancement may elect to come into partition with his other heirs on bringing such advancement, or the value thereof at the time such advancement was received, into hotchpot with the estate descended; but such child or children, or their issue, shall not be entitled to claim a share by descent without bringing such advancement, or the value thereof as aforesaid, into the common stock or hotchpot, if there be another child or children unprovided for: *Provided*, That if any child or children or descendant shall have been advanced by the intestate by settlement or portion of personalty, which shall not be equalized under the provisions of section three hundred and seventy-nine of this code, such advance shall be treated as real estate for the purposes of this section.

Proviso.
Where personalty treated as real estate.

Alien ancestors.

SEC. 960. ALIEN ANCESTORS.—In making title by descent it shall be no bar to a party claiming as heir that any ancestor, whether living or dead, through whom he derives his descent from the intestate is or has been an alien.

Party committing murder or manslaughter takes no interest in estate of deceased.

SEC. 961. PARTY COMMITTING MURDER OR MANSLAUGHTER TAKES NO INTEREST IN ESTATE OF DECEASED.—No person who shall be convicted of the felonious homicide of another, either by way of murder or manslaughter, shall take any estate or interest of any kind whatsoever in any kind of property whatsoever from that other by way of inheritance, distribution, devise, or bequest, or shall take any remainder, reversion, or executory interest dependent upon the death of that other; and the estate or interest or property to which the person so convicted would have succeeded or would have taken in any way from or after the death of the person so killed by him shall go as if the person so convicted had died before the person whom he shall be convicted of killing. And every policy of insurance procured, directly or indirectly, by the person so convicted for his own benefit or payable to him upon the life of the person so killed shall be void. This act shall not affect the rights of bona fide purchasers of any such property for value without notice.

When lands escheat.

SEC. 962. WHEN LANDS ESCHATE.—Any lands within the District of Columbia of which any person has died or shall hereafter die seized in fee simple, without any heir of the whole blood who could have inherited if he had been a citizen of the United States, or without leaving any relation of the half blood within two degrees, that is, first cousins as the same are reckoned by the common law, shall escheat to the United States.

CHAPTER TWENTY-TWO.

DIVORCE.

Divorce.

SEC. 963. PETITION.—All applications for divorce or for a decree annulling a marriage shall be made by petition to the supreme court of the District, and the proceedings thereupon shall be the same as in equity causes, except so far as otherwise herein provided.

Petition.

SEC. 964. PROOF REQUIRED.—No decree for a divorce, or decree annulling a marriage, shall be rendered on default, without proof; nor shall any admission contained in the answer of the defendant be taken as proof of the facts charged as the ground of the application, but the same shall, in all cases, be proved by other evidence.

Proof required.

SEC. 965. DECREE ANNULING MARRIAGE.—A decree annulling the marriage as illegal and void may be rendered on any of the grounds mentioned in chapter forty-three as invalidating a marriage.

Decree annulling marriage.

SEC. 966. CAUSES FOR DIVORCE A VINCULO AND FOR DIVORCE A MENSA ET THORO.—A divorce from the bond of marriage may be granted only where one of the parties has committed adultery during the marriage: *Provided*, That in such case the innocent party only may remarry, but nothing herein contained shall prevent the remarriage of the divorced parties to each other: *And provided*, That legal separation from bed and board may be granted for drunkenness, cruelty, or desertion: *And provided*, That marriage contracts may be declared void in the following cases:

Adultery only a cause for divorce a vinculo.

—innocent party may remarry.
—divorced parties may remarry each other.

Avoidance of marriage contracts.

First. Where such marriage was contracted while either of the parties thereto had a former wife or husband living, unless the former marriage had been lawfully dissolved.

Second. Where such marriage was contracted during the lunacy of either party (unless there has been voluntary cohabitation after the lunacy) or was procured by fraud or coercion.

Third. Where either party was matrimonially incapacitated at the time of marriage and has continued so.

Fourth. Where either of the parties had not arrived at the age of legal consent to the contract of marriage (unless there has been voluntary cohabitation after coming to legal age), but in such cases only at the suit of the party not capable of consenting.

SEC. 967. FOREGOING SECTION NOT RETROACTIVE.—The provisions of this Act shall not invalidate any marriage heretofore solemnized according to law, or affect the validity of any decree or judgment of divorce heretofore pronounced.

—existing marriages etc., unaffected.

SEC. 968. IN SUITS FOR DIVORCE A VINCULO DIVORCE A MENSA ET THORO MAY BE DECREED.—Where a divorce from the bond of marriage is prayed for the court shall have authority to decree a divorce from bed and board if the causes proved be sufficient to entitle the party to such relief only.

In suits for divorce a vinculo divorce a mensa et thoro may be decreed.

SEC. 969. REVOCATION OF DIVORCE A MENSA ET THORO.—In all cases where a divorce from bed and board is decreed it may at any time thereafter be revoked by the court upon the joint application of the parties to be discharged from the operation of the decree.

Revocation of divorce a mensa et thoro.

SEC. 970. CAUSES ARISING AFTER DIVORCE A MENSA ET THORO.—Where a divorce from bed and board has been decreed the court may afterwards decree an absolute divorce between the parties for any cause arising since the first decree and sufficient to entitle the complaining party to such decree.

Causes arising after divorce a mensa et thoro.

SEC. 971. ONLY RESIDENTS DIVORCED.—No decree of nullity of marriage or divorce shall be rendered in favor of anyone not a resident of the District of Columbia, and no divorce shall be decreed in favor of any person who has not been a bona fide resident of said District for at least three years next before the application therefor for any cause

Only residents divorced.

which shall have occurred out of said District and prior to residence therein.

Issue of a marriage annulled.

SEC. 972. **ISSUE OF A MARRIAGE ANNULLED.**—In case any marriage shall be declared by decree to have been void on account of either party having a former wife or husband living, if it shall appear that said marriage was contracted in good faith by the other party and in ignorance of said obstacle to the marriage, that fact shall be found and declared by the decree, and in such case the issue of said marriage shall be deemed to be the legitimate issue of the parent who was capable of contracting.

Issue of a lunatic's marriage.

SEC. 973. **ISSUE OF A LUNATIC'S MARRIAGE.**—Where a marriage is declared null and void on account of the idiocy or lunacy of either party at the time of the marriage the issue of the marriage shall be deemed legitimate.

Legitimacy of issue of a marriage dissolved.

SEC. 974. **LEGITIMACY OF ISSUE OF A MARRIAGE DISSOLVED.**—A divorce for any of the causes herein provided for shall not affect the legitimacy of the issue of the marriage dissolved by such divorce, but the legitimacy of such issue, if questioned, shall be tried and determined according to the course of the common law.

Alimony pendente lite.

SEC. 975. **ALIMONY PENDENTE LITE.**—During the pendency of a suit for divorce, or a suit by the husband to declare the marriage null and void, where the nullity is denied by the wife, the court shall have power to require the husband to pay alimony to the wife for the maintenance of herself and their minor children committed to her care, and suit money, including counsel fees, to enable her to conduct her case, whether she be plaintiff or defendant, and to enforce obedience to any order in regard thereto by attachment and imprisonment for disobedience. The court may also enjoin any disposition of the husband's property to avoid the collection of said allowances, and may, in case of the husband's failure or refusal to pay such alimony and suit money, sequester his property and apply the income thereof to such objects. The court may also determine whether the husband or wife shall have the care and custody of infant children pending the proceedings.

Permanent alimony.

SEC. 976. **PERMANENT ALIMONY.**—When a divorce is granted to the wife, the court shall have authority to decree her permanent alimony sufficient for her support and that of any minor children whom the court may assign to her care, and to secure and enforce the payment of said alimony in the manner before mentioned, and may, if it shall seem fit, retain to the wife her right of dower in the husband's estate.

Where application made by husband.

SEC. 977. If the divorce is granted on the application of the husband, the court may, nevertheless, require him to pay alimony to the wife, if it shall seem just and proper; but in such case the husband may appeal.

Case open for future orders as to alimony.

SEC. 978. After a decree of divorce in any case granting alimony and providing for the care and custody of children, the case shall still be considered open for any future orders in those respects.

Maiden name of wife restored.

SEC. 979. **MAIDEN NAME OF WIFE RESTORED.**—In granting a divorce from the bond of marriage the court may restore to the wife her maiden or other previous name.

Maintenance of wife.

SEC. 980. **MAINTENANCE OF WIFE.**—Whenever any husband shall fail or refuse to maintain his wife and minor children, if any, although able so to do, the court, on application of the wife, may decree that he shall pay her, periodically, such sums as would be allowed to her as permanent alimony in case of divorce for the maintenance of herself and the minor children committed to her care by the court, and the payment thereof may be enforced in the same manner as directed in regard to such permanent alimony.

Suit to declare a marriage valid.

SEC. 981. **SUIT TO DECLARE A MARRIAGE VALID.**—When the validity of any alleged marriage shall be denied by either of the parties thereto the other party may institute a suit for affirming the marriage, and

upon due proof of the validity thereof it shall be decreed to be valid, and such decree shall be conclusive upon all parties concerned.

SEC. 982. COURT TO ASSIGN ATTORNEY IN UNCONTESTED CASES.—In all uncontested divorce cases, and in any other divorce case where the court may deem it necessary or proper, a disinterested attorney shall be assigned by the court to enter his appearance for the defendant and actively defend the cause, and such attorney shall receive such compensation for his services as the court may determine to be proper, such compensation to be paid by the parties as the court may direct.

Court to assign attorney in uncontested cases.

SEC. 983. CORRESPONDENTS.—In all divorce cases where adultery is charged the person or persons with whom the adultery is charged to have been committed shall be made defendant or defendants and brought in by personal service of process or by publication as in other cases.

Correspondents.

CHAPTER TWENTY-THREE.

EJECTMENT.

Ejectment.

SEC. 984. PARTIES.—Every action of ejectment shall be brought in the name of the real claimant and may be brought against the person actually occupying the premises claimed, either in person or by tenant, or, if they be not actually occupied, against some person exercising acts of ownership thereon adversely to the plaintiff. If a lessee be made a defendant at the suit of a party claiming against the title of his landlord such landlord may appear and be made a party defendant in the place of his lessee. And any person claiming to be in possession may, on motion, be admitted to defend the action.

Parties.

SEC. 985. FORM OF DECLARATION.—The plaintiff in his declaration must describe the premises claimed with reasonable certainty, and set forth distinctly the nature and quantity of the estate claimed by him in the same, and it shall be sufficient for him to state in addition thereto that the plaintiff was possessed of the premises, and while he was so possessed the defendant entered wrongfully into possession of the same and withholds the possession thereof from the plaintiff, or wrongfully detains such possession, or that the defendant is wrongfully exercising acts of ownership thereon. Such acts of ownership, however, unaccompanied with possession shall not, except as herein-after provided, be held to amount to an adversary possession, so as to make it necessary for the plaintiff to sue in order to avoid the bar of the statute of limitations.

Form of declaration.

SEC. 986. COUNTS.—The declaration may contain several counts and several parties may be named as plaintiffs, jointly in one count and separately in others.

Counts.

SEC. 987. PLEADING.—The defendant may demur or may plead the general issue of "not guilty," which shall put in issue the plaintiff's title and right to the possession and under which all matters of defense may be given in evidence.

Pleading.

SEC. 988. EVIDENCE.—It shall be sufficient to entitle the plaintiff to a verdict to show that he is entitled, as against the defendant, to the immediate possession of the premises claimed and that the defendant is in possession thereof, holding adversely to the plaintiff, or is exercising acts of ownership over the same adversely to the plaintiff; except that in an action by one or more joint tenants or tenants in common against their cotenants, the plaintiffs shall be required to prove an actual ouster or some other act amounting to a denial of the plaintiff's title and his exclusion from the enjoyment of the property.

Evidence.

SEC. 989. OUTSTANDING LEGAL TITLE.—It shall be no bar to the plaintiff's recovery that the legal title to the property claimed is outstanding in another as mortgagee or trustee, if the mortgage or deed of trust has been satisfied and the plaintiff would be entitled to an

Outstanding legal title.

unconditional decree for the release or reconveyance of the property to him, nor shall the mortgagee or trustee in such case be entitled to maintain an action of ejectment against the party so entitled.

Where vendee entitled to equitable decree of conveyance, etc.

SEC. 990. Where real property has been sold under a written contract executed by the vendor, and there has been such a performance of its terms by the vendee as would entitle him to a decree in equity for a conveyance of the legal title, without condition, such vendor shall not be entitled at law, any more than in equity, to recover said property from the vendee.

Mortgagor.

SEC. 991. MORTGAGOR.—Wherever, by the terms of a mortgage or deed of trust, the debtor is entitled to retain possession of the property conveyed until default in the payment of the debts secured, said mortgage or deed of trust shall be no bar to the recovery of possession of the property in ejectment, before such default, by the mortgagor or grantor, against either the mortgagee or trustee or a stranger.

Several judgments against defendants.

SEC. 992. SEVERAL JUDGMENTS AGAINST DEFENDANTS.—If it appears on the trial that some of the defendants occupy distinct parcels of the property claimed, in severalty, the plaintiff, if entitled to recover, may have several judgments against the respective parties, according to the proof of occupancy.

Recovery of less than is claimed.

SEC. 993. RECOVERY OF LESS THAN IS CLAIMED.—The plaintiff, under a claim to certain described premises, may recover less than the whole property claimed, and, under a claim to an entire property, may recover an undivided part thereof.

Joint tenants and tenants in common.

SEC. 994. JOINT TENANTS AND TENANTS IN COMMON.—Joint tenants must sue jointly in ejectment, but tenants in common may sue either jointly or separately, and any numbers of tenants in common, less than the whole number entitled, may sue jointly in reference to their undivided interests.

Mesne profits and damages.

SEC. 995. MESNE PROFITS AND DAMAGES.—The plaintiff may embody in his declaration, in a separate count, a claim for the mesne profits received by the defendant from the property sued for or for the clear value of the use and occupation thereof to the defendant during his occupation thereof, and during the plaintiff's ownership thereof, within a period commencing three years before the commencement of the suit and extending to the time of the verdict, and also damages for waste or injury to the premises during said period; and if the jury find for the plaintiff they may, at the same time, find and assess the said mesne profits, or the value of said use and occupation and the amount of said damages and, besides a judgment for the recovery of the property, there shall be rendered a judgment against the defendant for the amount so found by the jury, except in the case provided for in section ten hundred and three hereafter.

Landlord and tenant.—action by landlord; what may be embodied in declaration.

SEC. 996. LANDLORD AND TENANT.—If the action be by a landlord against his tenant, the plaintiff may embody in his declaration, in separate counts, a claim for furniture if leased with the realty, for arrears of rent due at the termination of the tenancy, a claim for double rent in cases authorized by this code from the termination of the tenancy to the verdict for possession, and a claim for damages for waste or injury to the premises or furniture during the defendant's occupancy of the same and before the commencement of the suit; and if the jury find for the plaintiff, they may at the same time find the amounts due for arrears of rent and for double rent and for damages as aforesaid, and judgment shall be rendered accordingly.

Plaintiff may sue separately for rent or damages.

SEC. 997. PLAINTIFF MAY SUE SEPARATELY FOR RENT OR DAMAGES.—The plaintiff in ejectment shall not be bound to join his claim for rent or damages with his claim for the recovery of the land, and his omission to do so shall not prevent him from suing for the same separately.

SEC. 998. EXPIRATION OF TITLE PENDING SUIT.—If the title of the plaintiff in ejectment shall expire after the commencement of the suit but before the trial, and but for said expiration he would have been entitled to recover, the verdict shall find such facts, and the plaintiff shall be entitled to recover his damages sustained by the wrongful withholding of the possession.

Expiration of title pending suit.

SEC. 999. ADVERSE POSSESSION.—In an action to recover vacant and unimproved lots of ground it shall not be necessary, in order to maintain the defense of adversary possession, to show that the premises in controversy had been inclosed; but if it appear that the property had been assessed for taxation to the defendant, or those under whom he claims, and that he or they had regularly paid the taxes on the same and were the only persons who had exercised control over the same for a period of fifteen years before the bringing of the action, such facts shall be the equivalent of possession by actual inclosure.

Adverse possession.

SEC. 1000. VERDICT.—If the plaintiff's title be established by proof, the verdict of the jury shall be generally for the plaintiff as to the whole or part of the property claimed in the declaration, as the case may be; if, on the contrary, the plaintiff fail to make satisfactory proof of title, the verdict shall be for the defendant as to the whole or part of the property, as the case may be, and it may be for the plaintiff as to part and for the defendant as to other part thereof, and judgment shall be rendered according to the verdict, except as hereinafter provided.

Verdict for plaintiff

—for defendant, etc.

SEC. 1001. If it appear on the trial that the defendant did not wrongfully enter into possession of the property sued for, or exercise acts of ownership over the same adversely to the plaintiff, as aforesaid, the verdict of the jury shall be that the defendant is not guilty, and thereupon judgment shall be rendered in favor of the defendant against the plaintiff for the costs of the action, but such judgment shall not be a bar to a future action by the plaintiff against the defendant for the recovery of the property.

SEC. 1002. JUDGMENT.—Any final judgment rendered in an action of ejectment shall be conclusive as to the title thereby established as between the parties to the action and all persons claiming under them since the commencement of the action.

Judgment.

SEC. 1003. IMPROVEMENTS.—If at any time before the trial the defendant shall give notice that if the verdict of the jury shall be in favor of the plaintiff's title the defendant will claim the benefit of permanent improvements that may have been placed on the property by the defendant or those under whom he claims, and shall offer evidence at the trial tending to show that he or those under whom he claims had peaceably entered into possession of the premises in controversy under a title which he or they had reason to believe and did believe to be good, and had erected valuable and permanent improvements on said property, which were begun in good faith before the commencement of the suit, the jury shall be directed, in case they find in favor of the plaintiff's title and also find that such permanent improvements were made by the defendant, or those under whom he claims under the circumstances aforesaid, to assess—

Improvements.

First. The damages of the plaintiff, being the clear value over and above taxes and necessary expenses of the use and occupation of the property, exclusive of said improvements, to the defendant and those under whom he claims, during the whole period of their occupation of the same to the date of the verdict, and also any damage done to the property, by waste or otherwise, by said parties during said occupation.

—assessment of damages for, etc.

Second. The present value to the plaintiffs of any permanent improvements which may have been placed on the premises by the defendant or those under whom he claims.

- Third. The present value to the defendant of the property of the plaintiff without and exclusive of the said improvements.
- jury may view premises, etc. SEC. 1004. In addition to evidence offered at the trial as to said values, the jury may be directed to view the premises, and their said assessments shall be returned with their verdict and recorded with the same. If either party shall feel aggrieved by said assessment he may, within three days after the verdict, move to set the assessment aside, and the court may, for good cause shown, set the same aside and order another jury to be impaneled in the cause to make a new assessment.
- appeal. SEC. 1005. If the damages of the plaintiff, assessed as aforesaid, shall exceed the value of said permanent improvements as ascertained by the jury, the plaintiff shall be entitled to a judgment for the excess in like manner as directed in section nine hundred and ninety-five aforesaid.
- where damages exceed value of improvements. SEC. 1006. If the value of said improvements, so ascertained, shall equal but not exceed the plaintiff's damages, as found by the jury, the plaintiff shall only be entitled to judgment for the recovery of the property sued for and costs.
- equal. SEC. 1007. ELECTION OF PLAINTIFF.—If the value of said improvements shall be found by the jury to exceed the damages of the plaintiff, the plaintiff may elect either to pay to the defendant the amount of said excess or to demand of the defendant the value of the plaintiff's property, without the improvements, as fixed by the jury, and tender to the defendant a deed for said property, with all the plaintiff's right, title, and interest in the same.
- election of plaintiff. SEC. 1008. PAYMENT FOR IMPROVEMENTS.—If the said plaintiff shall pay to the defendant, within the time fixed therefor by the court, or, in case of his refusal to accept the same, shall pay into court for his use the amount of such excess of the value of said improvements over the damages of the plaintiff, the plaintiff shall be entitled forthwith to a judgment and writ of possession.
- Payment for improvements. SEC. 1009. TENDER OF DEED BY PLAINTIFF.—If the plaintiff shall tender a deed as aforesaid to the defendant and demand the value of his property without the said improvements, as found by the jury, and the defendant shall fail or refuse to pay the same within the time fixed therefor by the court, the plaintiff shall, in like manner, be entitled to a judgment and writ of possession; and in case the plaintiff shall be a minor, the court may authorize said deed to be executed by his guardian.
- Tender of deed by plaintiff. SEC. 1010. JUDGMENT FOR DEFENDANT.—If the plaintiff shall fail or refuse either to pay the defendant the excess of the value of the improvements over the amount of the plaintiff's damages, or to tender a deed to the defendant, as aforesaid, and accept from him the value of the plaintiff's property, exclusive of the improvements, as aforesaid, the defendant may pay said value into court for the use of the plaintiff, and thereupon the defendant shall be entitled to a judgment in his favor, but without costs, which judgment shall be a bar to any future action by the plaintiff against the defendant to recover said property for cause theretofore existing.
- Judgment for defendant.

CHAPTER TWENTY-FOUR.

SUBCHAPTER ONE.

ESTATES.

- Estates.
- What estates in District. SEC. 1011. WHAT ESTATES IN DISTRICT.—Estates in land in the District shall be estates of inheritance, estates for life, estates for years, estates at will, and estates by sufferance.
- Fee simple estates. SEC. 1012. FEE SIMPLE ESTATES.—All estates of inheritance, including such as were formerly estates tail, shall be adjudged estates in fee simple.

SEC. 1013. An estate in fee simple may be either absolute or qualified, as to one and his heirs during an existing condition of things of uncertain duration. —may be absolute, etc.

SEC. 1014. FREEHOLDS.—Estates of inheritance and estates for life shall continue to be denominated freeholds, and estates for years shall be chattels real; estates at will or by sufferance shall be chattel interests, but shall not be liable, as such, to sale under execution; and all estates may be subject to conditions precedent or subsequent. Freeholds.

SEC. 1015. ESTATES PUR AUTRE VIE.—An estate for the life of a third person, whether limited to heirs or otherwise, shall be deemed a freehold only during the life of the grantee or devisee, but after his death it shall be deemed a chattel real and be a part of his personal estate. Estates pour autre vie.

SEC. 1016. ESTATES CLASSIFIED.—Estates are either in possession or in expectancy. Estates classified.

SEC. 1017. An estate in possession exists when the owner has an immediate right to the possession of the land. —possession.

SEC. 1018. An estate in expectancy is either a reversion or a future estate. —expectancy.

SEC. 1019. REVERSIONS.—A reversion is the residue of an estate left in the grantor who has conveyed, or in the heirs of the deviser who has devised a particular estate less than his own, and which residue returns to his or their possession on the expiration of the particular estate. Reversions.

SEC. 1020. FUTURE ESTATES.—A future estate is one limited to commence at a future day, either without the intervention of a precedent estate or after the expiration or determination of a precedent estate created at the same time and by the same conveyance or devise. Future estates.

SEC. 1021. If it is to commence upon the full expiration of such precedent estate, it is a remainder and may be transferred by that name. If it is to commence on a contingency which, if it happen, will abridge or determine such precedent estate before its expiration, it shall be known as a conditional limitation. —when a remainder. —when a conditional limitation.

SEC. 1022. VESTED AND CONTINGENT FUTURE ESTATES.—A future estate is vested when there is a person in being who would have an immediate right to the possession of the land upon the expiration of the intermediate or precedent estate, or upon the arrival of a certain period or event when it is to commence in possession. It is contingent when the person to whom or the event upon which it is limited to take effect in possession or become a vested estate is uncertain. Vested and contingent future estates.

SEC. 1023. PERPETUITIES.—Except in the case of gifts or devises to charitable uses, every future estate, whether of freehold or leasehold, whether by way of remainder or without a precedent estate, and whether vested or contingent, shall be void in its creation which shall suspend, or may by possibility suspend, the power of absolute alienation of the property, so that there shall be no person or persons in being by whom an absolute fee in the same, in possession, can be conveyed, for a longer period than during the continuance of not more than one or more lives in being and twenty-one years thereafter. Perpetuities.

SEC. 1024. CHATTELS REAL.—The provisions aforesaid as to future estates shall apply to limitations of chattels real as well as to freehold estates, so that the absolute ownership of a term for years and power to dispose of the same shall not be suspended for a longer period than the absolute power of alienation in respect to a fee simple. Chattels real.

SEC. 1025. WHAT ESTATES CREATED BY DEED OR WILL.—Subject to the provisions aforesaid, a freehold estate as well as a chattel real may be created by deed or will to commence at a future day, absolutely or conditionally; an estate for life may be created in a term for years and a remainder limited thereon; a remainder of freehold or for years, either vested or contingent, may be created expectant on the determination of a term for years, and a fee may be limited on a fee upon a What estates created by deed or will.

contingency which must happen, if at all, within the period herein prescribed.

Alternative future estates.

SEC. 1026. ALTERNATIVE FUTURE ESTATES.—Two or more future estates may be created to take effect in the alternative, so that if the first in order shall fail to vest the next in succession may be substituted for it and take effect accordingly.

Remainder to heirs.

SEC. 1027. REMAINDER TO HEIRS.—Where a remainder shall be limited to the heirs or heirs of the body of a person to whom a life estate in the same premises shall be given, the persons who, on the termination of the life estate, shall be the heirs or the heirs of the body of such tenant for life shall be entitled to take in fee simple as purchasers by virtue of the remainder so limited.

Posthumous children.

SEC. 1028. POSTHUMOUS CHILDREN.—Where a future estate shall be limited to heirs, or issue, or children, posthumous children shall be entitled to take in the same manner as if living at the death of their parent; and a future estate depending on the contingency of the death of any person without heirs, or issue, or children shall be defeated by the birth of a posthumous child of such person.

Expectant estates not to be defeated.

SEC. 1029. EXPECTANT ESTATES NOT TO BE DEFEATED.—No expectant estate can be defeated or barred by any alienation or other act of the owner of the intermediate or precedent estate, nor by any destruction of such precedent estate, by disseizin, forfeiture, surrender, merger, or otherwise, except when such destruction is expressly provided for or authorized in the creation of such expectant estate; nor shall an expectant estate thus liable to be defeated be on that ground adjudged void in its creation.

Expectant estate alienable.

SEC. 1030. EXPECTANT ESTATE ALIENABLE.—Expectant estates shall be descendible, devisable, and alienable in the same manner as estates in possession.

Tenancies in common and joint tenancies.

SEC. 1031. TENANCIES IN COMMON AND JOINT TENANCIES.—Every estate granted or devised to two or more persons in their own right, including estates granted or devised to husband and wife, shall be a tenancy in common, unless expressly declared to be a joint tenancy; but every estate vested in executors or trustees, as such, shall be a joint tenancy.

Estates for years.

SEC. 1032. ESTATES FOR YEARS.—An estate for a determinate period of time is an estate for years.

Estates from year to year.

SEC. 1033. ESTATES FROM YEAR TO YEAR.—An estate expressed to be from year to year shall be good for one year only.

Estates by sufferance.

SEC. 1034. ESTATES BY SUFFERANCE.—All estates which by construction of the courts were estates from year to year at common law, as where a tenant goes into possession and pays rent without an agreement for a term, or where a tenant for years, after the expiration of his term, continues in possession and pays rent and the like, and all verbal hirings by the month or at any specified rate per month, shall be deemed estates by sufferance.

Estates from month to month, etc.

SEC. 1035. ESTATES FROM MONTH TO MONTH, AND SO FORTH.—An estate may be from month to month or from quarter to quarter, or, as otherwise expressed, it may be by the month or by the quarter, if so expressed in writing.

Estates at will.

SEC. 1036. ESTATES AT WILL.—An estate at will is one held by the joint will of lessor and lessee, and which may be terminated at any time, as herein elsewhere provided, by either party; and such estate shall not exist or be created except by express contract: *Provided, however*, That in case of a sale of real estate under mortgage or deed of trust or execution, and a conveyance thereof to the purchaser, the grantor in such mortgage or deed of trust, execution defendant, or those in possession claiming under him, shall be held and construed to be tenants at will, except in the case of a tenant holding under an unexpired lease for years, in writing, antedating the mortgage or deed of trust.

Proviso.

—conveyance under mortgage, etc., sale, grantor deemed tenant at will, etc.

SUBCHAPTER TWO.

POWERS.

Powers.

SEC. 1037. DEFINITION.—A power is an authority to do some act in relation to lands or the creation of estates therein or of charges thereon which the owner granting or reserving such power might himself lawfully perform.

Definition.

SEC. 1038. GENERAL POWER.—A power is general where it authorizes the alienation in fee, by means of a conveyance, will, or charge, of the lands embraced in the power to any alienee whatever.

General power.

SEC. 1039. SPECIAL POWER.—A power is special—

Special power.

First. Where the persons or class of persons to whom the disposition of the lands under the power is to be made are designated.

Second. Where the power authorizes the alienation, by means of a conveyance, will, or charge, of a particular estate or interest less than a fee.

SEC. 1040. BENEFICIAL POWER.—A general or special power is beneficial where no person other than the grantee has, by the terms of its creation, any interest in its execution.

Beneficial power.

SEC. 1041. EFFECT OF ABSOLUTE POWER TO OWNER OF PARTICULAR ESTATE.—Where an absolute power of disposition, not accompanied by any trust, shall be given to the owner of a particular estate for life or years, such estate shall be changed into a fee, absolute in respect to the rights of creditors and purchasers but subject to any future estates limited thereon in case the power should not be executed or the lands should not be sold for the satisfaction of debts.

Effect of absolute power to owner particular estate.

SEC. 1042. EFFECT OF SUCH POWER TO ONE WITHOUT PARTICULAR ESTATE.—Where a like power of disposition shall be given to any person to whom no particular estate is limited, such person shall also take a fee, subject to any future estates that may be limited thereon but absolute in respect to creditors and purchasers.

Effect of such power to one without particular estate.

SEC. 1043. EFFECT WHERE NO REMAINDER ON PARTICULAR ESTATE.—In all cases where such power of disposition is given and no remainder is limited on the estate of the grantee of the power, such grantee shall be entitled to an absolute fee.

Effect where no remainder on particular estate.

SEC. 1044. CONSTRUCTION OF POWER TO PARTICULAR TENANT TO DEVISE THE INHERITANCE.—Where a general and beneficial power to devise the inheritance shall be given to a tenant for life or for years, such tenant shall be deemed to possess an absolute power of disposition, within the meaning and subject to the provisions of the three last preceding sections.

Construction of power to particular tenant to devise the inheritance.

SEC. 1045. RIGHT OF GRANTOR TO RESERVE POWER.—The grantor in any conveyance may reserve to himself any power, beneficial or in trust, which he might lawfully grant to another, and every power thus reserved shall be subject to the provisions of this subchapter as if granted to another.

Right of grantor to reserve power.

SEC. 1046. LIABILITY OF BENEFICIAL POWERS IN EQUITY.—Every special and beneficial power shall be liable, in equity, to the claims of creditors, and the execution of the power may be decreed for the benefit of the creditors entitled.

Liability of beneficial powers in equity.

SEC. 1047. GENERAL POWERS IN TRUST.—A general power is in trust when any person or class of persons other than the grantee of such power is designated as entitled to the proceeds, or any portion of the proceeds or other benefits to result from the alienation of the lands, according to the power.

General powers in trust.

SEC. 1048. SPECIAL POWERS IN TRUST.—A special power is in trust—

Special powers in trust.

First. When the disposition which it authorizes is limited to be made to any person or class of persons other than the grantee of such power.

Second. When any person or class of persons other than the grantee

is designated as entitled to any benefit from the disposition or change authorized by the power.

Trust powers imperative.

SEC. 1049. TRUST POWERS IMPERATIVE.—Every trust power, unless its execution or nonexecution is made expressly to depend on the will of the grantee, is imperative and imposes a duty on the grantee the performance of which may be compelled in equity for the benefit of the parties interested.

Selection under trust powers.

SEC. 1050. SELECTION UNDER TRUST POWERS.—A trust power does not cease to be imperative where the grantee has the right to select any and exclude others of the persons designated as the objects of the trust.

—where no specifications as to shares, etc.

SEC. 1051. Where a disposition under a power is directed to be made to or among or between several persons, without any specifications of the share or sum to be allotted to each, all the persons designated shall be entitled to an equal proportion. But when the terms of the power import that the estate or fund is to be distributed between the persons so designated, in such manner or proportions as the trustee of the power may think proper, the trustee may allot the whole to any one or more of such persons in exclusion of the others.

Execution of trust powers for benefit of creditors and assignees.

SEC. 1052. EXECUTION OF TRUST POWERS FOR BENEFIT OF CREDITORS AND ASSIGNEES.—The execution in whole or in part of any trust power may be decreed in equity for the benefit of the creditors or assignees of any person entitled to compel its execution when the interest of the objects of such trust is assignable.

Manner of executing powers.

SEC. 1053. MANNER OF EXECUTING POWERS.—No power can be executed except by some instrument in writing, which would be sufficient in law to pass the estate or interest intended to pass under the power if the person executing the power were the actual owner.

SEC. 1054. Where a power to dispose of lands is confined to a disposition by devise or will, the instrument of execution must be a will duly executed; and where a power is confined to a disposition by grant it can not be executed by will, although the disposition is not intended to take effect until after the death of the party executing the power.

SEC. 1055. Every instrument executed by the grantee of a power conveying an estate or creating a charge, which such grantee would have no right to convey or create unless by virtue of his power, shall be deemed a valid execution of the power, although such power be not recited or referred to therein.

CHAPTER TWENTY-FIVE.

Evidence.

EVIDENCE.

Oath..

SEC. 1056. OATH.—All evidence shall be given under oath according to the forms of the common law, except that where a witness has conscientious scruples against taking an oath, he may, in lieu thereof, solemnly, sincerely, and truly declare and affirm; and wherever herein any application, statement, or declaration is required to be supported or verified by an oath it is to be understood that such affirmation is the equivalent of an oath.

Perjury.

SEC. 1057. PERJURY.—A person swearing, affirming, or declaring, or giving testimony in any form where an oath is authorized by law, is lawfully sworn, and will be guilty of perjury in a case where he would be guilty of said crime if sworn according to the forms of the common law.

Testimony de bene esse.

SEC. 1058. TESTIMONY DE BENE ESSE.—The testimony of any witness may be taken in any civil cause depending in any court of the District of Columbia, whether the cause be at issue or not, by deposition de bene esse, under any of the following conditions:

—when may be taken.

First. Where the witness lives at a greater distance than one hundred miles from the place of trial.

Second. Where the witness is likely to go out of the United States or out of the District to a place more than one hundred miles from the place of trial and not return in time for the trial.

Third. Where the witness is infirm or aged, or for any other reason the party desiring his testimony fears he may not be able to secure the same at the time of trial, whether said witness resides within the District or not.

Fourth. If during the trial any witness is unable, by reason of sickness or other cause, to attend the trial, the deposition of such witness may, in the discretion of the court, be taken and read at the trial.

The deposition may be taken before any judge of any court of the United States; before any commissioner or clerk of any court of the United States, or any examiner in chancery of any court of the United States; before any chancellor, justice, or judge or clerk of any court of any State or Territory or other place under the sovereignty of the United States, or any notary public or justice of the peace within any place under the sovereignty of the United States: *Provided*, That no such person shall be eligible to take such deposition who is counsel or attorney for any party to the cause or who is in any wise interested in the event of the cause.

—before whom.

Proviso.
—interested persons
barred.

Before proceeding to take the deposition reasonable written notice of the time, place, names, and addresses of the witnesses shall be given by the party or his attorney proposing to take the deposition to the attorney of record, if there be one, of the adverse party, and if not, to the party himself, which notice shall be at least twenty days more than the time necessary to reach the place of taking such deposition, and shall specify the name or names of the witnesses, the time and place of taking the same, and the name and official character of the person before whom the same is to be taken; but it shall not be lawful to require the adverse party to attend the taking of a deposition at more than one place on the same day.

Notice.

In all cases in rem the person having the agency or possession of the property at the time of seizure shall be deemed the adverse party until a claim shall have been put in, when the claimant and the person having the agency or possession as aforesaid shall both be entitled to the notice.

—to whom given in
actions in rem.

When by reason of absence of the party or his attorney of record, or other cause, the giving of the notice herein required shall be impossible or impracticable, and there shall be urgent necessity for taking such deposition, the notice shall be given in such manner as a justice of the supreme court of the District of Columbia shall direct.

—where notice im-
practicable.

Summons to any witness to appear and testify shall be issued by the person or officer before whom the deposition is to be taken, and served by the marshal of the United States or his deputy within the place where the witness resides; and the witness may be compelled to appear and testify by the officer before whom the deposition is to be taken in the same manner as witnesses may be compelled to appear and testify in court; and for the purpose of executing the provisions of this section any of the persons authorized to take such depositions are hereby vested with all the power and authority for compelling the attendance of the witness and the giving of his testimony which by law or usage are vested in any of the judges of the courts of the United States, and shall be entitled, upon summary application, to the aid of the courts of the United States to compel such attendance and giving of testimony.

Summons.

Compelling attend-
ance.

Every person deposing as herein provided shall first swear or solemnly and truly affirm to tell the truth, the whole truth, and nothing but the truth in answer to such questions as are propounded to him by the parties or their counsel; and the adverse party or his counsel shall have the right to cross-examine such witness.

Oath, etc.

The questions propounded to the witness and the answers of the witness thereto shall be taken down in writing; and the same may be

How deposition may
be taken, etc.

taken down stenographically by the officer taking the deposition or a competent and disinterested stenographer engaged by him, and afterwards transcribed into writing or typewriting, and, in the presence of the officer taking the deposition, read over to the witness, and signed by him. If the witness be unable to write or refuse to sign the deposition the officer taking the same shall certify the fact and the reason, if any, assigned by the witness.

—to be sealed; cost of, etc.

The deposition of the witness or witnesses, together with the certificate of the officer taking the same, shall be by said officer sealed up and indorsed with the title of the cause in which the deposition is taken, and the cost of taking the same and by whom paid, and by him transmitted to the court in the District of Columbia in which the cause is pending, and by him deposited, postage prepaid, in the United States mail.

—not to be used if witness can be produced.

If, at the time of trial, the witness can be produced to testify in open court the deposition shall not be read in evidence; but if the attendance of the witness can not be produced then the said deposition shall be admissible in evidence, subject to such objections to the questions and answers as were noted at the time of taking the deposition, or within ten days after the return thereof, and would be valid were the witness personally present in court.

Granting dedimus potestatem and in perpetuam rei memoriam.

In any case where the interests of justice may require the supreme court of the District of Columbia may grant a dedimus potestatem to take depositions according to common usage, and may, according to the usages of chancery, direct depositions to be taken in perpetuam rei memoriam if they relate to any matters that might be cognizable in any court of the United States.

Foreign depositions, letters rogatory, etc.

When the testimony of any witness residing in any place not within the sovereignty of the United States is desired in any cause pending in any court of the District of Columbia, the same may be taken upon interrogatories and cross-interrogatories filed in the said court, and transmitted by said court under letters rogatory, addressed to some court of record in the foreign State in which said witness is then to be found.

Witnesses not to attend out of country, etc.

—tender of fees.

SEC. 1059. No witness shall be required, under the provisions of the preceding section, to attend at any place out of the county where he resides, nor more than forty miles from the place of his residence, to give his deposition; nor shall any witness be deemed guilty of contempt for disobeying any subpoena directed to him by virtue of the said section, unless his fee for going to, returning from, and one day's attendance at the place of examination are paid or tendered to him at the time of the service of the subpoena.

Commission to take depositions in common law actions.

SEC. 1060. COMMISSION TO TAKE DEPOSITIONS.—On motion made in any common law action in the District, by a party thereto, the court may order a commission to issue to such person or persons as the court may name to take the deposition of any witness residing or being out of the District on interrogatories and cross-interrogatories, to be filed and accompany such commission, as may be provided by the rules of the court, and said commission shall be executed, returned, and published according to the practice in courts of equity: *Provided*, That such depositions shall not be admitted at the trial of the action if, at the time, the witness be present in the District and his attendance can be obtained by the process of the court.

Proviso.
—not to be used if witness can be produced.

Testimony in equity cases.

SEC. 1061. TESTIMONY IN EQUITY CAUSES.—In equity causes in the District the testimony of the witnesses may be taken in the manner provided by the rules of the Supreme Court of the United States for practice in equity, and of the supreme court of the District of Columbia not inconsistent therewith: *Provided*, The court may, in its discretion, for proper cause shown, order the testimony to be taken orally in its presence or under a commission, according to the usages of chancery, or before examiners, upon any reasonable notice as directed in

Proviso.
—when orally taken.

the preceding section, as the court may order and direct; and according to the same usages the court may, upon application by any party interested, direct depositions to be taken in perpetuum rei memoriam, in relation to matters that may be cognizable in the court.

—in perpetuum rei memoriam.

SEC. 1062. COMMISSIONS FROM COURTS OUT OF THE DISTRICT.—When a commission is issued by any court of the United States or of any State for taking the testimony of a witness named therein within the District of Columbia, the same proceedings shall be had in relation thereto as are directed by sections eight hundred and sixty-eight and eight hundred and sixty-nine of the Revised Statutes of the United States.

Commissions from courts out of the District.

SEC. 1063. COMPETENCY OF WITNESSES.—Except as herein elsewhere provided, no person shall be incompetent to testify in any civil action or proceeding by reason of his being a party thereto or interested in the result thereof; but, if otherwise competent to testify, he shall be competent to give evidence on his own behalf and competent and compellable to give evidence on behalf of any other party to such action or proceeding.

Competency of witnesses.

SEC. 1064. TESTIMONY OF SURVIVING PARTY.—If one of the original parties to a transaction or contract has, since the date thereof, died or become insane or otherwise incapable of testifying in relation thereto, the other party thereto shall not be allowed to testify as to any transaction with or declaration or admission of the said deceased or otherwise incapable party in any action between said other party or any person claiming under him and the executors, administrators, trustees, heirs, devisees, assignees, committee, or other person legally representing the deceased or otherwise incapable party, unless he be first called upon to testify in relation to said transaction or declaration or admission by the other party, or the opposite party first testify in relation to the same, or unless the transaction or contract was made or had with an agent of the said deceased or otherwise incapable party, and said agent testifies in relation thereto, or unless called to testify thereto by the court.

Testimony of surviving party.

SEC. 1065. TESTIMONY OF DECEASED OR INSANE PARTY.—If a party, after having testified at a time when he was competent to do so, shall die or become insane or otherwise incapable of testifying, his testimony may be given in evidence in a subsequent trial in relation to the same subject-matter between the same parties, or their legal representatives, as the case may be; and in such case the opposite party may testify in opposition thereto.

Testimony of deceased or insane party.

SEC. 1066. PARTNERS.—Where any of the original parties to a contract or transaction which is the subject of investigation are partners or other joint contractors, or jointly entitled or liable, and some of them have died or otherwise become incapable of testifying, any others, with whom the contract or transaction was personally made or had, or in whose presence or with whose privity it was made or had, or admissions in relation to the same were made, shall not, nor shall the adverse party, be incompetent to testify because some of the parties or joint contractors, or those jointly entitled or liable, have died or otherwise become incapable of testifying.

Partners.

SEC. 1067. CONVICTION OF CRIME.—No person shall be incompetent to testify, in either civil or criminal proceedings, by reason of his having been convicted of crime other than perjury, but such fact may be given in evidence to affect his credit as a witness, either upon the cross-examination of the witness or by evidence aliunde; and the party cross-examining him shall not be concluded by his answers as to such matters. In order to prove such conviction of crime it shall not be necessary to produce the whole record of the proceedings containing such conviction, but the certificate, under seal, of the clerk of the court wherein such proceedings were had, stating the fact of the conviction and for what cause, shall be sufficient.

Conviction of crime not to incapacitate, etc.

- Husband and wife. SEC. 1068. HUSBAND AND WIFE.—In both civil and criminal proceedings, husband and wife shall be competent but not compellable to testify for or against each other.
- Confidential communications. SEC. 1069. CONFIDENTIAL COMMUNICATIONS.—In neither civil nor criminal proceedings shall a husband or his wife be competent to testify as to any confidential communications made by one to the other during the marriage.
- Record debt, proof of. SEC. 1070. RECORD DEBT, PROOF OF.—An exemplification of the record under the hand of the keeper of the same, and the seal of the court or office where such record may be made, shall be good and sufficient evidence to prove any record made or entered in any of the States or Territories of the United States; and the certificate of the party reporting to be the keeper of such record, accompanied by such seal, shall be prima facie evidence of that fact.
- Record of deeds and wills. SEC. 1071. RECORD OF DEEDS AND WILLS.—The copy of the record of any deed or other instrument of writing, not of a testamentary character, where the laws of the State, Territory, or country where the same may be recorded require such record, and which has been recorded agreeably to such laws, and the copy of any will which such laws require to be admitted to probate and record, by judicial decree, and of the decree of the court admitting the same to probate and record, under the hand of the clerk or other keeper of such record and the seal of the court or office in which such record has been made, shall be good and sufficient prima facie evidence to prove the existence and contents of such deed, or will, or other instrument of writing, and that it was executed as it purports to have been.
- Production of books and papers. SEC. 1072. PRODUCTION OF BOOKS AND PAPERS.—In an action at common law the court may, on motion, and on reasonable notice thereof, require the parties to produce books and writings in their possession or power, which contain evidence pertinent to the issue, in cases and under circumstances where they might heretofore have been compelled to produce the same by the ordinary rules of proceeding in chancery.
- Physicians, privileged communication to. SEC. 1073. PHYSICIANS, TESTIMONY OF.—In the courts of the District of Columbia no physician or surgeon shall be permitted, without the consent of the person afflicted, or of his legal representatives, to disclose any information, confidential in its nature, which he shall have acquired in attending a patient in a professional capacity and which was necessary to enable him to act in that capacity: *Provided*, That this section shall not apply to evidence in criminal cases where the accused is charged with causing the death of or inflicting injuries upon a human being, and the disclosure shall be required in the interests of public justice.
- Proviso.*
—exception.

CHAPTER TWENTY-SIX.

Execution.

EXECUTION.

When issued.

SEC. 1074. WHEN ISSUED.—Where the right to issue an execution is not suspended by agreement or by an injunction or by an appeal operating as a supersedeas, a writ of execution may be issued immediately on the rendition of the judgment or at any time within three years thereafter; and where the right to issue the same is suspended by any of the causes aforesaid said writ may be issued within three years after the removal of the suspension, and every such writ shall be returnable on or before the sixtieth day after its date.

Alias writs.

SEC. 1075. ALIAS WRITS.—If the execution be issued and returned unsatisfied, in whole or in part, within said period of three years, an alias writ may be issued at any time during the life of the judgment.

Return.

SEC. 1076. RETURN.—If the return shall be omitted to be made on or before the return day expressed in the writ it may nevertheless be made afterwards as of that date.

SEC. 1077. **SCIRE FACIAS.**—If said writ shall not be issued within the time allowed therefor, as aforesaid, it shall not be issued until a scire facias has been issued upon said judgment and a fiat has been rendered thereupon. Said fiat shall be deemed a renewal of the judgment, and the same rule shall apply thereto in relation to the issuing of execution thereon as to the original judgment.

Scire facias.

SEC. 1078. **FIAT.**—At any time during the life of the original judgment the plaintiff may elect, instead of issuing execution thereon within the time allowed therefor, to issue a scire facias on the same and obtain a new judgment as aforesaid.

Fiat.

SEC. 1079. **LIEN OF EXECUTION.**—A writ of fieri facias issued upon a judgment of the supreme court of the District shall be a lien from the time of its delivery to the marshal upon all the goods and chattels of the judgment defendant, except such as may be exempted from levy and sale by express provision of law.

Lien of execution.

SEC. 1080. **DEATH OF DEBTOR.**—The death of the judgment debtor after the execution has been delivered to the marshal shall not affect his authority to proceed against the property bound by it.

Death of debtor.

SEC. 1081. **JUDGMENT OF JUSTICE OF THE PEACE.**—An execution issued on a judgment of a justice of the peace shall not be a lien on the personal property of the judgment defendant except from the time when it is actually levied, and then it shall have priority over any execution issued out of said supreme court after said levy. It shall not be levied on real estate.

Judgment of justice of the peace.

SEC. 1082. **ON WHAT FIERI FACIAS MAY BE LEVIED.**—The writ of fieri facias may be levied on all goods and chattels of the debtor not exempt as aforesaid, and upon gold and silver coin, bank notes or other money, bills, checks, promissory notes or bonds, or certificates of stock in corporations owned by said debtor, and upon money owned by him in the hands of the marshal or of a constable charged with the execution of such writ, and such fieri facias issued from said supreme court may be levied on all leasehold and freehold estates of the debtor in land.

On what fieri facias may be levied.

SEC. 1083. **LEVY ON MONEY.**—If the fieri facias is levied on money belonging to the judgment defendant the marshal shall not expose the same to sale, but shall account for it as money collected, but bills or other evidences of debt levied upon shall be sold as other personal property is sold, and the marshal is hereby authorized and empowered to indorse the same to pass title to the purchaser.

Levy on money.

SEC. 1084. **LEVY ON CHATTELS PLEDGED.**—The interest of the debtor in personal chattels lawfully pledged for the payment of a debt or performance of a contract, or held by a trustee and in which the debtor's interest is only equitable, may be levied upon in the hands of the pledgee or trustee without disturbing the possession of the latter, and the lien thus obtained may be enforced by proceedings in equity.

Levy on chattels pledged.

SEC. 1085. **APPRAISEMENT.**—All property levied upon, except money, shall be appraised by two sworn appraisers and sold at public auction for cash; personal property after ten days' notice by advertisement, and leasehold and freehold estate in land after a twenty days' previous notice by advertisement, containing a description sufficiently definite to be embodied in a conveyance of the title.

Appraisement.

SEC. 1086. **ATTACHMENT, WHEN ISSUED.**—An attachment may be issued upon a judgment either before or after or at the same time with a fieri facias: *Provided*, That if costs are unnecessarily multiplied thereby they shall be charged to the party causing the same to be issued.

Attachment, when issued.

Provided.
—costs.

SEC. 1087. **SCIRE FACIAS UNNECESSARY.**—The said attachment may be issued at any time during the life of the judgment, without issuing a scire facias previously thereto.

Scire facias unnecessary.

On what attachment may be levied.

SEC. 1088. ON WHAT ATTACHMENT MAY BE LEVIED.—An attachment may be levied upon the judgment debtor's credits due him from third persons and upon his interest in letters patent for inventions issued by the United States.

Interrogatories.

SEC. 1089. INTERROGATORIES.—In all cases of attachment the plaintiff may exhibit interrogatories in writing, in such form as may be allowed by the rules or special order of the court, to be served upon any garnishee concerning any property of the defendant in his possession or charge or any indebtedness of his to the defendant at the time of the service of the attachment or between the time of such service and the filing of his answers to said interrogatories; and the garnishee shall file his answers, under oath, to such interrogatories within ten days after service of the same upon him. In addition to the answers to written interrogatories required of him, the garnishee may, on motion, be required to appear in court and be examined orally, under oath, touching any property or credits of the defendant in his hands.

How attachments levied.

SEC. 1090. HOW ATTACHMENTS LEVIED.—The attachment shall be levied upon credits of the defendant in the hands of a garnishee by serving him with a copy of the writ of attachment and of the interrogatories accompanying the same, and a notice that any property or credits of the defendant in his hands are seized by virtue of the attachment. It may be levied upon debts due to the defendant upon any judgment or decree by a similar service upon the debtor owing the same.

Money in hands of an officer.

SEC. 1091. MONEY IN HANDS OF AN OFFICER.—The said attachment may be levied upon money or property of the defendant in the hands of the marshal or coroner, and shall bind the same from the time of service, and shall be a legal excuse to the officer for not paying or delivering the same as he would otherwise be bound to do.

How levied on patent rights.

SEC. 1092. HOW LEVIED ON PATENT RIGHTS.—The said attachment may be levied upon any patent right of the defendant by the marshal by leaving a copy of the writ with the Commissioner of Patents, with a notice that he has seized said patent rights, and for what purpose, and he shall return a copy of said notice with the writ. The said notice shall thereupon be recorded in the record of assignments in the Patent Office.

Preservation of property seized.

SEC. 1093. PRESERVATION OF PROPERTY SEIZED.—The court may make all orders necessary for the preservation of the property attached, and if the same be perishable, or for other reasons a sale of the same shall be expedient, may order that the same be sold and the proceeds paid into court and held subject to its order.

Pleading to the attachment.

SEC. 1094. PLEADING TO THE ATTACHMENT.—Any garnishee or stranger to the suit who may make claim to the property attached as hereinafter provided, may plead to the attachment, and such plea shall be considered as raising an issue without replication, and any issue of fact thereby made may be tried by the court or by a jury impaneled for the purpose, if either party desire it.

Traversing garnishee's answers.

SEC. 1095. TRAVERSING GARNISHEE'S ANSWERS.—If any garnishee shall answer to interrogatories that he has no property or credits of the defendant or less than the amount of the plaintiff's judgment, the plaintiff may traverse such answer as to the existence or amount of such property or credits, and the issue thereby made may be tried as provided in the last aforesaid section; and in such case, where judgment is rendered for the garnishee, the plaintiff shall be adjudged to pay to the garnishee, in addition to his taxed costs, a reasonable counsel fee; and if such issue be found for the plaintiff, judgment shall be rendered as if possession of the property or credits had been confessed by the garnishee.

Claims by third persons.

SEC. 1096. CLAIMS BY THIRD PERSONS.—Any person may file his petition in the cause, under oath, at any time before the final dispo-

sition of the property attached or its proceeds, not being real estate, setting forth a claim thereto or an interest in or lien upon the same; and the court, without other pleadings, shall inquire into the claim, and, if either party request it, impanel a jury for the purpose, who shall be sworn to try the question involved as an issue between the claimant as plaintiff and the parties to the suit as defendants, and the court may make all such orders as may be necessary to protect any rights of the petitioner.

SEC. 1097. JUDGMENT OF CONDEMNATION OF PROPERTY.—Where the attachment has been levied upon specific property, on the return by the marshal judgment of condemnation of the same may be entered, and so much thereof as may be necessary to satisfy the plaintiff's judgment may be sold under a fieri facias; or, if said property shall have been sold under interlocutory order of the court, the proceeds, or so much thereof as may be necessary, shall be applied to the plaintiff's claim by order of the court.

Judgment of condemnation of property.

SEC. 1098. JUDGMENT AGAINST GARNISHEE.—If a garnishee shall have admitted credits in his hands, in answer to interrogatories served upon him, or the same shall have been found upon an issue made as aforesaid, judgment shall be entered against him for the amount of credits admitted or found as aforesaid, not exceeding the amount of the plaintiff's judgment, and costs, and execution shall be had thereon not to exceed the credits in his hands; but if said credits shall not be immediately due and payable, execution shall be stayed until the same shall become due; and if the garnishee shall have failed to answer the interrogatories served on him, or to appear and show cause why a judgment of condemnation should not be entered, such judgment shall be entered against him for the whole amount of the plaintiff's judgment and costs, and execution shall be had thereon.

Judgment against garnishee.

SEC. 1099. CONDEMNATION AND SALE OF PATENT RIGHTS.—If the property attached be a patent right, on the marshal's return judgment of condemnation of the said property shall be entered and the marshal shall sell the same under fieri facias at public auction in the same manner as real estate. Any patent right condemned and sold as aforesaid shall be assigned by the marshal to the purchaser in the same manner in which such assignments are made by private persons, and his said assignment may be recorded in the proper book or record of assignment in the Patent Office.

Condemnation and sale of patent rights.

SEC. 1100. DELIVERY OF POSSESSION OF PROPERTY SOLD.—When real estate is sold by virtue of any execution, and the judgment defendant or any person claiming under him since the rendition of the judgment is in actual possession of the property and refuses to deliver possession thereof to the purchaser upon demand made therefor, it shall be lawful for the court, on the application of the purchaser, to require the person so in possession to show cause why possession should not be delivered according to said demand, and, if no good cause be shown, to issue a writ of habere facias possessionem, requiring the marshal to put the purchaser in possession. If the party in possession shall allege under oath a title derived from the judgment debtor prior to the judgment or a title superior to that of the defendant, said writ shall not issue, but the purchaser may have his remedy by an action of ejectment or the summary remedy before a justice of the peace as herein provided in subchapter one of chapter one.

Delivery of possession of property sold.

SEC. 1101. CHANGE OF MARSHAL.—If the marshal die, be removed from office, or become otherwise disqualified from executing a writ of execution received by him, the same may be executed and returned by his deputy or successor in office.

Change of marshal.

SEC. 1102. DEFECTIVE SALE.—If upon the sale of property under execution the title of the purchaser is invalid by reason of a defect in the proceedings, the purchaser may be subrogated to the rights of the

Defective sale.

creditor against the debtor to the extent of the money paid by him and applied to the debtor's benefit, and to that extent shall have a lien on the property sold against all persons except bona fide purchasers without notice; but the creditor shall not be required to refund the purchase money on account of the invalidity of the sale.

Remedy of marshal.

SEC. 1103. REMEDY OF MARSHAL.—Where the marshal or any other officer to whom execution has been delivered levies upon and sells in good faith property not subject thereto and applies the proceeds thereof toward the satisfaction of the judgment, and a recovery is had against him for its value, the officer, on payment of said value, may, on motion and due notice thereof to the defendant, have the satisfaction of said judgment vacated, and execution shall issue thereon for his use as if said levy and sale had not been made.

Decree in equity.

SEC. 1104. DECREE IN EQUITY.—The foregoing provisions shall be applicable to an unconditional decree in equity for the payment of money. Such decree may be revived by scire facias, and the same writs of execution may be issued thereon within the same time and have the same effect as liens, and shall be executed and returned in the same manner as if issued upon a common-law judgment.

CHAPTER TWENTY-SEVEN.

Exemptions.

EXEMPTIONS.

What property of householder exempt.

SEC. 1105. WHAT PROPERTY OF HOUSEHOLDER EXEMPT.—The following property, being the property of the head of a family or householder residing in the District of Columbia, shall be exempt from distraint, attachment, levy, and sale on execution or decree of any court in the District:

First. All wearing apparel belonging to all persons and to all heads of families being householders.

Second. All beds, bedding, household furniture, stoves, cooking utensils, and so forth, not exceeding three hundred dollars in value.

Third. Provisions for three months' support, whether provided or growing.

Fourth. Fuel for three months.

Fifth. Mechanics' tools and implements of the debtor's trade or business amounting to two hundred dollars in value, with two hundred dollars' worth of stock for carrying on the business of the debtor or his family. This exemption shall apply to merchants.

Sixth. The library and implements of a professional man or artist, to the value of three hundred dollars.

Seventh. One horse, mule, or yoke of oxen; one cart, wagon, or dray, and harness for such team.

Eighth. Farming utensils, with food for such team for three months, and, if the debtor be a farmer, any other farming tools of the value of one hundred dollars.

Ninth. All family pictures and all the family library, not exceeding in value four hundred dollars.

Tenth. One cow, one swine, six sheep.

Exemptions valid when property is in transitu.
—qualification where debt due for wages of servants, etc.

And these exemptions shall be valid when the property is in transitu, the same as if at rest; but no property named and exempted in this section shall be exempted from attachment or execution for any debt due for the wages of servants, common laborers, or clerks, except the wearing apparel, beds and bedding, and household furniture for the debtor and family.

Mortgage of exempt property.

SEC. 1106. MORTGAGE OF EXEMPT PROPERTY.—No deed of trust, assignment for the benefit of creditors, bill of sale, or mortgage upon any exempted articles shall be binding or valid unless signed by the wife of the debtor, if he be married and living with his wife.

SEC. 1107. EARNINGS.—The earnings, not to exceed one hundred dollars each month, of all actual residents of the District of Columbia who provide for the support of a family in said District, for two months next preceding the issuing of any writ or process from any court or officer of and in said District, against them, shall be exempt from attachment, levy, seizure, or sale upon such process, and the same shall not be seized, levied on, taken, reached, or sold by attachment, execution, or any other process or proceedings of any court, judge, or other officer of and in said District.

Earnings exempt.

CHAPTER TWENTY-EIGHT.

FEES OF OFFICERS AND OTHERS.

SEC. 1108. NOTHING HEREIN TO PROHIBIT AGREEMENTS WITH CLIENTS.—The following, and no other, compensation shall be taxed and allowed to attorneys, solicitors, proctors, district attorney, clerk of the supreme court of the District, marshal, commissioners, witnesses, and jurors except in cases otherwise provided for by law; but nothing herein shall be construed to prohibit attorneys, solicitors, and proctors from charging or receiving from their clients other than the Government such reasonable compensation for their services, in addition to the taxable costs, as may be in accordance with general usage or may be agreed upon:

Fees of officers and others.

Nothing herein to prohibit agreements with clients.

SEC. 1109. ATTORNEYS, SOLICITORS, AND PROCTORS.—On a trial before a jury in civil or criminal causes or before referees, or on a final hearing in equity or admiralty, a docket fee of twenty dollars: *Provided*, That in cases of admiralty and maritime jurisdiction where the libellant recovers less than fifty dollars the docket fee of his proctor shall be only ten dollars.

Docket fee of attorneys, etc.

Proviso.
—admiralty cases, etc.

In cases at law where judgment is rendered without a jury, ten dollars.

In cases at law when the cause is discontinued, five dollars.

For scire facias, or other proceedings on recognizances, five dollars.

For each deposition taken and admitted in evidence in a cause, two dollars and fifty cents.

For services rendered in a case removed from the supreme court of the District by an appeal to the court of appeals, five dollars.

For examination by the district attorney before a judge or commissioner of persons charged with crime, five dollars a day for the time necessarily employed.

—district attorney.

For each day of the district attorney's attendance in court, five dollars.

When an indictment for a crime is tried before a jury and a conviction is had the district attorney may be allowed, in addition to the fees herein provided, a counsel fee in proportion to the importance of the cause, not exceeding thirty dollars.

There shall be paid to the district attorney two per centum on all moneys collected or realized in any suit or proceeding under the revenue law conducted by him to which the United States is a party, in lieu of all costs and fees in such proceeding.

When the district attorney appears by direction of the Secretary or Solicitor of the Treasury on behalf of any officer of the revenue in any suit against such officer for any act done by him, or to recover any money received by him and paid into the Treasury in the course of his official duty, he shall receive such compensation as may be certified to be proper by the court and approved by the Secretary of the Treasury.

Clerk's fees.

SEC. 1110. CLERK'S FEES.—For issuing and entering every process, commission, summons, capias, execution, warrant, attachment, or other writ, except a writ of venire, or a summons or subpoena for a witness, one dollar.

For issuing a writ of subpoena or summons, twenty-five cents.

For filing and entering every declaration, plea, or other paper, twenty-five cents.

For administering an oath or affirmation, except to a juror, twenty-five cents.

For taking an acknowledgment, fifty cents.

For taking and certifying depositions to file, twenty cents for each folio of one hundred words.

○ For a copy of such deposition furnished to a party on request, ten cents a folio.

For entering any return, rule, order, continuance, judgment, decree, or recognizance, or drawing any bond, or making any record, certificate, return, or report, for each folio, fifteen cents.

For a copy of any entry or record, or any paper on file, for each folio, ten cents.

For making dockets or indexes, issuing venire, taxing costs, and all other services on the trial or argument of a cause where issue is joined and testimony given, three dollars.

For making dockets or indexes, taxing costs, and all other services in a cause where issue is joined but no testimony is given, two dollars.

For making dockets or indexes, taxing costs, and all other services in a cause which is dismissed or discontinued or where judgment or decree is made or rendered without issue, one dollar.

For making dockets and taxing costs in cases removed by appeal, one dollar.

For affixing the seal of the court to any instrument when required, twenty-five cents.

For every search for any particular judgment or lien, fifteen cents.

For swearing applicant, recording and making certificate of declaration to become a citizen of the United States, one dollar.

For swearing applicant, recording and making certificate of naturalization, three dollars.

For searching the records of the court for judgments, decrees, or other instruments constituting a general lien on real estate and certifying the result of such search, fifteen cents for each person against whom such search is required to be made.

For receiving, keeping, and paying out money in pursuance of any statute or order of court, one per centum of the amount so received, kept, and paid.

For his attendance on the court while actually in session, five dollars per day.

For all services rendered to the United States in cases in which the United States is a party of record, five dollars.

For each marriage license, one dollar.

For each official certificate of marriage, one dollar.

For each certificate of official character, including the seal, fifty cents.

For filing and recording notice of mechanic's lien, one dollar.

For entering release of mechanic's lien, fifty cents.

Fees appertaining to
the probate court.
R. S. D. C., secs. 931,
932, pp. 109, 110.

Fees of register of
wills.

SEC. 1111. FEES APPERTAINING TO THE PROBATE COURT.—The fees shall be those now prescribed by section nine hundred and thirty-one of the Revised Statutes of the United States, relating to the District of Columbia, and by orders of the said probate term under section nine hundred and thirty-two of the said Revised Statutes, except that in all cases when the estate does not exceed two hundred dollars in value the register of wills shall not receive any fees; and when the estate does not exceed five hundred dollars the fees of the register of wills shall not exceed ten dollars: *Provided*, That for any services required of the register of wills, as clerk of the probate court, for which no fees are specified by statute, he may be allowed to collect the fees prescribed by this code to be collected by the clerk of the supreme court of the District of Columbia for similar services.

SEC. 1112. MARSHAL'S FEES.—For the service of any warrant, attachment, summons, capias, or other writ (except execution, venire, or a summons or subpoena for a witness), one dollar for each person on whom service may be made: *Provided, however,* That for the service of any citation, summons, notice, or rule issued by the probate court the fee shall be fifty cents for each person on whom service may be made.

Marshal's fees.

Proviso.
Citations, etc., issued from probate court.

For the keeping of personal property attached on mesne process, such compensation as the court, on petition setting forth the facts under oath, may allow.

For serving venires and summoning every twelve men as grand or petit jurors, four dollars, or thirty-three and one-third cents each.

For holding an inquisition or other proceeding before a jury, including the summoning of a jury, five dollars.

For serving a writ of subpoena on a witness, fifty cents; and no further compensation for a copy, summons, or notice for a witness.

For summoning appraisers, fifty cents.

For executing a deed prepared by a party or his attorney, one dollar.

For drawing and executing a deed, five dollars.

For copies of writs or papers furnished at request of any party, ten cents a folio.

For every proclamation in admiralty, thirty cents.

For serving an attachment in rem or libel in admiralty, two dollars.

For the necessary expenses of keeping boats, vessels, or other property attached or libeled in admiralty, not exceeding two dollars and fifty cents a day.

When the debt or claim in admiralty is settled by the parties without a sale of the property, a commission of one per centum on the first five hundred dollars of the claim or decree, and one-half of one per centum on the excess of any sum thereof over five hundred dollars: *Provided,* That when the value of the property is less than the claim such commission shall be allowed only on the appraised value thereof.

Where claim in admiralty is settled without a sale of the property.

Proviso.
—when value of the property less than claim.

For sale of vessels or other property under process in admiralty and for receiving and paying over the money, two and one-half per centum on any sum under five hundred dollars, and one and one-half per centum on the excess of any sum over five hundred dollars.

For disbursing money to jurors and witnesses and for other expenses, two per centum.

For expenses while employed in endeavoring to arrest under process any person charged with or convicted of crime, the sum actually expended, not to exceed two dollars a day.

For every commitment or discharge of a prisoner, fifty cents.

For transporting criminals convicted of a crime in the District to a prison in a State or Territory designated by the Attorney-General, the reasonable actual expense of transportation of the criminals, the marshal, and the guards, and the necessary subsistence and hire.

For attending court and bringing in and committing prisoners and witnesses during the term, five dollars a day.

For attending examinations before a commissioner and bringing in, guarding, and returning prisoners charged with crime, and witnesses, two dollars a day, and for each deputy, not exceeding two, necessarily attending, two dollars a day.

For fuel, lights, and other contingencies that may accrue in holding the courts, the amount of his expenses necessarily incurred.

For levying upon leasehold or freehold property in land and selling the same, a commission of one and one-half per centum on the proceeds to the amount of the debt.

For levying upon leasehold or freehold property in land where no sale thereof is made, one dollar.

For levying upon personal property and selling the same, a commission of three per centum on the proceeds to the amount of the debt.

and the reasonable cost for storage, keeper, insurance, advertising, and auctioneer.

Levying on personal property.
Where no sale is made.

—additional compensation.

Commissioners' fees.

For levying upon personal property where no sale thereof is made, two dollars and fifty cents and the reasonable cost for storage, keeper, and insurance incurred for the preservation of the same: *Provided*, That the court, on notice to all parties in interest, may allow additional compensation.

SEC. 1113. COMMISSIONERS' FEES.—Drawing a complaint, with oath and jurat to same, fifty cents; copy of complaint, with certificate to same, thirty cents.

Issuing a warrant of arrest, seventy-five cents.

Issuing a commitment and making copy of same, one dollar.

Entering a return, fifteen cents.

Issuing a subpoena or subpoenas in any one case, with five cents for each necessary witness in addition to the first, twenty-five cents.

Drawing a bond of defendant and sureties, taking acknowledgment of same, and justification of sureties, seventy-five cents.

Administering an oath (except to witness as to attendance and travel), ten cents.

Recognizance of all witnesses in a case when the defendant or defendants are held for court, fifty cents.

Transcripts of proceedings when required by order of court and transmission of original papers to court, sixty cents.

Copy of warrant of arrest, with certificate to same when defendant is held for court and the original papers are not sent to court, forty cents.

Order in duplicate to pay all witnesses in a case—for first witness, thirty cents, and for each additional witness, five cents, and for oath to each witness as to attendance and travel, five cents.

Hearing, etc., criminal charges.

Provisos.
—limit, etc.

When no per diem allowed for taking a bond, etc.

For hearing and deciding on criminal charges and reducing the testimony to writing, when required by law or order of court, five dollars a day for the time necessarily employed: *Provided*, That not more than one per diem shall be allowed in a case, unless the account shall show that the hearing could not be completed in one day, when one additional per diem may be specially approved and allowed by the court: *Provided further*, That not more than one per diem shall be allowed for any one day: *And provided further*, That no per diem shall be allowed for taking a bond or recognizance and passing on the sufficiency of the bond or recognizance and the sureties thereon when the bond or recognizance was taken after the defendant had been committed to prison upon a final commitment, or has given bond or been recognized for his appearance at court, or when the defendant has been arrested on a capias or bench warrant or was in custody under any process or order of a court of record.

For the examination and certificate in cases of the application for discharge of poor convicts, imprisoned for nonpayment of fine, or fine and costs, and all services connected therewith, three dollars.

For attending to a reference in a litigated matter in a civil cause at law, in equity, or in admiralty, in pursuance of an order of the court, three dollars a day.

For taking and certifying depositions to file in civil cases, ten cents for each folio.

For each copy of the same furnished to a party on request, ten cents for each folio.

For issuing any warrant under the tenth article of the treaty of August ninth, eighteen hundred and forty-two, between the United States and the Queen of the United Kingdom of Great Britain and Ireland, against any parties charged with any crime or offense set forth in said articles, two dollars.

For issuing any warrant under the provision of the convention for the surrender of criminals between the United States and the King of the French, concluded at Washington November ninth, eighteen hundred and forty-three, two dollars.

For hearing and deciding upon the case of any person charged with any crime or offense and arrested under the provisions of said treaty or of said convention, five dollars a day for the time necessarily employed.

Such commissioners shall keep a complete record of all proceedings before them in criminal cases in a well bound book, which record book shall be delivered to and be preserved by the clerk of the supreme court of the District of Columbia on the death, resignation, removal, or expiration of the term of the commissioner, for which record the commissioner shall receive no compensation.

SEC. 1114. WITNESS FEES.—For each day's attendance in court or before any officer pursuant to law, one dollar and twenty-five cents; and when a witness is subpoenaed in more than one cause between the same parties at the same term only one per diem compensation shall be allowed for attendance; and for traveling, at the rate of five cents per mile, coming and returning to and from the witness's place of abode, when summoned from without the District to testify in the courts of the District.

No officer of the United States courts shall be entitled to witness fees for attending before a court or commissioner where he is officiating.

SEC. 1115. JUROR'S FEES.—For actual attendance at court, two dollars a day during such attendance.

Witness fees.

Court officers not entitled, etc.

Juror's fees.

CHAPTER TWENTY-NINE.

FRAUDS, STATUTE OF.

Frauds, statute of.

SEC. 1116. ESTATES CREATED BY PAROL.—Every estate in lands, tenements, or hereditaments for a greater term than one year attempted to be created by parol, or otherwise than by deed as provided in subchapter one of chapter sixteen, shall be an estate by sufferance.

Estates created by parol.

SEC. 1117. ACTIONS TO CHARGE EXECUTORS, AND SO FORTH.—No action shall be brought whereby to charge any executor or administrator upon any special promise to answer damages out of his own estate, or whereby to charge the defendant upon any special promise to answer for the debt, default, or miscarriage of another person, or to charge any person upon any agreement made upon consideration of marriage, or upon any contract or sale of lands, tenements, or hereditaments, or any interest in or concerning them, or upon any agreement that is not to be performed within the space of one year from the making thereof, unless the agreement upon which such action shall be brought, or some memorandum or note thereof, shall be in writing, which need not state the consideration, and signed by the party to be charged therewith or some other person thereunto by him lawfully authorized.

Actions to charge executors, etc.

SEC. 1118. DECLARATIONS OF TRUST.—All declarations or creations of trust or confidence of any lands, tenements, or hereditaments shall be manifested and proved by some writing signed by the party who is by law enabled to declare such trust or by his last will in writing, or else they shall be utterly void and of none effect.

Trusts, declaration of.

All grants and assignments of any trust or confidence shall likewise be in writing, signed by the party granting or assigning the same or by such last will or devise, or else shall likewise be utterly void and of none effect.

—grants and assignments of.

Where any conveyance shall be made of any lands or tenements by which a trust or confidence shall or may arise or result by the imp!

—by implication, etc.

cation or construction of law, or be transferred or extinguished by an act or operation of law, then and in every such case such trust or confidence shall be of the like force and effect as the same would have been if this statute had not been made.

Sale of goods.

SEC. 1119. SALE OF GOODS.—No contract for the sale of any goods, wares, and merchandise for the price of fifty dollars or upward shall be allowed to be good except the buyer shall accept part of the goods so sold and actually receive the same or give something in earnest to bind the bargain or in part payment, or that some note or memorandum in writing of the said bargain be made and signed by the parties to be charged by such a contract or their agent thereunto lawfully authorized.

CHAPTER THIRTY.

FRAUDULENT CONVEYANCES AND ASSIGNMENTS.

Fraudulent conveyances and assignments.

Intent to defraud creditors.

SEC. 1120. INTENT TO DEFRAUD CREDITORS.—Every conveyance or assignment, in writing or otherwise, of any estate or interest in lands or rents and profits issuing from the same, or in goods or things in action, and every charge upon the same, and every bond or other evidence of debt given, or judgment or decree suffered, with the intent to hinder, delay, or defraud creditors or other persons having just claims or demands of their lawful suits, damages, or demands, shall be void as against the persons so hindered, delayed, or defrauded: *Provided*, That nothing herein shall be construed to affect or impair the title of a purchaser for a valuable consideration, unless it shall appear that such purchaser had previous notice of the fraudulent intent of his immediate grantor, or of the fraud rendering void the title of such grantor: *Provided further*, That the question of fraudulent intent shall be deemed a question of fact and not of law.

Provisos.

—notice..

Intent; deemed a question of fact.

—to defraud purchasers.

SEC. 1121. INTENT TO DEFRAUD PURCHASERS.—Every conveyance of any estate or interest in land or the rents and profits thereof, and every charge upon the same, made or created with the intent to defraud prior or subsequent purchasers for a valuable consideration of the same lands, rents, or profits, shall, as against such purchasers, be void; but no such conveyance or charge shall be deemed fraudulent in favor of a subsequent purchaser who shall have actual or legal notice thereof at the time of his purchase, unless it appear that the grantee in such conveyance, or the person to be benefited by such charge, was privy to the fraud intended.

Executors, etc., may sue to vacate fraudulent deed.

SEC. 1122. EXECUTORS, AND SO FORTH, MAY SUE TO VACATE FRAUDULENT DEED.—Any executor, administrator, receiver, assignee, or other trustee of an estate, or of the property and effects of an insolvent estate, corporation, association, partnership, or individual, may, for the benefit of creditors and others interested in the estate or property so held in trust, disaffirm, treat as void, and resist all acts done, transfers and agreements made in fraud of the rights of any creditor, including themselves and others interested in any estate or property held by or of right belonging to any such trustee or estate; and every person who in fraud of the rights of creditors and others shall have received, taken, or in any manner interfered with the estate, property, or effects of any deceased person or insolvent corporation, association, partnership, or individual shall be liable, in the proper action, to the executors, administrators, receivers, or other trustees of such estate or property for the same, or the value of any property or effects so received or taken, and for all damages caused by such acts to any such trust estate.

CHAPTER THIRTY-ONE.

GUARDIAN AND WARD.

Guardian and ward.

SEC. 1123. NATURAL GUARDIANS.—The father and mother shall be the natural guardians of the person of their minor children. If either dies or is incapable of acting, the natural guardianship of the person shall devolve upon the other: *Provided, however,* That in case of the death of either parent from whom said children shall inherit or take by devise or bequest, such parent may by deed or last will and testament appoint a guardian of the property of the children, subject to the approval of the proper court of the District of Columbia: *And provided further,* That nothing herein contained shall be held to limit or affect the power of a court of equity to appoint some other person guardian of such children when it shall be made to appear to said court that the welfare of said children requires it.

Father and mother
the natural guardians.
—death of one.

Proviso.
—of one bequeathing
property.

Where parents unfit,
etc.

SEC. 1124. TESTAMENTARY GUARDIANS.—Every father or mother, whether of full age or not, when the other parent does not survive, may, by last will and testament, appoint a guardian of the person to have the care, custody, and tuition of his or her infant child, not being a married female; and if the person so appointed shall refuse the trust, said court may appoint another person in his place.

Testamentary
guardians.

SEC. 1125. APPOINTMENT BY COURT.—If any infant shall have neither natural nor testamentary guardian, a guardian of the person may be appointed by the probate court in its own discretion or on the application of any next friend of such infant.

Appointment by
court.

SEC. 1126. WHEN GUARDIANSHIP CEASES.—The natural guardianship or the appointive guardianship of the person aforesaid shall cease, in the case of a male infant when he is twenty-one years of age, and in the case of a female infant when she is eighteen years of age or marries.

When guardianship
ceases.

SEC. 1127. WHEN GUARDIAN OF ESTATE IS APPOINTED BY COURT.—Subject to the provisions of the preceding sections of this chapter, whenever land shall descend or be devised to any infant under twenty-one years of age, or such infant shall be entitled to a distributive share of the personal estate of an intestate, or to a legacy or bequest under a last will, or shall acquire any real or personal property by gift or purchase, the said court may appoint a guardian of said infant's estate; and if there shall be a guardian of the person of such infant the guardian of the estate so appointed may be the same or a different person. The said appointment may be made at any time after the probate of the will or the grant of administration where the infant is entitled as devisee, legatee, or next of kin.

When guardian of
estate is appointed by
court.

SEC. 1128. PREFERENCES.—Whenever it shall be necessary for the court to appoint a guardian of the infant's estate, as aforesaid, the father, if living, or, if he be dead, then the mother, if living, or, if the infant be a married female her husband, shall have the preference over other persons, unless the infant be over fourteen years of age, as hereinafter directed: *Provided,* That in the judgment of the court the parent or husband so entitled shall be a suitable person to have the management of the infant's estate.

Who to be preferred
as guardian.

Proviso.
—must be a suitable
person.

SEC. 1129. HUSBAND OR PARENT ENJOINED.—On the application of any friend of an infant entitled to real or personal estate, or in the exercise of its own discretion, the court may enjoin any parent or husband or testamentary guardian of such infant from interfering with said infant's estate without being appointed and giving bond as guardian of such estate.

Husband or parent
enjoined.

SEC. 1130. CONSENT OF INFANT.—When it shall be necessary to appoint a guardian, either of the person or the estate, of an infant,

Consent of infant to
selection of guardian.

the infant shall, if practicable, be brought before the court, and, if over the age of fourteen years, shall be entitled to select and nominate his or her guardian; and if a guardian shall have been appointed before the infant has attained the age of fourteen years, the said infant, upon arriving at said age, may select a new guardian, notwithstanding the appointment before made: *Provided, however,* That the court shall, in all cases, approve the character and competency of the guardian selected by the infant, and such guardian shall be under the same obligations and discharge the same duties as if selected by the court; and whenever, after a guardian of the estate has been previously appointed, the infant shall select a new guardian upon arriving at the age of fourteen years, and said new selection is approved by the court, and the person so selected is duly appointed and qualified, the guardian previously appointed shall settle his final account and turn over his ward's estate to the newly appointed guardian.

Proviso.
—approval by court,
etc.

Bond of guardian.

SEC. 1131. BOND OF GUARDIAN.—Every guardian appointed by the court, except corporations authorized to act as guardians, before entering upon or taking possession of or interfering with the estate of the infant, shall execute a bond to the United States in such penalty and with such surety or sureties as the court shall approve, to be recorded and to be liable to be put in suit for the use of any person interested, with the following condition:

—condition.

“The condition of the above obligation is such that if the above bounden -----, as guardian to -----, shall faithfully account to the court, as required by law, for the management of the property and estate of the infant under his care, and shall also deliver up said property agreeably to the order of the court or the directions of law, and shall in all respects perform the duty of guardian to the said ----- according to law, then the above obligation shall cease; it shall otherwise remain in full force and virtue.”

One bond for several
wards.

SEC. 1132. ONE BOND FOR SEVERAL WARDS.—Where the same person is guardian to any number of persons entitled to shares of the same estate the court may accept one bond instead of separate bonds for each ward, and said bond shall be liable to be put in suit for the use of all or either of the wards as fully as separate bonds might be.

Possession to guard-
ian.

SEC. 1133. POSSESSION TO GUARDIAN.—On the execution of his bond, as required as aforesaid, the guardian shall be entitled to an order of the court directing the real and personal estate of the ward to be delivered into his possession, and all legacies and distributive shares to which the ward may be entitled to be paid or delivered to him whenever they shall be properly payable or distributable according to law.

Inventory.

SEC. 1134. INVENTORY.—Every guardian, within three months after the execution and approval of his bond, shall return to the court, under oath, an inventory of the real and personal estate of his ward and of the probable annual income thereof, and the court may direct the said estate to be appraised and the annual income thereof to be ascertained by two competent persons, to be appointed by the court, who shall report their appraisement and finding under oath.

Accounts.

SEC. 1135. ACCOUNTS.—It shall be the duty of the guardian to manage the estate for the best interests of the ward, and once in each year, or oftener if required, he shall settle an account of his trust, under oath. He shall account for all profit and increase of his ward's estate and the annual value thereof, and shall be allowed credit for taxes, repairs, improvements, expenses, and commissions not exceeding ten per centum of the principal of the personal estate and on the annual income of the estate, and shall not be answerable for any loss or decrease sustained without his fault; and the court shall determine the amounts to be annually expended in the maintenance and education of the infant, regard being had to his future condition and prospects

in life; and the court, if it shall deem it advantageous to the ward, may allow the guardian to exceed the income of the estate and to make use of the principal and sell the same or part thereof, under its order, as hereinbefore provided in subchapter three of chapter one; but no guardian shall sell any property of his ward without an order of the court previously had therefor.

SEC. 1136. SALE OF REALTY.—Whenever any guardian shall think that the interests of his ward will be promoted by a sale of his real estate for the purpose of reinvesting the proceeds in other property or securities, he may make application therefor to the court, and such proceedings shall be had thereupon as directed in subchapter three of chapter one, aforesaid.

Sale of realty.

SEC. 1137. ALLOWANCES.—Any allowance which may be made to a guardian for the clothing, support, maintenance, education, or other expenses incurred for the ward or his estate, before said guardian shall have given bond or been appointed, shall have the same effect and operation in law as if the same had been made subsequently to the appointment of said guardian and his giving bond.

Allowances.

SEC. 1138. SURETY.—If any surety of a guardian, setting forth by petition that he apprehends himself to be in danger of suffering by said suretyship, shall pray to be relieved, the court, after service of a summons on the guardian to answer the petition, may order him to give counter security for the indemnity of the original surety, or to deliver the ward's estate into the hands of the surety or of some other person; in either of which cases the person into whose hands the ward's estate shall be delivered shall be required to give sufficient security for the proper management and application of the same, and such further order may be passed for the relief of the petitioner as may seem just.

Surety.

SEC. 1139. FINAL ACCOUNT.—On the arrival of any ward at the age of twenty-one years the guardian shall exhibit a final account of his trust to the court, and shall deliver up, agreeably to the court's order, to the ward all the property of said ward in his hands, including bonds and other securities, and on his failure so to do his bond may be put in suit in the name of the United States for the use of the party interested, and he may be attached, as herein elsewhere provided.

Final account

SEC. 1140. HUSBAND AS GUARDIAN.—Whenever any female infant, to whom a guardian of her estate has been appointed, shall marry she may select her husband as the guardian of her said estate, with the approval of the court, and after he is duly appointed and qualified by giving bond, as is required in other cases, the powers of the guardian previously appointed shall cease, and he shall settle his final account and turn over his ward's estate to her husband, agreeably to the order and directions of the court.

Husband as guardian.

SEC. 1141. NONRESIDENT INFANT.—Whenever any infant or lunatic residing without the District, but within the United States, is entitled to property in the District or to maintain any action therein, a general guardian of his estate, appointed by a court of competent jurisdiction in the State or Territory where said infant or lunatic resides, may apply to the court, by petition, for ancillary letters of guardianship. Said petition must be under oath and be accompanied with duly certified copies of the record and proceedings, showing the appointment of said guardian, and that he has given a sufficient bond to account for all property and money that may come into his hands by virtue of the authority hereby conferred. The court may thereupon issue to said guardian ancillary letters of guardianship, without bond and without citation, or may cite such persons as it may think proper, to show cause why the said application should be refused.

Nonresident infant.

—petition for ancillary letters of guardianship, etc.

SEC. 1142. SUITS BY ANCILLARY GUARDIAN.—Upon the granting of said ancillary letters the said guardian shall be entitled to institute

Ancillary guardian, suits by, etc.

Proviso.
—must give security
for the costs.

and prosecute to judgment any action in the courts of the District, to take possession of all property of his said ward, and collect and receive all moneys belonging and due to him therein, to give full receipt and acquittances for debts and to release all claims, liens, and mortgages to him belonging, on property in said District, in the same manner as if his authority had been originally conferred by the supreme court of said District: *Provided*, That said guardian shall be required to give security for the costs which may accrue in any action brought by him, in the same manner as other nonresidents bringing suit in the courts of said District.

CHAPTER THIRTY-TWO.

Habeas corpus.

HABEAS CORPUS.

—how obtained.

SEC. 1143. HOW OBTAINED.—Any person committed, detained, confined, or restrained from his lawful liberty within the District, under any color or pretense whatever, or any person in his or her behalf, may apply by petition to the supreme court of the District, or any justice thereof, for a writ of habeas corpus, to the end that the cause of such commitment, detainer, confinement, or restraint may be inquired into; and the court or the justice applied to, if the facts set forth in the petition make a prima facie case, shall forthwith grant such writ, directed to the officer or other person in whose custody or keeping the party so detained shall be, returnable forthwith before said court or justice.

—how served

SEC. 1144. HOW SERVED.—The said writ shall be served by delivering it to the officer or other person to whom it is directed, or by leaving it at the prison or place at which the party suing it out is detained; and such officer or other person shall forthwith, or within such reasonable time as the court or justice shall direct, make return of the writ and cause the person detained to be brought before the court or justice, according to the command of the writ, and shall likewise certify the true cause of his detainer or imprisonment, if any, and under what color or pretense such person is confined or restrained of his liberty.

Evasion.

SEC. 1145. EVASION.—On any application for a writ of habeas corpus, if probable cause be shown for believing that the person charged with confining or detaining the person applying or on whose behalf the application is made is about to remove the person so detained from the place where he may then be, for the purpose of evading any writ of habeas corpus or for other purposes, or that he would evade or not obey any such writ, the court or justice shall insert in the writ a clause commanding the marshal to serve the writ on the person to whom it is directed and cause said person immediately to be and appear before the court or justice, together with the person so confined or detained, and it shall thereupon be the duty of the marshal immediately to carry the person charged with the detention, together with the person detained, before the court or justice, and said court or justice shall proceed to inquire into the matter.

Refusal to produce.

SEC. 1146. REFUSAL TO PRODUCE.—If any officer or other person to whom a writ of habeas corpus may be directed shall neglect or refuse to make return thereof, or to bring the body of the person detained, according to the command of the writ, he shall forfeit to the person detained the sum of five hundred dollars, and besides shall be liable to attachment and punishment as for a contempt.

Copy of commitment may be demanded.

SEC. 1147. COPY OF COMMITMENT.—Any person committed or detained, or any person in his behalf, may demand a true copy of the warrant of commitment or detainer, and any officer or other person detaining him who shall refuse or neglect to deliver to him a true copy

of the warrant of commitment or detainer, if any there be, within six hours after the demand; shall forfeit to the party so detained the sum of five hundred dollars.

SEC. 1148. **INQUIRY INTO CAUSE OF DETENTION.**—On the return of the writ of habeas corpus and the production of the person detained the court or justice shall immediately inquire into the legality and propriety of such confinement or detention, and if it shall appear that such person is detained without legal warrant or authority, he shall immediately be released or discharged; or if the court or justice shall deem his detention to be lawful and proper, he shall be remanded to the same custody, or, in a proper case, admitted to bail, if he be confined on a charge of a bailable criminal offense; and if he be bailed, the court or justice shall require a sufficient bond or recognizance to answer in the proper court, and transmit the same to said court.

Inquiry into cause of detention.

SEC. 1149. **TRAVERSING RETURN.**—Any person at whose instance or in whose behalf a writ of habeas corpus has been issued may traverse the return thereto, or plead any matters showing that there is not a sufficient legal cause for his confinement or detention, and the court or justice may issue process for witnesses or for the production of papers, which shall be served and enforced in like manner as similar process issued in a cause depending in court, if the court or justice shall be satisfied of the materiality of the testimony proposed to be adduced.

Traversing return.

SEC. 1150. **RIGHT OF PARENT, GUARDIAN, OR HUSBAND.**—Any person entitled to the custody of another person, unlawfully confined or detained by a third person, as a parent, guardian, committee, or husband, entitled to the custody of a minor child, ward, lunatic, or wife, upon application to the court or a justice as aforesaid, and showing just cause therefor, under oath, shall be entitled to a writ of habeas corpus, directed to the person confining or detaining as aforesaid, requiring him forthwith to appear and produce before the court or justice the person so detained, and the same proceedings shall be had in relation thereto as hereinabove authorized, and the court or justice, upon hearing the proofs, shall determine which of the contesting parties is entitled to the custody of the person so detained, and commit the custody of said person to the party legally entitled thereto.

Right of parent, guardian, or husband.

CHAPTER THIRTY-THREE.

HUSBAND AND WIFE.

Husband and wife.

SEC. 1151. **WIFE'S PROPERTY EXEMPT FROM HUSBAND'S DEBTS.**—All the property, real, personal, and mixed, belonging to a woman at the time of her marriage, and all such property which she may acquire or receive after her marriage from any person whomsoever, by purchase, gift, grant, devise, bequest, descent, in the course of distribution, by her own skill, labor, or personal exertions, or as proceeds of a judgment at law or decree in equity, or in any other manner, shall be her own property as absolutely as if she were unmarried, and shall be protected from the debts of the husband and shall not in any way be liable for the payment thereof: *Provided*, That no acquisition of property passing to the wife from the husband after coverture shall be valid if the same has been made or granted to her in prejudice of the rights of his subsisting creditors.

Wife's property exempt from husband's debts.

Provido.
Conveyance from husband to wife not to prejudice subsisting creditors.

SEC. 1152. **HUSBAND MAY CONVEY DIRECTLY TO WIFE.**—Whenever any interest or estate of any kind in any property, real, personal, or mixed, situate, lying, or being within this District, has been or shall hereafter be sold, conveyed, assigned, mortgaged, leased, transferred, or delivered by any husband directly or indirectly to his wife, and has been or shall hereafter be subsequently sold, conveyed, assigned, mortgaged, leased, transferred, or delivered by such wife and husband

Conveyance of estate from husband to wife.

—subsequent sale of.

—effect of first transfer on rights of subsisting creditors of husband.

during their coverture, or hereafter by such wife solely or by such wife after such coverture has terminated, or shall hereafter be devised or bequeathed by such wife during such coverture or after such coverture has terminated, the fact of such previous sale, conveyance, assignment, mortgage, lease, or delivery by such husband, directly or indirectly, to his wife shall not hereafter be deemed or taken, at law or in equity, to have given, preserved, or reserved, nor to give, preserve, or reserve, to any subsisting creditor of such husband, by reason of any debt or obligation, claim, or demand whatsoever, any other or greater right, lien, or cause of action against such interest or estate, or against any third person, his heirs, executors, administrators, or assigns, than such creditors would have had in case such interest or estate had been sold, conveyed, assigned, mortgaged, leased, transferred or delivered, or devised, or bequeathed by such husband directly to such third person. And the fact of such previous sale, conveyance, assignment, mortgage, lease, or delivery by such husband directly or indirectly to his wife, or the recital thereof in any instrument of writing whatever; shall not hereafter be deemed or taken, at law or in equity, to give or impart nor to have given or imparted notice to any third person, his heirs, executors, administrators, or assigns of the existence or of the possibility or probability of the existence of any subsisting creditor or creditors of such husband.

No trustee necessary.

SEC. 1153. NO TRUSTEE NECESSARY.—It shall not be necessary for a married woman to have a trustee to secure to her the sole and separate use of her property; but if she desires it she may make a trustee by deed, or she may apply to a court of equity and have a trustee appointed, in which appointment the uses and trusts for which the trustee holds the property shall be declared.

Property of wife.

SEC. 1154. PROPERTY OF WIFE.—Married women shall hold all their property, of every description, for their separate use as fully as if they were unmarried, and shall have power to dispose of the same by deed, mortgage, lease, will, gift, or otherwise, as fully as if they were unmarried: *Provided*, That no disposition of her real or personal property, or any portion thereof, by deed, mortgage, bill of sale, or other conveyance, shall be valid if made by a married woman under twenty-one years of age.

Proviso.
—of wife under age.

Power of wife to trade, and to sue and be sued.

SEC. 1155. POWER OF WIFE TO TRADE, AND TO SUE AND BE SUED.—Married women shall have power to engage in any business, and to contract, whether engaged in business or not, and to sue separately upon their contracts, and also to sue separately for the recovery, security, or protection of their property, and for torts committed against them, as fully and freely as if they were unmarried; contracts may also be made with them, and they may also be sued separately upon their contracts, whether made before or during marriage, and for wrongs independent of contract committed by them before or during their marriage, as fully as if they were unmarried, and upon judgments recovered against them execution may be issued as if they were unmarried; nor shall any husband be liable upon any contract made by his wife in her own name and upon her own responsibility, nor for any tort committed separately by her out of his presence without his participation or sanction: *Provided*, That no married woman shall have power to make any contract as surety or guarantor, or as accommodation drawer, acceptor, maker, or indorser.

Husband's liability.

Proviso.
Limit on wife's power to contract.

Contracts deemed made with reference to her separate estates.

SEC. 1156. CONTRACTS OF WIFE.—Every contract made by a married woman which she has the power to make shall be deemed to be made with reference to her estate which is made her separate estate by this chapter, and also her equitable separate estate, if any she has, as a source of credit to the extent of her power over the same, unless the contrary intent is expressed in the contract.

SEC. 1157. **INFANT FEME COVERT.**—In case any married woman entitled to a separate estate as aforesaid shall be an infant under twenty-one years of age, she shall be under the same disabilities in regard thereto as other infants, except as herein elsewhere provided, and a guardian of said estate shall be appointed.

Infant feme covert.

SEC. 1158. **DOWER.**—A widow shall be entitled to dower in lands held by equitable as well as legal title in the husband at any time during the coverture, whether held by him at the time of his death or not, but such right of dower shall not operate to the prejudice of any claim for the purchase money of such lands or other lien on the same.

Dower.

SEC. 1159. **ESTATE BY THE CURTESY.**—On the death of any married woman owning real estate in fee simple and intestate thereof, if there has been a child born of the marriage capable of inheriting said property, the husband surviving her shall be entitled to an estate by the curtesy therein, whether the wife's estate be legal or equitable and whether the wife's seizin be in deed or in law only.

Estate by the curtesy.

SEC. 1160. **ADMINISTRATION ON WIFE'S ESTATE.**—On the death of any married woman owning real or personal estate and intestate thereof, her said estate shall be administered on as if she had been unmarried, and in the appointment of her administrator her husband shall be entitled to be preferred. After payment of her debts her said personal estate shall be the property of her husband.

Administration on wife's estate.

SEC. 1161. **INSURANCE OF HUSBAND'S LIFE.**—Any married woman, by herself and in her name, or in the name of any third person, with his assent, as her trustee, may insure or cause to be insured for her sole use, the life of her husband for any definite period or for the term of his natural life; and any husband may cause his own life to be insured for the sole use of his wife, and may also assign any policy of insurance upon his own life to his wife for her sole use; and in case of the wife surviving her husband the sum or net amount of such insurance becoming due and payable by the terms of the insurance shall be payable to her for her own use, free from the claims of the representatives of her husband or any of his creditors.

Insurance of husband's life.

SEC. 1162. **INSURANCE NOT LIABLE FOR HUSBAND'S DEBTS.**—All policies of life insurance upon the life of any person which may hereafter mature, and which have been or shall be taken out for the benefit of or bona fide assigned to the wife or children of or any relative dependent upon such person, or any creditor, shall be vested in such wife or children or other relative or creditor, free and clear from all claims of the creditors of such insured person.

—not liable for husband's debts.

SEC. 1163. **INSURANCE PAYABLE ON DEATH OF WIFE TO CHILDREN.**—If the wife shall die before her husband, the amount of such insurance may be payable after her death to the children or descendants for their use, and to their guardian if under age; and if there be no children or descendants of the wife living at the time of her death, to her legal representatives.

—payable on death of wife to children.

SEC. 1164. **RECEIPT OF MARRIED WOMAN.**—The receipt of any married woman for the payment of money deposited by her before or after marriage shall be a valid discharge to any individual or corporation making such payment: *Provided*, That nothing contained in this section shall prevent any creditor of the husband from attaching the same or restraining the payment by injunction if the deposit was made in fraud of his creditors.

Receipt of married woman.

Proviso.
—attachment if in fraud of creditors, etc.

SEC. 1165. **LUNATIC, INSANE, OR PERMANENTLY ABSENT WIFE.**—Where any married woman is a lunatic or insane, and has been so found upon inquisition, and the said finding remains in force, or where any married woman has been absent or unheard of for seven years, the husband of such lunatic or insane or absent person may grant and convey by his separate deed, whether the same be absolute or by way

Lunatic, insane, or permanently absent wife.

of lease or mortgage, as fully as if he were unmarried, any real estate which he may have acquired since the finding of such inquisition or since the beginning of such absence.

Debts of wife before marriage.

SEC. 1166. DEBTS OF WIFE BEFORE MARRIAGE.—No husband shall be liable in any manner for any debts of his wife contracted or for any claims or demands of any kind against her arising prior to marriage, but she and her property shall remain liable therefor in the same manner as if the marriage had not taken place.

Legal proceedings against wife.

SEC. 1167. LEGAL PROCEEDINGS AGAINST WIFE.—Proceedings at law or in equity, according to the nature of such debts, claims, or demands, may be taken against such married woman, notwithstanding her coverture, in her married name, joining her husband therein as defendant if he be within the District; but no judgment or decree shall pass against the husband or his estate, but such judgment or decree shall be passed against the wife only; and it shall operate only upon her estate held and owned by her prior or subsequent to said marriage.

Power of wife to appoint attorney.

SEC. 1168. POWER OF WIFE TO APPOINT ATTORNEY.—Any married woman against whom any proceeding may be taken under the two preceding sections shall have power to appoint an attorney at law to act for her in such proceeding.

Procedure to eject married woman who is a tenant.

SEC. 1169. PROCEDURE TO EJECT MARRIED WOMAN WHO IS A TENANT.—In all cases in which a married woman is or shall hereafter be a tenant of real estate in this District, and has defaulted in the payment of rent therefor or has made other default, it shall be lawful for the landlord to make such reentry or bring such action for recovery of the demised premises as he or she might do if the lessee were a feme sole and had contracted for the payment of said rents or the performance of other acts and to suffer such reentry to be made upon default therein.

Married woman may make covenant running with the land.

SEC. 1170. MARRIED WOMAN MAY MAKE COVENANT RUNNING WITH THE LAND.—In all deeds hereafter made to married women of real estate or chattels real it shall be competent for the grantee or lessee to bind herself and her assigns by any covenant running with or relating to said real estate or chattels real the same as if she were a feme sole.

Equitable separate estate.

SEC. 1171. EQUITABLE SEPARATE ESTATE.—Nothing contained in the preceding sections of this chapter shall be construed to prevent the creation of equitable separate estates. Said estates shall be held according to the provisions of the respective settlements thereof and shall be subject to and governed by the rules and principles of equity applicable to such estates.

Devise in lieu of dower.

SEC. 1172. DEVISE IN LIEU OF DOWER.—Every devise of land or of any estate therein, or bequest of personal estate to the wife of the testator, shall be construed to be intended in bar of her dower in lands or share of the personal estate, respectively, unless it be otherwise expressed in the will.

Renunciation of bequest.

SEC. 1173. RENUNCIATION OF BEQUEST.—A widow shall be barred of her right of dower in the land or share in the personal estate by any such devise or bequest, unless within six months after administration may be granted on her husband's estate she shall file in the probate court a written renunciation to the following effect:

"I, A B, widow of -----, late of -----, deceased, do hereby renounce and quit all claim to any bequest or devise made to me by the last will of my husband exhibited and proved according to law; and I elect to take in lieu thereof my dower or legal share of the estate of my said husband."

But by renouncing all claim to a devise or bequest, or devises or bequests, of personal property, made to her by the will of her husband, she shall be entitled to one-third part of the personal estate of

her husband which shall remain after payment of his just debts and claims against him, and no more.

SEC. 1174. DEVISE OF BOTH REALTY AND PERSONALTY.—If the will of the husband devise and bequeath a part of both real and personal estate to the wife, she shall renounce the whole or be otherwise barred of her right to both real and personal estate. Devise of both realty and personalty.

SEC. 1175. DEVISE OF EITHER REALTY OR PERSONALTY.—If the will devise only a part of the real estate or bequeath only a part of the personal estate, the devise or bequest shall bar her of only the real or personal estate, as the case may require: *Provided, nevertheless, That* if the devise of either real or personal estate, or of both, shall be expressly in lieu of her legal share of one or both she shall accordingly be barred, unless she renounce as aforesaid. Devise of either realty or personalty. *Proviso.*—if expressly in lieu of her legal share, etc.

SEC. 1176. WHEN NOTHING PASSED BY THE DEVISE.—If, in effect, nothing shall pass by such devise she shall not be thereby barred, whether she shall or shall not renounce as aforesaid, it being the intent hereof that a widow accepting or abiding by a devise in lieu of her legal right shall be considered a purchaser with a fair consideration. When nothing passed by the devise.

SEC. 1177. HUSBAND LIABLE FOR WIFE'S ACTS IN CERTAIN CASES.—Nothing in this chapter shall be construed to relieve the husband from liability for the debts, contracts, or engagements which the wife may incur or enter into upon the credit of her husband, or as his agent, or for necessities for herself or for his or their children; but as to all such cases his liability shall be or continue as at common law. Husband liable for wife's acts in certain cases.

CHAPTER THIRTY-FOUR.

INTEREST AND USURY.

Interest and usury.

SEC. 1178. RATE OF INTEREST.—The rate of interest in the District upon the loan or forbearance of any money, goods, or things in action, and the rate to be allowed in judgments and decrees, in the absence of express contract as to such rate of interest, shall be six dollars upon one hundred dollars for one year, and at that rate for a greater or less sum or for a longer or shorter time. Rate of interest.

SEC. 1179. EXPRESS CONTRACTS.—The parties to a bond, bill, promissory note, or other instrument of writing for the payment of money at any future time may contract therein for the payment of interest on the principal amount thereof at any rate not exceeding ten per centum per annum. Express contracts.

SEC. 1180. WHAT IS USURY.—If any person or corporation shall contract in the District, verbally, to pay a greater rate of interest than six per centum per annum, or shall contract, in writing, to pay a greater rate than ten per centum per annum, such contract shall be deemed usurious, and shall be void as to the excess of said interest above the rate of six per centum per annum, as aforesaid, and the creditor to whom the principal debt is due shall only be entitled to recover said principal debt with interest thereon at the rate of six per centum per annum. But no person, being a party to any contract for such unlawful interest, shall be liable to any penalty or forfeiture or criminal prosecution in consequence thereof. What is usury.

SEC. 1181. ACTION TO RECOVER USURY PAID.—If any person or corporation in the District shall directly or indirectly take or receive any greater amount of interest than is herein declared to be lawful, whether in advance or not, the person or corporation paying the same shall be entitled to sue for and recover the amount of the unlawful interest so paid from the person or corporation receiving the same, provided said suit be begun within one year from the date of such payment. Action to recover usury paid.

Unlawful interest to be credited.

SEC. 1182. UNLAWFUL INTEREST TO BE CREDITED.—In any action brought upon any contract for the payment of money with interest at a rate forbidden by law, as aforesaid, any payments of interest that may have been made on account of said contract in excess of the lawful interest shall be deemed and taken to be payments made on account of the principal debt, and judgment shall be rendered for no more than the balance found due after deducting and properly crediting the excess of interest so paid; but no bona fide indorsee of negotiable paper purchased before due shall be affected by any usury exacted by any former holder of said paper unless he had actual notice of the usury before his purchase.

Testimony of parties.

SEC. 1183. TESTIMONY OF PARTIES.—Whenever in any action to recover a debt the defendant shall claim that payments of unlawful interest on said debt have been made to said plaintiff or those under whom he claims, which the defendant is entitled to have credited on the principal of the debt, the plaintiff or the party who received said unlawful interest may be examined as a witness to prove the payment of the same, and shall not be excused from testifying in relation thereto, nor shall a creditor who is made defendant to a bill in equity exhibited against him for discovery as to payments of unlawful interest made to him be excused from answering as to the same.

Judgments for liquidated debt.

SEC. 1184. JUDGMENTS FOR LIQUIDATED DEBT.—In an action in the supreme court of the District to recover a liquidated debt on which interest is payable by contract or by law or usage the judgment for the plaintiff shall include interest on the principal debt from the time when it was due and payable, at the rate fixed by the contract, if any, until paid.

Judgments for damages.

SEC. 1185. JUDGMENTS FOR DAMAGES.—In an action to recover damages for breach of contract the judgment shall allow interest on the amount for which it is rendered from the date of the judgment only; but nothing herein shall forbid the jury, or the court, if the trial be by the court, from including interest as an element in the damages awarded, if necessary to fully compensate the plaintiff. In an action to recover damages for a wrong the judgment for the plaintiff shall bear interest.

Judgment in suits on contracts made elsewhere.

SEC. 1186. JUDGMENT IN SUITS ON CONTRACTS MADE ELSEWHERE.—In an action on a contract for the payment of a higher rate of interest than is lawful in the District, made or to be performed in any State or Territory of the United States where such contract rate of interest is lawful, the judgment for the plaintiff shall include such contract interest to the date of the judgment and interest thereafter at the rate of six per centum per annum until paid.

CHAPTER THIRTY-FIVE.

Jail.

JAIL.

Warden.

SEC. 1187. WARDEN.—The supreme court of the District shall have authority to appoint a suitable person to act as warden of the jail and to remove such officer whenever, in the opinion of the court, the public interests may require his removal, and to fill all vacancies which may occur.

Term of office.

SEC. 1188. TERM OF OFFICE.—The warden shall hold office for the term of four years, unless sooner removed in accordance with the preceding section.

Salary.

SEC. 1189. SALARY.—He shall receive an annual salary of eighteen hundred dollars, which shall include all fees and emoluments.

Bond.

SEC. 1190. BOND.—The warden shall, before entering upon his office, execute to the United States a bond for the faithful performance of the

duties thereof, in the penal sum of five thousand dollars, with sureties to be approved by some judge of the supreme court of the District.

SEC. 1191. POWERS AND DUTIES.—The warden shall have the exclusive supervision and control of the jail of the District and be accountable for the safe-keeping of all prisoners legally committed thereto, and shall have all the power and discharge all the duties legally exercised and discharged over said jail and the prisoners therein prior to the twenty-ninth day of February, eighteen hundred and sixty-four, by the marshal of the District.

Powers and duties.

SEC. 1192. EMPLOYMENT OF PRISONERS.—Persons sentenced to imprisonment in the jail may be employed at such labor and under such regulations as may be prescribed by the supreme court of the District and the proceeds thereof applied to defray the expenses of the trial and conviction of any such person.

Employment of prisoners.

SEC. 1193. COMMITMENT BY MARSHAL.—Nothing in the preceding sections of this chapter shall be construed to impair or interfere with the authority of the marshal of the District to commit persons to the jail or to produce them in open court or before any judicial officer when thereto required.

Commitment by marshal unimpaired.

SEC. 1194. DELIVERY TO MARSHAL.—It shall be the duty of the warden to receive such prisoners and to deliver them to the marshal or his duly authorized deputy, on the written request of either, for the purpose of taking them before any court or judicial officer, as provided in the preceding section.

Delivery to marshal.

SEC. 1195. SUBORDINATE OFFICERS.—The warden shall have authority to appoint such subordinate officers, guards, and employees as are necessary for the proper management and safe-keeping of prisoners, which may be authorized by law, subject to the approval of the chief justice of the supreme court of the District.

Subordinate officers.

SEC. 1196. SUPREME COURT OF THE DISTRICT OF COLUMBIA TO MAKE RULES.—It shall be the duty of the supreme court of the District to make such rules for the government and discipline of the prisoners confined in the jail as shall be deemed necessary for the health, security, and the protection of such prisoners from cruel treatment by any person in charge thereof.

Rules for government of prisoners.

SEC. 1197. ANNUAL REPORT.—The warden shall annually, in the month of November, make a detailed report to the Attorney-General.

Annual report of warden.

SEC. 1198. EXECUTION IN CAPITAL CASES.—Whenever any person confined in the jail is adjudged to suffer death, it shall be the duty of the warden to carry such judgment into execution.

Execution in capital cases.

SEC. 1199. MODE OF EXECUTION.—The manner of inflicting the punishment of death shall be by hanging.

—mode.

SEC. 1200. PLACE OF EXECUTION.—Persons adjudged to suffer death shall be executed within the walls of the jail of the District, or within the yard or inclosure thereof, and not elsewhere.

—place.

SEC. 1201. OFFICERS TO ATTEND.—It shall be the duty of the warden or one of his deputies, with such officers of the prison, constables, and other peace officers as the warden or deputy may deem necessary and proper, to attend at such execution.

—officers to attend.

SEC. 1202. WHO MAY BE PRESENT.—The warden or his deputy shall invite the district attorney, the counsel of the prisoner, two or more physicians, and twelve respectable citizens to be present at every such execution, and at the request of the person to be executed shall also allow any of his near relatives and any ministers of the gospel (not more than three) to be present thereat.

—who may be present.

SEC. 1203. WHO MAY NOT BE PRESENT.—No persons other than those mentioned in the two preceding sections, and no person whatever under the age of twenty-one years, shall be allowed to witness any such execution.

—who may not be present.

Subsistence of prisoners.

SEC. 1204. SUBSISTENCE OF PRISONERS.—There shall be allowed and paid by the Attorney-General for the subsistence of prisoners in the custody of any marshal of the United States and the warden of the jail in the District of Columbia such sum as it reasonably and actually costs to subsist them. And it shall be the duty of the Attorney-General to prescribe such regulations for the government of the marshals and the warden of the jail in the District of Columbia in relation to their duties under this chapter as will enable him to determine the actual and reasonable expenses incurred.

CHAPTER THIRTY-SIX.

JOINT CONTRACTS.

Joint contracts.

What contracts joint and several.

SEC. 1205. WHAT CONTRACTS JOINT AND SEVERAL.—Every contract and obligation entered into by two or more persons, whether partners or merely joint contractors, whether under seal or not, and whether written or verbal, and whether expressed to be joint and several or not, shall for the purposes of suit thereupon be deemed joint and several.

Death of joint contractor.

SEC. 1206. DEATH OF JOINT CONTRACTOR.—If one or more of such persons shall die, his or their executors, administrators, or heirs shall be bound by said contract in the same manner and to the same extent as if the same were expressed to be joint and several.

Merger.

SEC. 1207. MERGER.—If an action be brought against all the parties to such contract, but service of process is had against some only of the defendants, or an action is brought against and service had on some only of the parties, a judgment against the parties so served shall not work an extinguishment or merger of the cause of action on which such judgment is founded as respects the parties not so served, but they shall remain liable to be sued separately.

Death after suit brought.

SEC. 1208. DEATH AFTER SUIT BROUGHT.—If any one of several defendants in an action shall die after the commencement of the action, his legal representatives may be made parties thereto as directed in chapter two aforesaid.

Evidence.

SEC. 1209. EVIDENCE.—In actions ex contractu against alleged joint debtors it shall not be necessary for the plaintiff to prove their joint liability as alleged in order to maintain his action, but he shall be entitled to recover, as in actions ex delicto, against such of the defendants as shall be shown by the evidence to be jointly indebted to him, or against one only, if he alone is shown to be indebted to him, and judgment shall be rendered as if the others had not been joined in the suit.

Separate compromise.

SEC. 1210. SEPARATE COMPROMISE.—Any one of several joint debtors, when their debt is overdue, may make a separate composition or compromise with their creditors, with the same effect as is provided in the case of parties in chapter forty-seven, on partners.

CHAPTER THIRTY-SEVEN.

JOINDER OF PARTIES AND CAUSES OF ACTION.

Joinder of parties and causes of action.

SEC. 1211. Where money is payable by two or more persons jointly or severally or jointly and severally upon the same obligation or instrument, one action may be sustained and judgment recovered against all or any of the parties by whom the money is payable, at the option of the plaintiff; but if separate actions be brought unnecessarily against the several parties to such contract, the said actions may on motion be consolidated, and the plaintiff shall be allowed the costs of one action only.

CHAPTER THIRTY-EIGHT.

JUDGMENTS AND DECREES.

Judgments and decrees.

Limitations.

SEC. 1212. LIMITATIONS.—Every final judgment at common law and every final decree in equity for the payment of money rendered in the supreme court of the District, and every judgment of a justice of the peace certified to and docketed in the clerk's office of the said supreme court, as herein elsewhere directed, shall be good and enforceable, by an execution issued thereon, for the period of twelve years only from the date when an execution might first be issued thereon, or from the date of the last revival thereof under scire facias, except as provided in the next section; but the time during which the judgment creditor is stayed by agreement, or injunction, or other order, or by the operation of an appeal from enforcing the judgment is not to be computed as part of said period of twelve years.

Expiration of judgment or decree.

SEC. 1213. EXPIRATION OF JUDGMENT OR DECREE.—At the expiration of said period of twelve years the said judgment or decree shall cease to have any operation or effect, and no action shall be brought on the same nor any scire facias or execution issued on the same thereafter; but this provision shall in no wise affect any proceeding that may be then pending for the enforcement of the said judgment or decree.

Lien of judgment or decree.

SEC. 1214. LIEN OF JUDGMENT OR DECREE.—Every final judgment at common law and every unconditional final decree in equity for the payment of money from the date when the same shall be rendered, every judgment of a justice of the peace when docketed in the clerk's office of the supreme court of the District of Columbia, and every recognizance taken by said supreme court, or a justice thereof, from the time when it shall be declared forfeited, shall be a lien on all the freehold and leasehold estates, legal and equitable, of the defendants bound by such judgment, decree, or recognizance, in any lands, tenements, or hereditaments in the District, whether such estates be in possession or be reversions or remainders, vested or contingent. And any recognizance taken in the police court, after being forfeited, may be transmitted to the clerk's office of said supreme court and therein docketed in the same manner as the judgment of a justice of the peace as aforesaid, and thereupon shall have the same effect as if taken in the said supreme court; and said lien shall continue as long as such judgment, decree, or recognizance shall be in force or until the same shall be satisfied or discharged.

—forfeited recognizance, police court.

—duration of lien.

SEC. 1215. SCIRE FACIAS.—If during the period of twelve years from the rendition of the judgment or decree, or from judgment upon a scire facias thereon, the creditor shall cause a scire facias to be issued upon the judgment or decree and a fiat shall be issued thereupon, the effect of such fiat shall be to extend the effect and operation of said judgment or decree with the lien thereby created and all the remedies for the enforcement of the same for the period of twelve years from the date of such fiat.

Scire facias.

SEC. 1216. LIEN OF MORTGAGE.—Where real property is sold and conveyed and, at the same time, a mortgage or deed of trust thereupon is given by the purchaser to secure the payment of the whole or any part of the purchase money, the lien of the said mortgage or deed of trust on the property shall be superior to that of a previous judgment or decree against the purchaser.

Lien of mortgage.

SEC. 1217. DOCKET.—The clerk of said supreme court shall keep and maintain a docket, to be known as the judgment docket, in which shall be entered the titling of every cause and proceeding in which any judgment or decree may be entered or any recognizance taken, as aforesaid, including recognizances transmitted from the police court,

Docket.

as aforesaid, with a minute of the dates and amounts thereof, and said judgments, decrees, and recognizances shall be indexed in the names of all the principals and sureties bound thereby.

CHAPTER THIRTY-NINE.

LANDLORD AND TENANT.

Landlord and tenant.

When notice to quit unnecessary.

SEC. 1218. WHEN NOTICE TO QUIT NOT NECESSARY.—When real estate is leased for a certain term no notice to quit shall be necessary, but the landlord shall be entitled to the possession, without such notice, immediately upon the expiration of the term.

Notices to quit.

SEC. 1219. NOTICES TO QUIT.—A tenancy from month to month, or from quarter to quarter, may be terminated by a thirty days' notice in writing from the landlord to the tenant to quit, or by such a notice from the tenant to the landlord of his intention to quit, said notice to expire, in either case, on the day of the month from which such tenancy commenced to run.

Tenancy at will.

SEC. 1220. TENANCY AT WILL.—A tenancy at will may be terminated by thirty days' notice in writing by either landlord or tenant.

Tenancy by sufferance.

SEC. 1221. TENANCY BY SUFFERANCE.—A tenancy by sufferance may be terminated at any time by a notice in writing from the landlord to the tenant to quit the premises leased, or by such notice from the tenant to the landlord of his intention to quit on the thirtieth day after the day of the service of the notice. If such notice expires before any periodical installment of rent fall due, according to the terms of the tenancy, the landlord shall be entitled to a proportionate part of such installment to the date fixed for quitting the premises.

Notice not to be recalled.

SEC. 1222. NOTICE NOT TO BE RECALLED.—Neither landlord nor tenant, after giving notice as aforesaid, shall be entitled to recall the notice so given without the consent of the other party, but after the expiration of the notice given by the tenant as aforesaid the landlord shall be entitled to the possession as if he had given the proper notice to quit; and after the expiration of the notice given by the landlord as aforesaid the tenant shall be entitled to quit as if had given the proper notice of his intention to quit.

Service of notice.

SEC. 1223. SERVICE OF NOTICE.—Every notice to the tenant to quit shall be served upon him personally, if he can be found, and if he can not be found it shall be sufficient service of said notice to deliver the same to some person of proper age upon the premises, and in the absence of such tenant or person to post the same in some conspicuous place upon the leased premises.

Refusal to quit, double rent.

SEC. 1224. REFUSAL TO QUIT, DOUBLE RENT.—If the tenant, after having given notice of his intention to quit as aforesaid, shall refuse, without reasonable excuse, to surrender possession according to such notice, he shall be liable to the landlord for rent at double the rate of rent payable according to the terms of tenancy for all the time that the tenant shall so wrongfully hold over, to be recovered in the same way as the rent accruing before the termination of the tenancy.

Ejectment or summary proceedings.

SEC. 1225. EJECTMENT OR SUMMARY PROCEEDINGS.—Whenever a lease for any definite term shall expire, or any tenancy shall be terminated by notice as aforesaid, and the tenant shall fail or refuse to surrender possession of the leased premises, the landlord may bring an action of ejectment to recover possession in the supreme court of the District; or the landlord may bring an action to recover possession before a justice of the peace, as provided in chapter one, subchapter one, aforesaid.

Claims for arrears of rent and double rent may be joined with claim for recovery.

SEC. 1226. ARREARS OF RENT AND DOUBLE RENT.—In either case the landlord may join with his claim for recovery of the possession of the leased premises a claim for all arrears of rent accrued to the termi-

nation of the tenancy, and, when the tenant has given the notice, for double rent from the termination of the tenancy to the verdict, or judgment, if the trial be by the court, for possession and for damages for waste: *Provided*, That in such action before a justice of the peace the amount so claimed shall be within his jurisdiction. If judgment for possession be rendered in favor of the plaintiff, he shall be entitled, at the same time, to a judgment for said arrears of rent, and for said double rent, as the case may be, to the date of the verdict or judgment as aforesaid, and for damages for waste.

Proviso.
—action before a justice of the peace.
Judgment.

SEC. 1227. CONSOLIDATION OF ACTIONS.—If actions be brought separately, either in said supreme court or before a justice of the peace, for arrears of rent and for the possession, they may be afterwards consolidated and one judgment rendered in them for the possession and also for the rent.

Consolidation of actions.

SEC. 1228. PLEA OF TITLE.—If, in such action to recover possession before a justice of the peace, the defendant shall plead a title in himself or in some person under whom he claims, not derived from the plaintiff, the further proceeding therein shall be as directed in said subchapter one of chapter one aforesaid.

Plea of title.

SEC. 1229. LIEN FOR RENT.—The landlord shall have a tacit lien for his rent upon such of the tenant's personal chattels, on the premises, as are subject to execution for debt, to commence with the tenancy and continue for three months after the rent is due and until the termination of any action for such rent brought within said three months.

Lien for rent.

SEC. 1230. HOW ENFORCED.—The said lien may be enforced—

—how enforced.

First. By attachment, to be issued upon affidavit that the rent is due and unpaid; or, if it be not due, that the defendant is about to remove or sell some part of said chattels.

Second. By judgment against the tenant and execution, to be levied on said chattels, or any of them, in whosoever hands they may be found.

Third. By action against any purchaser of said chattels, with notice of the lien, in which action the plaintiff may have judgment for the value of the chattels purchased by the defendant not exceeding the rent in arrear.

SEC. 1231. HOW ATTACHMENT ENFORCED.—Such attachment may be issued in any action for the recovery of the possession of the leased premises by the landlord, in which the rent in arrear, or double rent, or both, shall be claimed as aforesaid, and it shall be lawful for any officer to whom the writ of attachment shall be delivered to be executed to break open an outer or inner door when necessary to the execution of the same.

How attachment enforced.

SEC. 1232. APPEAL.—Either party against whom judgment is rendered by a justice of the peace, in the action aforesaid by the landlord to recover possession of the leased premises, may appeal from such judgment, and such appeal shall be tried in the supreme court in the same manner in which appeals from justices of the peace are taken and tried in other cases.

Appeal.

SEC. 1233. UNDERTAKING ON APPEAL.—In case of an appeal by the defendant his undertaking, in order to operate as a supersedeas, shall be an undertaking to abide by and pay the judgment rendered by the justice of the peace, if it shall be affirmed, together with the costs of the appeal, and to pay all intervening damages to the leased property and compensation for the use and occupation thereof, from the date of the judgment appealed from to the date of its affirmance; and in said undertaking the said defendant and his sureties, the latter submitting themselves to the jurisdiction of the court, shall agree that if the judgment be affirmed judgment may be rendered against them by the appellate court for the amount of the judgment so affirmed and the intervening damages, compensation, and costs aforesaid.

Undertaking on appeal.

Right of action of
assignee of reversion.

SEC. 1234. ASSIGNEE OF REVERSION.—The grantee or assignee of the reversion of any leased premises shall have the same right of action against the lessee, his personal representatives, heirs, or assigns, for rent or for any forfeiture or breach of any covenant or condition in the lease which the grantor or assignor might have had; and the assignee of the lessee shall have the same rights of action against the lessor, his grantee, or assignee, upon any covenants in the lease which the lessee might have had against the lessor.

Real and personal
property leased to-
gether; judgment
may be for both.

SEC. 1235. Whenever real and personal property shall be leased together, as, for example, a house with the furniture contained therein, the landlord, either in an action of ejectment or in the summary proceeding for possession, before a justice of the peace, provided for in subchapter one of chapter one, may have a judgment for recovery of the personalty as well as for the recovery of the realty.

Agreement as to no-
tice.

SEC. 1236. AGREEMENT AS TO NOTICE.—Nothing herein contained shall be construed as preventing the parties to a lease, by agreement in writing, from substituting a longer or shorter notice to quit than is above provided or to waive all such notice.

CHAPTER FORTY.

LIENS.

Liens.

Mechanic's lien.

SEC. 1237. MECHANIC'S LIEN.—Every building erected, improved, added to, or repaired by the owner or his agent, and the lot of ground on which the same is erected, being all the ground used or intended to be used in connection therewith, or necessary to the use and enjoyment thereof, to the extent of the right, title, and interest, at that time existing, of such owner, whether owner in fee or of a less estate, or lessee for a term of years, or vendee in possession under a contract of sale, shall be subject to a lien in favor of the contractor with such owner or his duly authorized agent for the contract price agreed upon between them, or, in the absence of an express contract, for the reasonable value of the work and materials furnished for and about the erection, construction, improvement, or repair of or addition to such building, or the placing of any engine, machinery, or other thing therein or in connection therewith so as to become a fixture, though capable of being detached: *Provided*, That the person claiming the lien shall file the notice herein prescribed.

Proviso.
—claimant to file no-
tice.

Notice of lien.

SEC. 1238. NOTICE.—Any such contractor wishing to avail himself of the provision aforesaid, whether his claim be due or not, shall file in the office of the clerk of the supreme court of the District during the construction or within three months after the completion of such building, improvement, repairs, or addition, or the placing therein or in connection therewith of any engine, machinery, or other thing so as to become a fixture, a notice of his intention to hold a lien on the property hereby declared liable to such lien for the amount due or to become due to him, specifically setting forth the amount claimed, the name of the party against whose interest a lien is claimed, and a description of the property to be charged, and the said clerk shall file said notice and record the same in a book to be kept for the purpose.

Subcontractor's lien.

SEC. 1239. SUBCONTRACTOR.—Any person directly employed by the original contractor, whether as subcontractor, material man, or laborer, to furnish work or materials for the completion of the work contracted for as aforesaid, shall be entitled to a similar lien to that of the original contractor upon his filing a similar notice with the clerk of the supreme court of the District to that above mentioned, subject, however, to the conditions set forth in the following sections.

—conditions of, etc.

SEC. 1240. CONDITIONS.—All such liens in favor of parties so employed by the contractor shall be subject to the terms and conditions of the original contract except such as shall relate to the waiver

of liens and shall be limited to the amount to become due to the original contractor and be satisfied, in whole or in part, out of said amount only; and if said original contractor, by reason of any breach of the contract on his part, shall be entitled to recover less than the amount agreed upon in his contract, the liens of said parties so employed by him shall be enforceable only for said reduced amount, and if said original contractor shall be entitled to recover nothing said liens shall not be enforceable at all.

SEC. 1241. NOTICE TO OWNER.—The said subcontractor or other person employed by the contractor as aforesaid, besides filing a notice with the clerk of the supreme court as aforesaid, shall serve the same upon the owner of the property upon which the lien is claimed, by leaving a copy thereof with said owner or his agent, if said owner or agent be a resident of the District, or if neither can be found, by posting the same on the premises; and on his failure to do so, or until he shall do so, the said owner may make payments to his contractor according to the terms of his contract, and to the extent of such payments the lien of the principal contractor shall be discharged and the amount for which the property shall be chargeable in favor of the parties so employed by him reduced.

Notice to owner :
subcontractor.

—failure to notify.

SEC. 1242. OWNER'S DUTY.—After notice shall be filed by said party employed under the original contractor and a copy thereof served upon the owner or his agent as aforesaid, the owner shall be bound to retain out of any subsequent payments becoming due to the contractor a sufficient amount to satisfy any indebtedness due from said contractor to the said subcontractor, or other person so employed by him, secured by lien as aforesaid, otherwise the said party shall be entitled to enforce his lien to the extent of the amount so accruing to the principal contractor.

After notice, owner
to retain amount
of subcontractor's
claim, etc.

SEC. 1243. SUBCONTRACTOR ENTITLED TO KNOW TERMS OF CONTRACT.—Any subcontractor or other person employed by the contractor as aforesaid shall be entitled to demand of the owner or his authorized agent a statement of the terms under which the work contracted for is being done and the amount due or to become due to the contractor executing the same, and if the owner or his agent shall fail or refuse to give the said information, or willfully state falsely the terms of the contract or the amounts due or unpaid thereunder, the said property shall be liable to the lien of the said party demanding said information, in the same manner as if no payments had been made to the contractor before notice served on the owner as aforesaid.

Subcontractor enti-
tled to know terms of
contract.

SEC. 1244. ADVANCE PAYMENTS.—If the owner, for the purpose of avoiding the provisions hereof, and defeating the lien of the subcontractor or other person employed by the contractor, as aforesaid, shall make payments to the contractor in advance of the time agreed upon therefor in the contract, and the amount still due or to become due to the contractor shall be insufficient to satisfy the liens of the subcontractors or others so employed by the contractor, the property shall remain subject to said liens in the same manner as if such payments had not been made.

Advance payments
to defeat subcontract-
or's lien.

SEC. 1245. PRIORITY OF LIEN.—The lien hereby given shall be preferred to all judgments, mortgages, deeds of trusts, liens, and incumbrances which attach upon the building or ground affected by said lien subsequently to the commencement of the work upon the building, as well as to conveyances executed, but not recorded, before that time, to which recording is necessary, as to third persons; except that nothing herein shall affect the priority of a mortgage or deed of trust given to secure the purchase money for the land, if the same be recorded within ten days from the date of the acknowledgment thereof. When a mortgage or deed of trust of real estate securing advances thereafter to be made for the purpose of erecting buildings and improvements

Priority of lien

thereon is given, or when an owner of lands contracts with a builder for the sale of lots and the erection of buildings thereon, and agrees to advance moneys toward the erection of such buildings, the lien hereinbefore authorized shall have priority to all advances made after the filing of said notices of lien, and the lien shall attach to the right, title, and interest of the owner in said building and land to the extent of all advances which shall have become due after the filing of such notice of such lien, and shall also attach to and be a lien on the right, title, and interest of the person so agreeing to purchase said land at the time of the filing of said notices of lien. When a building shall be erected or repaired by a lessee or tenant for life or years, or a person having an equitable estate or interest in such building or land on which it stands, the lien created by this act shall only extend to and cover the interest or estate of such lessee, tenant, or equitable owner.

Lien enforced by bill in equity; contents of.

SEC. 1246. HOW LIEN ENFORCED.—The proceeding to enforce the lien hereby given shall be a bill in equity, which shall contain a brief statement of the contract on which the claim is founded, the amount due thereon, the time when the notice was filed with the clerk, and a copy thereof served on the owner or his agent, if so served, and the time when the building or the work thereon was completed, with a description of the premises and other material facts; and shall pray that the premises be sold and the proceeds of sale applied to the satisfaction of the lien. If such suit be brought by any person entitled, other than the principal contractor, the latter shall be made a party defendant, as well as all other persons who may have filed notices of liens, as aforesaid. All or any number of persons having liens on the same property may join in one suit, their respective claims being distinctly stated in separate paragraphs; and if several suits are brought by different claimants and are pending at the same time, the court may order them to be consolidated.

—parties, etc.

Decree of sale.

SEC. 1247. DECREE OF SALE.—If the right of the complainant, or of any of the parties to the suit, to the lien herein provided for shall be established, the court shall decree a sale of the land and premises or the estate and interest therein of the person who, as owner, contracted for the erection, repair, improvement of, or addition to the building, as aforesaid.

Subcontractor preferred to contractor.

SEC. 1248. SUBCONTRACTOR PREFERRED TO CONTRACTOR.—If the original contractor and the persons contracting or employed under him shall both have filed notices of liens, as aforesaid, the latter shall first be satisfied out of the proceeds of sale before the original contractor, but not in excess of the amount due him, and the balance, if any, of said amount shall be paid to him.

Distribution.

SEC. 1249. DISTRIBUTION.—If one, or some only, of the persons employed under the original contractor shall have served notice on the owner, as aforesaid, before payments made by him to the original contractor, said party or parties shall be entitled to priority of satisfaction out of said proceeds to the amount of such payments; but, subject to this provision, if the proceeds of sale, after paying thereout the costs of the suit, shall be insufficient to satisfy the liens of said parties employed under the original contractor the said proceeds shall be distributed ratably among them to the extent of the payments accruing to the original contractor subsequently to the service of notice on the owner by said parties, as aforesaid.

Several buildings.

SEC. 1250. SEVERAL BUILDINGS.—In case of labor done or materials furnished for the erection or repair of two or more buildings joined together and owned by the same person or persons, it shall not be necessary to determine the amount of work done or materials furnished for each separate building, but only the aggregate amount upon all the buildings so joined, and the decree may be for the sale of all

the buildings and the land on which they are erected as one building, or they may be sold separately if it shall seem best to the court.

SEC. 1251. WHEN SUIT TO BE COMMENCED.—Any person entitled to a lien, as aforesaid, may commence his suit to enforce the same at any time within a year from and after the filing of the notice aforesaid or within six months from the completion of the building or repairs aforesaid, on his failure to do which the said lien shall cease to exist, unless his said claim be not due at the expiration of said periods, in which case the action must be commenced within three months after the said claim shall have become due.

When suit to be commenced.

SEC. 1252. EXTENT OF GROUND BOUND BY LIEN.—If there be any contest as to the dimensions of the ground claimed to be subjected to the lien aforesaid, the court shall determine the same upon the evidence and describe the same in the decree of sale.

Extent of ground bound by lien.

SEC. 1253. ENTRY OF SATISFACTION.—Whenever any person having a lien by virtue hereof shall have received satisfaction of his claim and cost, he shall, on the demand, and at the cost of the person interested, enter said claim satisfied, in the clerk's office aforesaid, and on his failure or refusal so to do he shall forfeit fifty dollars to the party aggrieved, and all damages that the latter may have sustained by reason of such failure or refusal.

Entry of satisfaction.

SEC. 1254. PAYMENT INTO COURT AND RELEASE.—In any suit to enforce a lien hereunder, the owner of the building and premises to which such lien may have attached, as aforesaid, may be allowed to pay into court the amount claimed by the lienor, and such additional amount, to cover interest and costs, as the court may direct, or he may file a written undertaking, with two or more sureties, to be approved by the court, to the effect that he and they will pay the judgment that may be recovered and costs, which judgment shall be rendered against all the persons so undertaking. On the payment of said money into court, or the approval of such undertaking, the property shall be released from such lien, and any money so paid in shall be subject to the final decree of the court. No such undertaking shall be approved by the court until the complainant shall have had at least two days' notice of the defendant's intention to apply to the court therefor, which notice shall give the names and residences of the persons intended to be offered as sureties and the time when the motion for such approval will be made, and such sureties shall make oath, if required, that they are worth, over and above all debts and liabilities, double the amount of said lien. The complainant may appear and object to such approval.

Payment into court to effect release.

—or bond to pay judgment.

—notice.

SEC. 1255. UNDERTAKING TO DISCHARGE LIENS BEFORE SUIT.—Such an undertaking as above mentioned may be offered before any suit brought in order to discharge the property from existing liens, in which case notice shall be given as aforesaid to the parties whose liens it is sought to have discharged, and the same proceedings shall be had as above directed in relation to the undertaking to be given after the commencement of the suit, and said undertaking shall be to the effect that the owner and his said sureties will pay any judgment that may be rendered in any suit that may thereafter be brought for the enforcement of said lien.

Undertaking to discharge liens before suit.

SEC. 1256. DECREE AGAINST SURETIES.—If such undertaking be approved before any suit brought, such suit shall be a suit in equity against the owner, to which the sureties may be made parties; if the undertaking be approved after suit brought, the said sureties shall ipso facto become parties to the suit, and in either case the decree of the court shall be against the sureties as well as the owner.

Decree against sureties.

SEC. 1257. NO ACTION BY SUBCONTRACTOR AGAINST OWNER.—No subcontractor, material man, or workman employed under the original

No action by subcontractor against owner.

contractor shall be entitled to a personal judgment or decree against the owner of the premises for the amount due to him from said original contractor, except upon a special promise of such owner, in writing, for a sufficient consideration, to be answerable for the same.

Judgment for deficiency upon a sale.

SEC. 1258. JUDGMENT FOR DEFICIENCY UPON A SALE.—In any suit brought to enforce a lien by virtue of the provisions aforesaid, if the proceeds of the property affected thereby shall be insufficient to satisfy such lien, a personal judgment for the deficiency may be given in favor of the lien or against the owner of the premises or the original contractor, as the case may be, whichever contracted with him for the labor or materials furnished by him, provided such person be a party to the suit and shall have been personally served with process therein.

Lien on wharves and lots.

SEC. 1259. WHARVES AND LOTS.—Any person who shall furnish materials or labor in filling up any lot or in constructing any wharf thereon, or dredging the channel of the river in front of any wharf, under any contract with the owner, shall be entitled to a lien for the value of such work or materials on said lot and wharf upon the same conditions and to be enforced in the same manner as in the case of work done in the erection of buildings, as hereinbefore provided.

Lien for repairing personal property.

SEC. 1260. OTHER LIENS.—Any mechanic or artisan who shall make, alter, or repair any article of personal property at the request of the owner shall have a lien thereon for his just and reasonable charges for his work done and materials furnished, and may retain the same in his possession until said charges are paid; but if possession is parted with by his consent such lien shall cease.

Lien of innkeeper.

SEC. 1261. INNKEEPER.—Every innkeeper, keeper of a boarding house, or house of private entertainment shall have a lien upon and may retain possession of the baggage and effects of any guest or boarder for the amount which may be due him from such guest for board and lodging until such amount is paid.

—of liveryman.

SEC. 1262. LIVERYMAN.—It shall be lawful for all persons keeping or boarding any animals at livery within the District, under any agreement with the owner thereof, to detain such animals until all charges under such agreement for the care, keep, or board of such animals shall have been paid: *Provided, however,* That notice in writing shall first be given to such owner in person or at his last known place of residence of the amount of such charges and the intention to detain such animal or animals until such charges shall be paid.

Proviso.
—notice.

Enforcement by sale.

SEC. 1263. ENFORCEMENT BY SALE.—If the amount due and for which a lien is given by any of the last three sections is not paid after the end of a month after the same is due, and the property bound by said lien does not exceed the sum of fifty dollars, then the party entitled to such lien, after demand of payment upon the debtor, if he be within the District, may proceed to sell the property so subject to lien at public auction, after giving notice once a week for three successive weeks in some daily newspaper published in the District, and the proceeds of such sale shall be applied, first, to the expenses of such sales and the discharge of such lien, and the remainder, if any, shall be paid over to the owner of the property.

Enforcement by bill in equity.

SEC. 1264. ENFORCEMENT BY BILL IN EQUITY.—If the value of the property so subject to lien shall exceed the sum of fifty dollars, the proceeding to enforce such lien shall be by bill or petition in equity, and the decree, which shall be rendered according to the due course of proceedings in equity, besides subjecting the thing upon which the lien was attached to sale for the satisfaction of the plaintiff's demand, shall adjudge that the plaintiff recover his demand against the defendant from whom such claim is due, and may have execution therefor as at law.

CHAPTER FORTY-ONE.

LIMITATION OF ACTIONS

Limitation of actions.

SEC. 1265. PERIODS OF LIMITATIONS.—No action shall be brought for the recovery of lands, tenements, or hereditaments after fifteen years from the time the right to maintain such action shall have accrued; nor on any executor's or administrator's bond after five years from the time of the right of action accrued thereon; nor on any other bond or single bill, covenant, or other instrument under seal after twelve years after the accruing of the cause of action thereon; nor upon any simple contract, express or implied, or for the recovery of damages for any injury to real or personal property, or for the recovery of personal property or damages for its unlawful detention after three years from the time when the right to maintain any such action shall have accrued; nor for any statutory penalty or forfeiture, or for libel, slander, assault, battery, mayhem, wounding, malicious prosecution, false arrest or false imprisonment after one year from the time when the right to maintain any such action shall have accrued; and no action the limitation of which is not otherwise specially prescribed in this section shall be brought after three years from the time when the right to maintain such action shall have accrued: *Provided*, That if any person entitled to maintain any of the actions aforesaid shall be at the time of the accruing of such right of action under twenty-one years of age, non compos mentis, or imprisoned, such person or his proper representative shall be at liberty to bring such action within the respective times in this section limited after the removal of such disability, except that where any person entitled to maintain an action for the recovery of lands, tenements, or hereditaments, or upon any instrument under seal, shall be at the time such right of action shall accrue under any of the disabilities aforesaid, such person or his proper representative may bring such action within five years after the removal of such disability, and not thereafter.

Periods of limitations for recovery of lands; actions on bonds, etc.

—on other actions.

Proviso.
Persons under disability when right of action accrues.

SEC. 1266. SUITS AGAINST DECEDENTS' ESTATES.—In suits against the estate of a deceased person, in computing the time of limitation the interval between the death of the deceased and the granting of letters testamentary or of administration shall not be counted as part of said time of limitation.

Suits against decedent's estates.

SEC. 1267. FOREIGN JUDGMENTS.—Every action upon a judgment or decree rendered in any State or Territory of the United States or in any foreign country shall be barred if by the laws of such State, Territory, or foreign country such action would there be barred and the judgment or decree be incapable of being otherwise enforced there; and whether so barred or not, no action shall be brought in the District on any such judgment or decree rendered more than ten years before the commencement of such action.

Foreign judgments.

SEC. 1268. ACTION BY THE UNITED STATES.—None of the provisions aforesaid shall apply to any action in which the United States is the real and not merely the nominal plaintiff.

Action by the United States.

SEC. 1269. ABSENCE OF DEFENDANT.—If, when a cause of action accrues against a person who is a resident of the District of Columbia, he is out of the District or has absconded or concealed himself, the period limited for the bringing of the action shall not begin to run until he comes into the District or while he is so absconded or concealed; and if after the cause of action accrues he abscond or conceal himself, the time of such absence or concealment shall not be computed as any part of the period within which the action must be brought.

Absence of defendant.

SEC. 1270. ACTION STAYED BY INJUNCTION.—Where the bringing of an action has been stayed by an injunction or other order of a court

Action stayed by injunction.

of justice, or or by statutory prohibition, the time of such stay shall not be part of the time limited for the commencement of the action.

New promise to be in writing.

SEC. 1271. NEW PROMISE TO BE IN WRITING, AND SO FORTH.—In actions of debt or upon the case grounded upon any simple contract, no acknowledgment or promise by words only shall be deemed sufficient evidence of a new or continuing contract whereby to take any case out of the operation of the statute of limitations or to deprive any party of the benefit thereof unless such acknowledgment or promise shall be made or contained by or in some writing to be signed by the party chargeable thereby: *Provided*, That nothing herein contained shall alter or take away, or lessen the effect of any payment of any principal or interest made by any person whatsoever: *Provided, also*, That in actions to be commenced against two or more joint contractors, or executors, or administrators, if it shall appear at the trial, or otherwise, that the plaintiff, though barred by the statute of limitations as to one or more of such joint contractors, or executors, or administrators, shall nevertheless be entitled to recover against any other or others of the defendants by virtue of a new acknowledgment or promise or otherwise, judgment may be given for the plaintiff as to such defendant or defendants against whom he shall recover. No indorsement or memorandum of any payment hereafter written or made upon any promissory note, bill of exchange, or other writing, by or on behalf of the party to whom such payment shall purport to be made, shall be deemed sufficient proof of such payment so as to take the case out of the operation of the statute of limitations.

Provisos.
Payments.

Judgment may be against one of several joint contractors, etc.

Directions as to debts in a will.

SEC. 1272. DIRECTIONS AS TO DEBTS IN A WILL.—No provision in the will of a testator devising his real estate, or any part thereof, subject to the payment of his debts, or charging the same therewith, shall prevent the statute of limitations from operating against such debts, unless it plainly appears to be the testator's intention that it shall not so operate.

CHAPTER FORTY-TWO.

Mandamus.

MANDAMUS.

—how applied for.

SEC. 1273. HOW APPLIED FOR.—All applications for granting writs of mandamus shall be commenced by petition, verified by affidavit of the applicant, setting forth fully the ground of his application.

Rule on defendant.

SEC. 1274. RULE ON DEFENDANT.—Upon the filing of such petition the court may lay a rule requiring the defendant therein named to show cause, within such time as the court may deem proper, why a writ of mandamus should not issue as prayed, a copy of which rule shall be served upon such defendant by a day to be therein limited.

Defendant's answer.

SEC. 1275. DEFENDANT'S ANSWER.—The defendant, by the day named in such order, unless for cause shown the court shall extend the time, shall file an answer to such petition, fully setting forth all the defenses upon which he intends to rely in resisting such application, which shall be verified by his affidavit.

Pleadings and further proceedings.

SEC. 1276. PLEADINGS AND FURTHER PROCEEDINGS.—The petitioner may plead to or traverse all or any of the material averments set forth in said answer, and the defendant shall take issue or demur to said plea or traverse within five days thereafter; and such further proceedings shall thereupon be had in the premises for the determination thereof as if the petitioner had brought an action for a false return.

Time of trial of issue.

SEC. 1277. TIME OF TRIAL OF ISSUE.—If issue shall be joined on such proceedings, the same shall stand for trial at as early a day as the court shall appoint.

Trial.

SEC. 1278. TRIAL.—Such issues shall be tried by a jury if both parties in writing require it, otherwise they shall be heard and determined by the court; and in case a verdict shall be found for the petitioner, or if

the court upon hearing determine for the petitioner, or judgment be given for him upon demurrer or for want of a plea, such petitioner shall thereupon recover his damages and costs as he might have done in an action for a false return, to be levied by execution, and a peremptory writ of mandamus shall be granted thereupon without delay against the defendant.

SEC. 1279. JUDGMENT FOR DEFENDANT.—If judgment shall be given for the defendant he shall recover his costs of suit, to be levied in the manner aforesaid. Judgment for defendant.

SEC. 1280. DEFENDANT'S DEFAULT.—If the defendant shall neglect to file his answer to the petition by the day named in the order of the court, after being served with notice thereof, the said court shall thereupon proceed to hear the said petition ex parte, within five days thereafter, and if it shall be of opinion that the facts and law of the case authorize the granting of a mandamus as prayed, it shall thereupon without delay order a peremptory mandamus to issue, and shall also adjudge to the petitioner his costs of suit. Defendant's default ex parte hearing

SEC. 1281. If the court shall, upon such ex parte hearing, be of opinion that the facts and law of the case do not authorize the granting of a mandamus, it shall dismiss such petition with costs. —dismissal

SEC. 1282. APPEAL.—In case of an appeal by the defendant the court shall fix the penalty of the appeal bond necessary to be given to stay the execution or enforcement of the order appealed from. Appeal.

CHAPTER FORTY-THREE.

MARRIAGE.

Marriage.

SEC. 1283. PROHIBITIONS.—The following marriages are prohibited in the District of Columbia and shall be absolutely void ab initio, without being so decreed, and their nullity may be shown in any collateral proceedings, namely: Prohibitions—void ab initio.

First. The marriage of a man with his grandmother, grandfather's wife, wife's grandmother, father's sister, mother's sister, mother, stepmother, wife's mother, daughter, wife's daughter, son's wife, sister, son's daughter, daughter's daughter, son's son's wife, daughter's son's wife, wife's son's daughter, wife's daughter's daughter, brother's daughter, sister's daughter.

Second. The marriage of a woman with her grandfather, grandmother's husband, husband's grandfather, father's brother, mother's brother, father, stepfather, husband's father, son, husband's son, daughter's husband, brother, son's son, daughter's son, son's daughter's husband, daughter's daughter's husband, husband's son's son, husband's daughter's son, brother's son, sister's son.

Third. The marriage of any persons either of whom has been previously married and whose previous marriage has not been terminated by death or a decree of divorce.

SEC. 1284. MARRIAGE MAY BE DECREED TO BE VOID.—Any of such marriages may also be declared to have been null and void by judicial decree. —marriage may also be decreed to be void.

SEC. 1285. WHEN VOID FROM DATE OF DECREE.—The following marriages in said District shall be illegal, and shall be void from the time when their nullity shall be declared by decree, namely: When void from date of decree.

First. The marriage of an idiot or of a person adjudged to be a lunatic.

Second. Any marriage the consent to which of either party has been procured by force or fraud.

Third. Any marriage either of the parties to which shall be incapable, from physical causes, of entering into the married state.

By whom proceedings to nullify to be brought.

SEC. 1286. BY WHOM SUIT BROUGHT.—A proceeding to declare the nullity of a marriage may be instituted in the case of an infant under the age of consent by such infant, through a next friend, or by the parent or guardian of such infant; and in the case of an idiot or lunatic by next friend. But no such proceedings shall be allowed to be instituted by any person who, being fully capable of contracting a marriage, has knowingly and willfully contracted any marriage declared illegal by the foregoing sections.

Marriage out of District.

SEC. 1287. MARRIAGE OUT OF DISTRICT.—If any marriage declared illegal by the foregoing sections shall be entered into in another jurisdiction by persons having and retaining their domicile in the District of Columbia, such marriage shall be deemed illegal, and may be decreed to be void in said District in the same manner as if it had been celebrated therein.

By whom marriage ceremony performed.

SEC. 1288. BY WHOM MARRIAGE CEREMONY PERFORMED.—For the purpose of preserving the evidence of marriages in the District, every minister of the gospel appointed or ordained according to the rites and ceremonies of his church, whether his residence be in the District or elsewhere in the United States or the Territories, may be authorized by any justice of the supreme court of the District of Columbia to celebrate marriages in the District. And marriages may be celebrated in the District by any justice of the peace or by any judge or justice of any court of record.

Unauthorized marriage.

SEC. 1289. UNAUTHORIZED MARRIAGE.—If any one except a minister or other person authorized by the foregoing section shall hereafter celebrate the rites of marriage in said District, he shall be subject to the penalty prescribed in the following section.

Celebrant to have license: penalty.

SEC. 1290. LICENSE.—No person authorized hereby to celebrate the rites of marriage shall do so in any case without first having delivered to him a license therefor issued from the clerk's office of said supreme court, under a penalty of not more than five hundred dollars, in the discretion of the court, to be recovered upon information in the police court of the district.

Clerk to examine applicant, etc.

SEC. 1291. DUTY OF CLERK.—It shall be the duty of the clerk of the supreme court before issuing any license to solemnize a marriage to examine any applicant for said license under oath and to ascertain the names, ages, and color of the parties desiring to marry, and if they are under age the names of their parents or guardians, whether they were previously married, whether they are related or not, and if so, in what degree, which facts shall appear on the face of the application, of which the clerk shall provide a printed form, and any false swearing in regard to such matters shall be deemed perjury.

Consent of parent or guardian.

SEC. 1292. CONSENT OF PARENT OR GUARDIAN.—If any male person intending to marry and seeking a license therefor shall be under twenty-one years of age, or any female so intending shall be under eighteen years of age, and shall not have been previously married, the said clerk shall not issue such license unless the father of such person, or, if there be no father, the mother, or, if there be neither father nor mother, the guardian, if there be such, shall consent to such proposed marriage, either personally to the clerk, or by an instrument in writing attested by a witness and proved to the satisfaction of the clerk.

Form of license.

SEC. 1293. FORM OF LICENSE.—Licenses to perform the marriage ceremony shall be in the following form:

Number

To any minister or other person authorized to celebrate marriages in the District of Columbia, greeting:

You are hereby authorized to celebrate the rites of marriage between of and of and having done so, you are commanded to make return of the same

to the clerk's office of the supreme court of said District within ten days, under a penalty of fifty dollars for default therein.

Witness my hand and seal of said court this day of,
anno Domini

By _____, Clerk.

By _____, Assistant Clerk.

Said return shall be made in person or by mail, on a coupon issued with said license and bearing a corresponding number therewith, within ten days from the time of said marriage, and shall be in the following form:

Return coupon to
be filed with clerk.

Number

I, _____, who have been duly authorized to celebrate the rites of marriage in the District of Columbia, do hereby certify that, by authority of a license of corresponding number herewith, I solemnized the marriage of _____ and _____, named therein, on the day of _____, at _____, in said District. —form of.

A second coupon, of corresponding number with the license, shall be attached to and issued with said license, to be given by the minister or other person celebrating the marriage to the contracting parties, and shall be in the following form:

Number

I hereby certify that on this day of _____, at _____, _____ and _____ were by me united in marriage in accordance with the license issued by the clerk of the supreme court of the District of Columbia.

Name

Residence

SEC. 1294. DUTY OF MINISTER OR OTHER PERSON CELEBRATING MARRIAGE.—Any minister or other person, having solemnized the rites of marriage under the authority of a license issued as aforesaid, who shall fail to make return as therein required, shall be liable to a penalty of fifty dollars upon conviction of said failure upon information in the police court of said district. —penalty.

SEC. 1295. RECORD.—The clerk of the said court shall provide a record book in his office, consisting of applications and licenses in blank, to be filled up by him with the names and residences of the parties for whose marriage any license may have been issued, said applications and licenses to be numbered consecutively from one upward; and also a record book in which shall be recorded, in the order of their numbers, the certificates of the minister or other persons authorized, upon their return to said office, corresponding to said record book of licenses issued, and a copy of any license and certificate of marriage so kept and recorded, certified by the clerk under his hand and seal, shall be competent evidence of the marriage. Record of licenses.
—of certificates, etc.

SEC. 1296. SLAVE MARRIAGES.—All colored persons in the District who, previous to their actual emancipation, had undertaken and agreed to occupy the relation to each other of husband and wife, and were cohabiting together as such or in any way recognizing the relation as existing on the twenty-fifth day of July, eighteen hundred and sixty-six, whether the rites of marriage have been celebrated between them or not, are deemed husband and wife, and are entitled to all the rights and privileges and subject to the duties and obligations of that relation in like manner as if they had been duly married according to law. All the children of such persons shall be deemed legitimate, whether born before or after the date mentioned. When such parties have ceased to cohabit before such date, in consequence of the death of the woman —Slave marriages deemed valid.
—children legitimate.

or from any other cause, all the children of the woman recognized by the man to be his shall be deemed legitimate.

Children of colored persons married according to local customs may inherit, etc.

SEC. 1297. COLORED PERSONS.—The issue of any marriage of colored persons contracted and entered into according to any custom prevailing at the time in any of the States wherein the same occurred shall, for all purposes of descent and inheritance and the transmission of both real and personal property within the District of Columbia, be deemed and held to be legitimate and capable of inheriting and transmitting inheritance, and taking as next of kin and distributes according to law, from and to their parents or either of them, and from and to those from whom such parents or either of them may inherit or transmit inheritance, anything in the laws of such State to the contrary notwithstanding: *Provided*, That nothing herein shall be construed as implying that any such marriage is not valid or such issue legitimate for all other purposes.

—implication as to such marriage.

CHAPTER FORTY-FOUR.

Name, change of.

NAME, CHANGE OF.

—filing petition.

SEC. 1298. PROCEEDING FOR CHANGE OF NAME.—Any person of full age, being a resident of the District and desirous to have his name changed, may file a petition in the supreme court setting forth the reasons therefor and also the name desired to be assumed.

—notice, publication of.

SEC. 1299. NOTICE.—Notice of the filing of such petition, containing the substance and prayer thereof, shall be published for three consecutive weeks in some newspaper in general circulation published in the District prior to the hearing of the petition.

Decree.

SEC. 1300. DECREE.—The court, or the justice holding an equity term thereof, on proof of such notice and upon such showing as may be deemed satisfactory, may change the name of the applicant according to the prayer of the petition.

CHAPTER FORTY-FIVE.

Negligence causing death.

NEGLIGENCE CAUSING DEATH.

Liability.

SEC. 1301. LIABILITY.—Whenever by an injury done or happening within the limits of the District of Columbia the death of a person shall be caused by the wrongful act, neglect, or default of any person or corporation, and the act, neglect, or default is such as would, if death had not ensued, have entitled the party injured, or if the person injured be a married woman, have entitled her husband, either separately or by joining with the wife, to maintain an action and recover damages, the person who or corporation which would have been liable if death had not ensued shall be liable to an action for damages for such death, notwithstanding the death of the person injured, even though the death shall have been caused under circumstances which constitute a felony; and such damages shall be assessed with reference to the injury resulting from such act, neglect, or default causing such death, to the widow and next of kin of such deceased person: *Provided*, That in no case shall the recovery under this act exceed the sum of ten thousand dollars: *And provided further*, That no action shall be maintained under this chapter in any case when the party injured by such wrongful act, neglect, or default has recovered damages therefor during the life of such party.

Proviso.
Amount recoverable limited.
Recovery during life of party a bar to action.

By whom suit to be brought.

SEC. 1302. BY WHOM SUIT TO BE BROUGHT.—Every action shall be brought by and in the name of the personal representative of such deceased person, and within one year after the death of the party injured.

SEC. 1303. DISTRIBUTION OF DAMAGES.—The damages recovered in such action shall not be appropriated to the payment of the debts or liabilities of such deceased person, but shall inure to the benefit of his or her family and be distributed according to the provisions of the statute of distribution in force in the said District of Columbia.

Distribution of damages.

CHAPTER FORTY-SIX.

NEGOTIABLE INSTRUMENTS.

Negotiable instruments.

SEC. 1304. DEFINITIONS.—In this chapter, unless the context otherwise requires—

Definitions.

“Acceptance” means an acceptance completed by delivery or notification.

“Action” includes counterclaim and set-off.

“Bank” includes any person or association of persons carrying on the business of banking, whether incorporated or not.

“Bearer” means the person in possession of a bill or note which is payable to bearer.

“Bill” means bill of exchange, and “note” means negotiable promissory note.

“Delivery” means transfer of possession, actual or constructive, from one person to another.

“Holder” means the payee or indorsee of a bill or note, who is in possession of it, or the bearer thereof.

“Indorsement” means an indorsement completed by delivery.

“Instrument” means negotiable instrument.

“Issue” means the first delivery of the instrument, complete in form, to a person who takes it as a holder.

“Person” includes a body of persons, whether incorporated or not.

“Value” means valuable consideration.

“Written” includes printed, and “writing” includes print.

The person “primarily” liable on an instrument is the person who by the terms of the instrument is absolutely required to pay the same. All other parties are “secondarily” liable.

In determining what is a “reasonable time” or an “unreasonable time” regard is to be had to the nature of the instrument, the usage of trade or business, if any, with respect to such instruments, and the facts of the particular case.

Where the day or the last day for doing any act herein required or permitted to be done falls on Sunday or on a holiday, the act may be done on the next succeeding secular or business day.

Where last day falls on holiday.

In any case not provided for in this act the rules of the law merchant shall govern.

Law merchant.

SEC. 1305. WHEN NEGOTIABLE.—An instrument to be negotiable must conform to the following requirements:

When instrument negotiable.

First. It must be in writing and signed by the maker or drawer.

Second. It must contain an unconditional promise or order to pay a certain sum in money.

Third. It must be payable on demand or at a fixed or determinable future time.

Fourth. It must be payable to order or to bearer; and,

Fifth. Where the instrument is addressed to a drawee he must be named or otherwise indicated therein with reasonable certainty.

SEC. 1306. SUM PAYABLE.—The sum payable is a sum certain within the meaning hereof, although it is to be paid—

Certainty as to sum.

First. With interest; or,

Second. By stated installments; or,

Third. By stated installments, with a provision that upon default

in payment of any installment or of interest the whole shall become due; or,

Fourth. With exchange, whether at a fixed rate or at the current rate; or,

Fifth. With costs of collection or an attorney's fee, in case payment shall not be made at maturity.

When promise is unconditional.

SEC. 1307. WHEN PROMISE IS UNCONDITIONAL.—An unqualified order or promise to pay is unconditional within the meaning hereof, though coupled with—

First. An indication of a particular fund out of which reimbursement is to be made, or a particular account to be debited with the amount; or,

Second. A statement of the transaction which gives rise to the instrument.

But an order or promise to pay out of a particular fund is not unconditional.

Time of payment.

SEC. 1308. TIME OF PAYMENT.—An instrument is payable at a determinable future time, within the meaning hereof, which is expressed to be payable—

First. At a fixed period after date or sight; or,

Second. On or before a fixed or determinable future time specified therein; or,

Third. On or at a fixed period after the occurrence of a specified event which is certain to happen, though the time of happening be uncertain.

An instrument payable upon a contingency is not negotiable, and the happening of the event does not cure the defect.

Additional provisions not affecting negotiability.

SEC. 1309. PROMISE IN ADDITION TO PROMISE OF PAYMENT.—An instrument which contains an order or promise to do any act in addition to the payment of money is not negotiable. But the negotiable character of an instrument otherwise negotiable is not affected by a provision which—

First. Authorizes the sale of collateral securities in case the instrument be not paid at maturity; or,

Second. Authorizes a confession of judgment if the instrument be not paid at maturity; or,

Third. Waives the benefit of any law intended for the advantage or protection of the obligor; or,

Fourth. Gives the holder an election to require something to be done in lieu of payment of money.

But nothing in this section shall validate any provision or stipulation otherwise illegal.

Omissions not affecting negotiability.

SEC. 1310. DATE.—The validity and negotiable character of an instrument are not affected by the fact that—

First. It is not dated; or,

Second. Does not specify the value given, or that any value has been given therefor; or,

Third. Does not specify the place where it is drawn or the place where it is payable; or,

Fourth. Bears a seal; or,

Fifth. Designates a particular kind of current money in which payment is to be made.

But nothing in this section shall alter or repeal any statute requiring in certain cases the nature of the consideration to be stated in the instrument.

When payable on demand.

SEC. 1311. INSTRUMENT PAYABLE ON DEMAND.—An instrument is payable on demand—

First. Where it is expressed to be payable on demand, or at sight, or on presentation; or,

Second. In which no time for payment is expressed.

Where an instrument is issued, accepted, or indorsed when overdue, it is, as regards the person so issuing, accepting, or indorsing it, payable on demand.

SEC. 1312. INSTRUMENT PAYABLE TO ORDER.—The instrument is payable to order where it is drawn payable to the order of a specified person or to him or his order. It may be drawn payable to the order of—

First. A payee who is not maker, drawer, or drawee; or,

Second. The drawer or maker; or,

Third. The drawee; or,

Fourth. Two or more payees jointly; or,

Fifth. One or some of several payees; or,

Sixth. The holder of an office for the time being.

Where the instrument is payable to order, the payee must be named or otherwise indicated therein with reasonable certainty.

SEC. 1313. INSTRUMENT PAYABLE TO BEARER.—The instrument is payable to bearer—

First. When it is expressed to be so payable; or,

Second. When it is payable to a person named therein or bearer; or,

Third. When it is payable to the order of a fictitious or nonexistent person and such fact was known to the person making it so payable; or,

Fourth. When the name of the payee does not purport to be the name of any person; or,

Fifth. When the only or last indorsement is an indorsement in blank.

SEC. 1314. WHAT SUFFICIENT LANGUAGE.—The instrument need not follow the language herein employed, but any terms are sufficient which clearly indicate an intention to conform to the requirements hereof.

SEC. 1315. PRESUMPTION AS TO DATE.—Where the instrument or an acceptance or any indorsement thereon is dated, such date is deemed prima facie to be the true date of the making, drawing, acceptance, or indorsement, as the case may be.

SEC. 1316. ANTEDATING AND POSTDATING.—The instrument is not invalid for the reason only that it is antedated or postdated: *Provided*, That this is not done for an illegal or fraudulent purpose. The person to whom an instrument so dated is delivered acquires the title thereto as of the date of delivery.

SEC. 1317. WANT OF DATE.—Where an instrument expressed to be payable at a fixed period after date is issued undated, or where the acceptance of an instrument payable at a fixed period after sight is undated, any holder may insert therein the true date of issue or acceptance, and the instrument shall be payable accordingly. The insertion of a wrong date does not avoid the instrument in the hands of a subsequent holder in due course; but as to him the date so inserted is to be regarded as the true date.

SEC. 1318. BLANKS.—Where the instrument is wanting in any material particular, the person in possession thereof has a prima facie authority to complete it by filling up the blanks therein. And a signature on a blank paper delivered by the person making the signature, in order that the paper may be converted into a negotiable instrument, operates as a prima facie authority to fill it up as such for any amount. In order, however, that any such instrument, when completed, may be enforced against any person who became a party thereto prior to its completion, it must be filled up strictly in accordance with the authority given and within a reasonable time; but if any such instrument, after completion, is negotiated to a holder in due course, it is valid and effectual for all purposes in his hands, and he may enforce it as if it had been filled up strictly in accordance with the authority given and within a reasonable time.

Completing without authority.

SEC. 1319. COMPLETING WITHOUT AUTHORITY.—Where an incomplete instrument has not been delivered it will not, if completed and negotiated without authority, be a valid contract in the hands of any holder as against any person whose signature was placed thereon before delivery.

Delivery.

—when effectual.

SEC. 1320. DELIVERY.—Every contract on a negotiable instrument is incomplete and revocable until delivery of the instrument for the purpose of giving effect thereto. As between immediate parties and as regards a remote party other than a holder in due course, the delivery, in order to be effectual, must be made either by or under the authority of the party making, drawing, accepting, or indorsing as the case may be; and in such case the delivery may be shown to have been conditional or for a special purpose only, and not for the purpose of transferring the property in the instrument. But where the instrument is in the hands of a holder in due course, a valid delivery thereof by all parties prior to him, so as to make them liable to him, is conclusively presumed. And where the instrument is no longer in the possession of a party whose signature appears thereon, a valid and intentional delivery by him is presumed until the contrary is proved.

—when presumed

Construction when instrument is ambiguous.

SEC. 1321. CONSTRUCTION.—Where the language of the instrument is ambiguous, or there are omissions therein, the following rules of construction apply:

—rules.

First. Where the sum payable is expressed in words and also in figures and there is a discrepancy between the two, the sum denoted by the words is the sum payable; but if the words are ambiguous or uncertain, reference may be had to the figures to fix the amount.

Second. Where the instrument provides for the payment of interest without specifying the date from which interest is to run, the interest runs from the date of the instrument, and if the instrument is undated, from the issue thereof.

Third. Where the instrument is not dated it will be considered to be dated as of the time it was issued.

Fourth. Where there is conflict between the written and printed provisions of the instrument, the written provisions prevail.

Fifth. Where the instrument is so ambiguous that there is doubt whether it is a bill or note, the holder may treat it as either at his election.

Sixth. Where a signature is so placed upon the instrument that it is not clear in what capacity the person making the same intended to sign, he is to be deemed an indorser.

Seventh. Where an instrument containing the words "I promise to pay" is signed by two or more persons, they are deemed to be jointly and severally liable thereon.

Liability of person who signs in a trade or assumed name.

SEC. 1322. WHO NOT LIABLE ON.—No person is liable on the instrument whose signature does not appear thereon, except as herein otherwise expressly provided. But one who signs in a trade or assumed name will be liable to the same extent as if he had signed in his own name.

Signature by agent.

Authority, how shown.

SEC. 1323. SIGNATURE BY AGENT.—The signature of any party may be made by a duly authorized agent. No particular form of appointment is necessary for this purpose, and the authority of the agent may be established as in other cases of agency.

Agent, when not liable on.

SEC. 1324. AGENT, WHEN NOT LIABLE ON.—Where the instrument contains or a person adds to his signature words indicating that he signs for or on behalf of a principal, or in a representative capacity, he is not liable on the instrument if he was duly authorized, but the mere addition of words describing him as an agent or as filling a representative character without disclosing his principal does not exempt him from personal liability.

SEC. 1325. SIGNATURE BY PROCURATION.—A signature by “procuration” operates as notice that the agent has but a limited authority to sign, and the principal is bound only in case the agent in so signing acted within the actual limits of his authority.

Signature by procuration.

SEC. 1326. INDORSEMENT BY CORPORATION OR INFANT.—The indorsement or assignment of the instrument by a corporation or by an infant passes the property therein, notwithstanding that from want of capacity the corporation or infant may incur no liability thereon.

Indorsement by corporation or infant, effect of.

SEC. 1327. FORGED SIGNATURE.—Where a signature is forged or made without the authority of the person whose signature it purports to be it is wholly inoperative, and no right to retain the instrument, or to give a discharge therefor, or to enforce payment thereof against any party thereto can be acquired through or under such signature, unless the party against whom it is sought to enforce such right is precluded from setting up the forgery or want of authority.

Forged signature, effect of.

SEC. 1328. PRESUMPTION OF VALUABLE CONSIDERATION.—Every negotiable instrument is deemed prima facie to have been issued for a valuable consideration, and every person whose signature appears thereon to have become a party thereto for value.

Consideration. Presumption.

SEC. 1329. WHAT IS VALUE.—Value is any consideration sufficient to support a simple contract. An antecedent or preexisting debt constitutes value, and is deemed such whether the instrument is payable on demand or at a future time.

What is value.

SEC. 1330. WHO IS HOLDER FOR VALUE.—Where value has at any time been given for the instrument, the holder is deemed a holder for value in respect to all parties who became such prior to that time.

Who is holder for value.

SEC. 1331. Where the holder has a lien on the instrument, arising either from contract or by implication of law, he is deemed a holder for value to the extent of his lien.

Where the holder has lien on instrument.

SEC. 1332. ABSENCE OR FAILURE OF CONSIDERATION.—Absence or failure of consideration is matter of defense as against any person not a holder in due course; and partial failure of consideration is a defense pro tanto, whether the failure is an ascertained and liquidated amount or otherwise.

Absence of consideration.

SEC. 1333. ACCOMMODATION PARTIES.—An accommodation party is one who has signed the instrument as maker, drawer, acceptor, or indorser, without receiving value therefor, and for the purpose of lending his name to some other person. Such a person is liable on the instrument to a holder for value, notwithstanding such holder at the time of taking the instrument knew him to be only an accommodation party.

Accommodation parties.

—liability on.

SEC. 1334. NEGOTIATION.—An instrument is negotiated when it is transferred from one person to another in such manner as to constitute the transferee the holder thereof. If payable to bearer it is negotiated by delivery; if payable to order it is negotiated by the indorsement of the holder, completed by delivery.

Negotiation, what constitutes.

SEC. 1335. INDORSEMENT.—The indorsement must be written on the instrument itself or upon a paper attached thereto. The signature of the indorser, without additional words, is a sufficient indorsement.

Indorsement, how made.

SEC. 1336. The indorsement must be an indorsement of the entire instrument. An indorsement which purports to transfer to the indorsee a part only of the amount payable, or which purports to transfer the instrument to two or more indorsee severally, does not operate as a negotiation of the instrument; but where the instrument has been paid in part it may be indorsed as to the residue.

—must be of entire instrument.

SEC. 1337. An indorsement may be either special or in blank; and it may also be either restrictive or qualified or conditional.

—kinds of indorsement.

SEC. 1338. SPECIAL INDORSEMENT.—A special indorsement specifies the person to whom or to whose order the instrument is to be payable;

—special indorsement.

- and the indorsement of such indorsee is necessary to the further negotiation of the instrument. An indorsement in blank specifies no indorsee, and an instrument so indorsed is payable to bearer and may be negotiated by delivery.
- in blank.
- Convertibility of blank into special indorsement. SEC. 1339. The holder may convert a blank indorsement into a special indorsement by writing over the signature of the indorser in blank any contract consistent with the character of the indorsement.
- Restrictive indorsement. SEC. 1340. RESTRICTIVE INDORSEMENT.—An indorsement is restrictive which either—
- First. Prohibits the further negotiation of the instrument; or,
- Second. Constitutes the indorsee the agent of the indorser; or,
- Third. Vests the title in the indorsee in trust for or to the use of some other person. But the mere absence of words implying power to negotiate does not make an indorsement restrictive.
- rights conferred by. SEC. 1341. A restrictive indorsement confers upon the indorsee the right—
- First. To receive payment of the instrument.
- Second. To bring any action thereon that the indorser could bring.
- Third. To transfer his rights as such indorsee where the form of the indorsement authorizes him to do so.
- But all subsequent indorsees acquire only the title of the first indorsee under the restrictive indorsement.
- Qualified indorsement. SEC. 1342. QUALIFIED INDORSEMENT.—A qualified indorsement constitutes the indorser a mere assignor of the title to the instrument. It may be made by adding to the indorser's signature the words "without recourse," or any words of similar import. Such an indorsement does not impair the negotiable character of the instrument.
- Conditional indorsement. SEC. 1343. CONDITIONAL INDORSEMENT.—Where an indorsement is conditional, a party required to pay the instrument may disregard the condition and make payment to the indorsee or his transferee, whether the condition has been fulfilled or not. But any person to whom an instrument so indorsed is negotiated will hold the same, or the proceeds thereof, subject to the rights of the person indorsing conditionally.
- Special indorsement, when payable to bearer. SEC. 1344. SPECIAL INDORSEMENT, WHEN PAYABLE TO BEARER.—Where an instrument payable to bearer is indorsed specially it may, nevertheless, be further negotiated by delivery; but the person indorsing specially is liable as indorser to only such holders as make title through his indorsement.
- Joint payees not partners. SEC. 1345. JOINT PAYEES NOT PARTNERS.—Where an instrument is payable to the order of two or more payees or indorsees who are not partners all must indorse, unless the one indorsing has authority to indorse for the others.
- Payable to "cashier." SEC. 1346. PAYABLE TO CASHIER.—Where an instrument is drawn or indorsed to a person as "cashier" or other fiscal officer of a bank or corporation, it is deemed *prima facie* to be payable to the bank or corporation of which he is such officer, and may be negotiated by either the indorsement of the bank or corporation or the indorsement of the officer.
- Payee's name misspelled. SEC. 1347. PAYEE'S NAME MISSPELLED.—Where the name of a payee or indorsee is wrongly designated or misspelled he may indorse the instrument as therein described, adding, if he think fit, his proper signature.
- Indorsement by representative. SEC. 1348. INDORSEMENT BY REPRESENTATIVE.—Where any person is under obligation to indorse in a representative capacity he may indorse in such terms as to negative personal liability.
- Presumption of negotiation before maturity. SEC. 1349. PRESUMPTION OF NEGOTIATION BEFORE MATURITY.—Except where an indorsement bears date after the maturity of the instrument, every negotiation is deemed *prima facie* to have been effected before the instrument was overdue.

SEC. 1350. PRESUMPTION AS TO PLACE OF MAKING.—Except where the contrary appears, every indorsement is presumed *prima facie* to have been made at the place where the instrument is dated.

Presumption as to place of making.

SEC. 1351. NEGOTIABLE INSTRUMENT CONTINUES SUCH.—An instrument negotiable in its origin continues to be negotiable until it has been restrictively indorsed or discharged by payment or otherwise.

Negotiable instrument continues such.

SEC. 1352. STRIKING OUT INDORSEMENTS.—The holder may at any time strike out any indorsement which is not necessary to his title. The indorser whose indorsement is struck out and all indorsers subsequent to him are thereby relieved from liability on the instrument.

Striking out indorsements.

SEC. 1353. TRANSFER WITHOUT INDORSING.—Where the holder of an instrument payable to his order transfers it for value without indorsing it, the transferee vests in the transferee such title as the transferor had therein, and the transferee acquires, in addition, the right to have the indorsement of the transferor. But for the purpose of determining whether the transferee is a holder in due course, the negotiation takes effect as of the time when the indorsement is actually made.

Transfer without indorsing.

SEC. 1354. TRANSFER BACK TO PRIOR PARTY.—Where an instrument is negotiated back to a prior party such party may, subject to the provisions of this act, reissue and further negotiate the same. But he is not entitled to enforce payment thereof against any intervening party to whom he was personally liable.

Transfer back to prior party.

SEC. 1355. RIGHTS OF HOLDER.—The holder of a negotiable instrument may sue thereon in his own name, and payment to him in due course discharges the instrument.

Rights of holder.

SEC. 1356. WHO IS HOLDER IN DUE COURSE.—A holder in due course is a holder who has taken the instrument under the following conditions:

Who is holder in due course.

First. That it is complete and regular upon its face.

Second. That he became the holder of it before it was over due, and without notice that it had been previously dishonored, if such was the fact.

Third. That he took it in good faith and for value.

Fourth. That at the time it was negotiated to him he had no notice of any infirmity in the instrument or defect in the title of the person negotiating it.

SEC. 1357. Where an instrument payable on demand is negotiated an unreasonable length of time after its issue, the holder is not deemed a holder in due course.

—who not

SEC. 1358. Where the transferee receives notice of any infirmity in the instrument or defect in the title of the person negotiating the same before he has paid the full amount agreed to be paid therefor, he will be deemed a holder in due course only to the extent of the amount theretofore paid by him.

Notice before full amount paid.

SEC. 1359. DEFECTIVE TITLE.—The title of a person who negotiates an instrument is defective within the meaning hereof when he obtained the instrument, or any signature thereto, by fraud, duress, or force and fear or other unlawful means, or for any illegal consideration, or when he negotiates it in breach of faith or under such circumstances as amount to a fraud.

Defective title.

SEC. 1360. NOTICE OF INFIRMITY.—To constitute notice of an infirmity in the instrument, or defect in the title of the person negotiating the same, the person to whom it is negotiated must have had actual knowledge of the infirmity or defect or knowledge of such facts that his action in taking the instrument amounted to bad faith.

—what constitutes notice.

SEC. 1361. HOLDER IN DUE COURSE FREE FROM DEFENSES.—A holder in due course holds the instrument free from any defect of title of prior parties and free from defenses available to prior parties among themselves, and may enforce payment of the instrument for the full amount thereof against all parties liable thereon.

Holder in due course free from defenses.

Not held in due course, paper is same as nonnegotiable.

SEC. 1362. NOT HELD IN DUE COURSE, PAPER IS SAME AS NONNEGOTIABLE.—In the hands of any holder other than a holder in due course, a negotiable instrument is subject to the same defenses as if it were nonnegotiable. But a holder who derives his title through a holder in due course, and who is not himself a party to any fraud or illegality affecting the instrument, has all the rights of such former holder in respect of all parties prior to the latter.

Who deemed holder in due course, etc.

SEC. 1363. WHAT PRESUMPTION WHEN TRANSFEREE'S TITLE SHOWN DEFECTIVE.—Every holder is deemed prima facie to be a holder in due course; but when it is shown that the title of any person who has negotiated the instrument was defective, the burden is on the holder to prove that he or some person under whom he claims acquired the title as a holder in due course. But the last-mentioned rule does not apply in favor of a party who became bound on the instrument prior to the acquisition of such defective title.

Liability of maker.

SEC. 1364. LIABILITY OF MAKER.—The maker of a negotiable instrument, by making it, engages that he will pay it according to its tenor, and admits the existence of the payee and his then capacity to indorse.

Liability of drawer.

SEC. 1365. LIABILITY OF DRAWER.—The drawer, by drawing the instrument, admits the existence of the payee and his then capacity to indorse, and engages that on due presentment the instrument will be accepted and paid, or both, according to its tenor, and that if it be dishonored and the necessary proceedings on dishonor be duly taken, he will pay the amount thereof to the holder or to any subsequent indorser who may be compelled to pay it. But the drawer may insert in the instrument an express stipulation negating or limiting his own liability to the holder.

Liability of acceptor.

SEC. 1366. LIABILITY OF ACCEPTOR.—The acceptor, by accepting the instrument, engages that he will pay it according to the tenor of his acceptance, and admits—

—admissions.

First. The existence of the drawer, the genuineness of his signature, and his capacity and authority to draw the instrument; and

When person deemed indorser.

Second. The existence of the payee and his then capacity to indorse.

SEC. 1367. IRREGULAR INDORSEMENT.—A person placing his signature upon an instrument otherwise than as a maker, drawer, or acceptor is deemed to be an indorser, unless he clearly indicates by appropriate words his intention to be bound in some other capacity.

Signature in blank by stranger.

SEC. 1368. SIGNATURE IN BLANK BY STRANGER.—Where a person not otherwise a party to an instrument places thereon his signature in blank before delivery he is liable as indorser in accordance with the following rules:

—rules of liability.

First. If the instrument is payable to the order of a third person he is liable to the payee and to all subsequent parties.

Second. If the instrument is payable to the order of the maker or drawer, or is payable to bearer, he is liable to all parties subsequent to the maker or drawer.

Third. If he signs for the accommodation of the payee he is liable to all parties subsequent to the payee.

Warranty where negotiation by delivery.

SEC. 1369. NEGOTIATING BY DELIVERY OR QUALIFIED INDORSEMENT.—Every person negotiating an instrument by delivery or by a qualified indorsement warrants—

First. That the instrument is genuine and in all respects what it purports to be.

Second. That he has a good title to it.

Third. That all prior parties had capacity to contract.

Fourth. That he has no knowledge of any fact which would impair the validity of the instrument or render it valueless.

But when the negotiation is by delivery only the warranty extends in favor of no holder other than the immediate transferee.

The provisions of subdivision three of this section do not apply to

persons negotiating public or corporate securities other than bills and notes.

SEC. 1370. WHAT INDORSER WARRANTS TO SUBSEQUENT HOLDERS.—Liability of general indorser. Every indorser who indorses without qualification warrants to all subsequent holders in due course—

First. The matters and things mentioned in subdivisions one, two, and three of the next preceding section; and,

Second. That the instrument is at the time of his indorsement valid and subsisting.

And, in addition, he engages that on due presentment it shall be accepted or paid, or both, as the case may be, according to its tenor, and that if it be dishonored and the necessary proceedings on dishonor be duly taken, he will pay the amount thereof to the holder or to any subsequent indorser who may be compelled to pay it.

SEC. 1371. INDORSING PAPER NEGOTIABLE BY DELIVERY.—Indorsing paper negotiable by delivery. Where a person places his indorsement on an instrument negotiable by delivery he incurs all the liabilities of an indorser.

SEC. 1372. IN WHAT ORDER INDORSERS LIABLE.—In what order indorsers liable. As respects one another indorsers are liable prima facie in the order in which they indorse, but evidence is admissible to show that as between or among themselves they have agreed otherwise. Joint payees or joint indorsees who indorse are deemed to indorse jointly and severally.

SEC. 1373. NEGOTIATION BY AGENT.—Negotiation by agent. Where a broker or other agent negotiates an instrument without indorsement he incurs all the liabilities prescribed by section thirteen hundred and sixty-nine of this act, unless he discloses the name of his principal and the fact that he is acting only as agent.

SEC. 1374. PRESENTMENT FOR PAYMENT, WHERE TO BE MADE.—Presentment for payment, not necessary on principal debtor. Presentment for payment is not necessary in order to charge the person primarily liable on the instrument, but if the instrument is by its terms payable at a special place and he is able and willing to pay it there at maturity, such ability and willingness are equivalent to a tender of payment upon his part. But, except as herein otherwise provided, presentment for payment is necessary in order to charge the drawer and indorsers.—drawer and indorsers.

SEC. 1375. WHEN TO BE MADE.—When to be made. Where the instrument is not payable on demand presentment must be made on the day it falls due. Where it is payable on demand presentment must be made within a reasonable time after its issue, except that in the case of a bill of exchange presentment for payment will be sufficient if made within a reasonable time after the last negotiation thereof.

SEC. 1376. WHAT IS SUFFICIENT.—What is sufficient presentment. Presentment for payment to be sufficient must be made—

First. By the holder or by some person authorized to receive payment on his behalf.

Second. At a reasonable hour on a business day.

Third. At a proper place, as herein defined.

Fourth. To the person primarily liable on the instrument, or, if he is absent or inaccessible, to any person found at the place where the presentment is made.

SEC. 1377. Presentment for payment is made at the proper place—Place of presentment.

First. Where a place of payment is specified in the instrument and it is there presented.

Second. Where no place of payment is specified, but the address of the person to make payment is given in the instrument and it is there presented.

Third. Where no place of payment is specified, and no address is given and the instrument is presented at the usual place of business or residence of the person to make payment.

Fourth. In any other case if presented to the person to make pay-

	ment wherever he can be found or if presented at his last known place of business or residence.
Instrument must be exhibited.	SEC. 1378. The instrument must be exhibited to the person from whom payment is demanded, and when it is paid must be delivered up to the party paying it.
Where the instrument payable at a bank.	SEC. 1379. Where the instrument is payable at a bank presentment for payment must be made during banking hours, unless the person to make payment has no funds there to meet it at any time during the day, in which case presentment at any hour before the bank is closed on that day is sufficient.
Where principal debtor is dead.	SEC. 1380. Where the person primarily liable on the instrument is dead, and no place of payment is specified, presentment for payment must be made to his personal representative, if such there be, and if, with the exercise of reasonable diligence, he can be found.
Persons liable as partners.	SEC. 1381. Where the persons primarily liable on the instrument are liable as partners, and no place of payment is specified, presentment for payment may be made to any one of them, even though there has been a dissolution of the firm.
Presentment to joint debtors.	SEC. 1382. Where there are several persons, not partners, primarily liable on the instrument, and no place of payment is specified, presentment must be made to them all.
When not required to charge drawer.	SEC. 1383. WHEN NOT REQUIRED TO CHARGE DRAWER OR INDORSER.—Presentment for payment is not required in order to charge the drawer where he has no right to expect or require that the drawee or acceptor will pay the instrument.
—indorser.	SEC. 1384. Presentment for payment is not required in order to charge an indorser where the instrument was made or accepted for his accommodation and he has no reason to expect that the instrument will be paid if presented.
Excuses for failure to present.	SEC. 1385. EXCUSES FOR FAILURE.—Delay in making presentment for payment is excused when the delay is caused by circumstances beyond the control of the holder and not imputable to his default, misconduct, or negligence. When the cause of delay ceases to operate presentment must be made with reasonable diligence.
When presentment dispensed with.	SEC. 1386. WHEN DISPENSED WITH.—Presentment for payment is dispensed with— First. Where, after the exercise of reasonable diligence, presentment as required hereby can not be made. Second. Where the drawee is a fictitious person. Third. By waiver of presentment, express or implied.
When instrument is dishonored by nonpayment.	SEC. 1387. WHEN INSTRUMENT IS DISHONORED.—The instrument is dishonored by nonpayment when— First. It is duly presented for payment and payment is refused or can not be obtained; or, Second. Presentment is excused and the instrument is overdue and unpaid.
Liability of person secondarily liable.	SEC. 1388. RIGHT OF ACTION ON NONPAYMENT.—Subject to the provisions hereof, when the instrument is dishonored by nonpayment an immediate right of recourse to all parties secondarily liable thereon accrues to the holder.
Time of maturity.	SEC. 1389. WHEN NEGOTIABLE INSTRUMENT IS PAYABLE.—Every negotiable instrument is payable at the time fixed therein, without grace. When the day of maturity falls upon Sunday or a holiday the instrument is payable on the next succeeding business day. Instruments falling due on Saturday are to be presented for payment on the next succeeding business day, except that instruments payable on demand may, at the option of the holder, be presented for payment before twelve o'clock noon on Saturday when that entire day is not a holiday. The following days in each year, namely, the first day of January, commonly called New Year's Day; the twenty-second day of
Holidays	

February, known as Washington's Birthday; the Fourth of July; the thirtieth day of May, commonly called Decoration Day; the first Monday in September, known as Labor's Holiday; the twenty-fifth day of December, commonly called Christmas Day; every Saturday, after twelve o'clock noon; any day appointed or recommended by the President of the United States as a day of public fasting or thanksgiving, and the day of the inauguration of the President, in every fourth year, shall be holidays in the District within the meaning of this section. Whenever any day set apart as a legal holiday shall fall on Sunday, then and in such case the next succeeding day shall be a holiday; and in such cases and in all cases in which a Sunday and a holiday shall fall on successive days all commercial paper falling due on any of said days shall, for all purposes of presenting for payment or acceptance, be deemed to mature and be presentable for payment or acceptance on the next secular or business day succeeding.

—falling on Sunday.

SEC. 1390. Where the instrument is payable at a fixed period after date, after sight, or after the happening of a specified event the time of payment is determined by excluding the day from which the time is to begin to run and by including the date of payment.

Time, how computed.

SEC. 1391. Where the instrument is made payable at a bank it is equivalent to an order to the bank to pay the same for the account of the principal debtor thereon.

Where instrument payable at a bank.

SEC. 1392. Payment is made in due course when it is made at or after the maturity of the instrument to the holder thereof in good faith and without notice that his title is defective.

Payment due course, what constitutes.

SEC. 1393. NOTICE OF DISHONOR.—Except as herein otherwise provided, when a negotiable instrument has been dishonored by nonacceptance or nonpayment, notice of dishonor must be given to the drawer and to each indorser, and any drawer or indorser to whom such notice is not given is discharged.

Notice of dishonor, —to whom given.

SEC. 1394. The notice may be given by or on behalf of the holder, or by or on behalf of any party to the instrument who might be compelled to pay it to the holder, and who, upon taking it up, would have a right to reimbursement from the party to whom the notice is given.

—by whom.

SEC. 1395. Notice of dishonor may be given by an agent, either in his own name or in the name of any party entitled to give notice, whether that party be his principal or not.

—given by an agent.

SEC. 1396. FOR WHOSE BENEFIT.—Where notice is given by or on behalf of the holder it inures for the benefit of all subsequent holders and all prior parties who have a right of recourse against the party to whom it is given.

—given on behalf of the holder.

SEC. 1397. Where notice is given by or on behalf of a party entitled to give notice it inures for the benefit of the holder and all parties subsequent to the party to whom notice is given.

—given by party entitled, etc.

SEC. 1398. Where the instrument has been dishonored in the hands of an agent, he may either himself give notice to the parties liable thereon or he may give notice to his principal. If he give notice to his principal he must do so within the same time as if he were the holder, and the principal, upon the receipt of such notice, has himself the same time for giving notice as if the agent had been an independent holder.

Agent may give notice.

SEC. 1399. FORM OF NOTICE.—A written notice need not be signed, and an insufficient written notice may be supplemented and validated by verbal communication. A misdescription of the instrument does not vitiate the notice unless the party to whom the notice is given is in fact misled thereby.

When notice sufficient.

SEC. 1400. The notice may be in writing or merely oral, and may be given in any terms which sufficiently identify the instrument and indicate that it has been dishonored by nonacceptance or nonpayment. It may in all cases be given by delivering it personally or through the mails.

Form of notice.

To whom given.	SEC. 1401. TO WHOM GIVEN.—Notice of dishonor may be given either to the party himself or to his agent in that behalf.
—when party dead.	SEC. 1402. WHEN PARTY DEAD.—When any party is dead, and his death is known to the party giving notice, the notice must be given to a personal representative, if there be one, and if, with reasonable diligence, he can be found. If there be no personal representatives, notice may be sent to the last residence or last place of business of the deceased.
Notice to partners.	SEC. 1403. PARTNERS.—Where the parties to be notified are partners, notice to any one partner is notice to the firm, even though there has been a dissolution.
Person jointly liable.	SEC. 1404. JOINT PARTIES.—Notice to joint parties who are not partners must be given to each of them, unless one of them has authority to receive such notice for the others.
Bankrupts.	SEC. 1405. BANKRUPT, AND SO FORTH.—Where a party has been adjudged a bankrupt or an insolvent, or has made an assignment for the benefit of creditors, notice may be given either to the party himself or to his trustee or assignee.
Time within which notice must be given.	SEC. 1406. MAY BE GIVEN AS SOON AS INSTRUMENT IS DISHONORED.—Notice may be given as soon as the instrument is dishonored; and unless delay is excused, as hereinafter provided, must be given within the time fixed by this act.
When parties reside in same place.	SEC. 1407. WHEN TO BE GIVEN IF HOLDER AND PARTY RESIDE IN SAME PLACE.—Where the person giving and the person to receive notice reside in the same place, notice must be given within the following times: First. If given at the place of business of the person to receive notice, it must be given before the close of business hours on the following day. Second. If given at his residence, it must be given before the usual hours of rest on the day following. Third. If sent by mail, it must be deposited in the post-office in time to reach him in the usual course on the day following.
—in different places.	SEC. 1408. WHEN IF THEY RESIDE IN DIFFERENT PLACES.—Where the person giving and the person to receive notice reside in different places, the notice must be given within the following times: First. If sent by mail, it must be deposited in the post-office in time to go by mail the day following the day of dishonor, or, if there be no mail at a convenient hour on that day, by the next mail thereafter. Second. If given otherwise than through the post-office, then within the time that notice would have been received in due course of mail if it had been deposited in the post-office within the time specified in the last subdivision.
Mailing notice sufficient.	SEC. 1409. MAILING NOTICE SUFFICIENT.—Where notice of dishonor is duly addressed and deposited in the post-office the sender is deemed to have given due notice, notwithstanding any miscarriage in the mails.
—deposit in post-office, what constitutes.	SEC. 1410. Notice is deemed to have been deposited in the post-office when deposited in any branch post-office or in any letter box under the control of the Post-Office Department.
Notice to subsequent parties, time of.	SEC. 1411. PARTY NOTIFIED ALLOWED WHAT TIME.—Where a party receives notice of dishonor he has, after the receipt of such notice, the same time for giving notice to antecedent parties that the holder has after the dishonor.
To what address sent.	SEC. 1412. TO WHAT ADDRESS SENT.—Where a party has added an address to his signature, notice of dishonor must be sent to that address; but if he has not given such address, then the notice must be sent as follows: First. Either to the post-office nearest to his place of residence, or to the post-office where he is accustomed to receive his letters; or, Second. If he live in one place and have his place of business in another, notice may be sent to either place; or,

Third. If he is sojourning in another place, notice may be sent to the place where he is so sojourning.

But where the notice is actually received by the party within the time specified by this act it will be sufficient, though not sent in accordance with the requirements of this section.

SEC. 1413. **WAIVER OF NOTICE.**—Notice of dishonor may be waived either before the time of giving notice has arrived or after the omission to give due notice, and the waiver may be express or implied.

Waiver of notice.

SEC. 1414. Where the waiver is embodied in the instrument itself it is binding upon all parties, but where it is written above the signature of an indorser it binds him only.

—who may be affected by.

SEC. 1415. **WAIVER OF PROTEST.**—A waiver of protest, whether in the case of a foreign bill of exchange or other negotiable instrument, is deemed to be a waiver not only of a formal protest, but also of presentment and notice of dishonor.

Waiver of protest.

SEC. 1416. **WHEN NOTICE DISPENSED WITH.**—Notice of dishonor is dispensed with when, after the exercise of reasonable diligence, it can not be given to or does not reach the parties sought to be charged.

When notice dispensed with.

SEC. 1417. **WHEN DELAY EXCUSED.**—Delay in giving notice of dishonor is excused when the delay is caused by circumstances beyond the control of the holder and not imputable to his default, misconduct, or negligence. When the cause of delay ceases to operate notice must be given with reasonable diligence.

When delay excused.

SEC. 1418. **WHEN NOTICE NOT REQUIRED AS TO DRAWER.**—Notice of dishonor is not required to be given to the drawer in either of the following cases:

When notice not required as to drawer.

First. Where the drawer and the drawee are the same person.

Second. Where the drawee is a fictitious person or a person not having capacity to contract.

Third. Where the drawer is the person to whom the instrument is presented for payment.

Fourth. Where the drawer has no right to expect or require that the drawee or acceptor will honor the instrument; or,

Fifth. Where the drawer has countermanded payment.

SEC. 1419. **WHEN NOT REQUIRED AS TO INDORSER.**—Notice of dishonor is not required to be given to an indorser in either of the following cases:

When not required as to indorser.

First. Where the drawee is a fictitious person or a person not having capacity to contract, and the indorser was aware of the fact at the time he indorsed the instrument.

Second. Where the indorser is the person to whom the instrument is presented for payment; or,

Third. Where the instrument was made or accepted for his accommodation.

SEC. 1420. **NOTICE OF NONPAYMENT, WHEN NOT NECESSARY.**—Where due notice of dishonor by nonacceptance has been given, notice of a subsequent dishonor by nonpayment is not necessary, unless in the meantime the instrument has been accepted.

Notice of payment, when not necessary.

SEC. 1421. **OMISSION TO GIVE NOTICE OF NONACCEPTANCE.**—An omission to give notice of dishonor by nonacceptance does not prejudice the rights of a holder in due course subsequent to the omission.

Omission to give notice of nonacceptance, effect.

SEC. 1422. **PROTEST ON OTHER INSTRUMENTS THAN FOREIGN BILLS.**—Where any negotiable instrument has been dishonored it may be protested for nonacceptance or nonpayment, as the case may be; but protest is not required except in the case of foreign bills of exchange.

Protest on other instruments than foreign bills.

The original protest of a notary public in the District, under his hand and official seal, of any bill of exchange, check, or order for nonacceptance or nonpayment, or of any promissory note for nonpayment, stating the presentment by him of such bill of exchange, check, order, or promissory note for acceptance or payment and the nonacceptance

or nonpayment thereof, and the service of notice thereof on any of the parties to such bill of exchange, promissory note, or check, and the mode of giving such notice, and the reputed place of business or residence of the party to whom the same was given shall be prima facie evidence of the facts therein contained.

When negotiable instrument discharged.

SEC. 1423. WHEN NEGOTIABLE INSTRUMENT DISCHARGED.—A negotiable instrument is discharged—

First. By payment in due course by or on behalf of the principal debtor.

Second. By payment in due course by the party accommodated, where the instrument is made or accepted for accommodation.

Third. By the intentional cancellation thereof by the holder.

Fourth. By any other act which will discharge a simple contract for the payment of money.

Fifth. When the principal debtor becomes the holder of the instrument at or after maturity in his own right.

When person secondarily liable discharged.

SEC. 1424. WHEN PERSON SECONDARILY LIABLE DISCHARGED.—A person secondarily liable on the instrument is discharged—

First. By an act which discharges the instrument.

Second. By the intentional cancellation of his signature by the holder.

Third. By the discharge of a prior party.

Fourth. By a valid tender of payment made by a prior party.

Fifth. By a release of the principal debtor, unless the holder's right of recourse against the party secondarily liable is expressly reserved.

Sixth. By an agreement binding upon the holder to extend the time of payment, or to postpone the holder's right to enforce the instrument, unless made with the assent of the party secondarily liable or unless the right of recourse against such party is expressly reserved.

Payment by party secondarily liable not a discharge.

SEC. 1425. PAYMENT BY PARTY SECONDARILY LIABLE NOT A DISCHARGE.—Where the instrument is paid by a party secondarily liable thereon it is not discharged; but the party so paying it is remitted to his former rights as regards all prior parties, and he may strike out his own and all subsequent indorsements and again negotiate the instrument, except—

First. Where it is payable to the order of a third person and has been paid by the drawer; and,

Second. Where it was made or accepted for accommodation and has been paid by the party accommodated.

Renouncing rights against party.

SEC. 1426. RENOUNCING RIGHTS AGAINST PARTY.—The holder may expressly renounce his rights against any party to the instrument before, at, or after its maturity. An absolute and unconditional renunciation of his rights against the principal debtor made at or after the maturity of the instrument discharges the instrument; but a renunciation does not affect the rights of a holder in due course without notice. A renunciation must be in writing, unless the instrument is delivered up to the person primarily liable thereon.

Cancellation unintentionally.

SEC. 1427. CANCELLATION.—A cancellation made unintentionally, or under a mistake, or without the authority of the holder, is inoperative; but where an instrument or any signature thereon appears to have been canceled the burden of proof lies on the party who alleges that the cancellation was made unintentionally, or under a mistake, or without authority.

—burden of proof.

Alteration, effect of.

SEC. 1428. ALTERATION.—Where a negotiable instrument is materially altered without the assent of all parties liable thereon it is avoided, except as against a party who has himself made, authorized, or assented to the alteration and subsequent indorsers.

But when an instrument has been materially altered and is in the hands of a holder in due course, not a party to the alteration, he may enforce payment thereof according to its original tenor.

SEC. 1429. WHAT IS A MATERIAL ALTERATION.—Any alteration which —what is a material alteration.
changes—

First. The date.

Second. The sum payable, either for principal or interest.

Third. The time or place of payment.

Fourth. The number or the relations of the parties.

Fifth. The medium or currency in which payment is to be made.

Or which adds a place of payment where no place of payment is specified, or any other change or addition which alters the effect of the instrument in any respect is a material alteration.

SEC. 1430. FORM OF BILL OF EXCHANGE.—A bill of exchange is an unconditional order in writing addressed by one person to another, signed by the person giving it, requiring the person to whom it is addressed to pay on demand or at a fixed or determinable future time a sum certain in money to order or to bearer.

Bills of exchange.
Definition.

SEC. 1431. NOT AN ASSIGNMENT OF FUNDS.—A bill of itself does not operate as an assignment of the funds in the hands of the drawee available for the payment thereof, and the drawee is not liable on the bill unless and until he accepts the same.

Not an assignment
of funds.

SEC. 1432. TO WHOM ADDRESSED.—A bill may be addressed to two or more drawees jointly, whether they are partners or not, but not to two or more drawees in the alternative or succession.

Bills addressed to
more than one drawee

SEC. 1433. FOREIGN AND INLAND BILLS.—An inland bill of exchange is a bill which is or on its face purports to be both drawn and payable within this District. Any other bill is a foreign bill. Unless the contrary appears on the face of the bill the holder may treat it as an inland bill.

Foreign and inland
bills.

SEC. 1434. WHERE DRAWER AND DRAWEE SAME PERSON.—Where in a bill drawer and drawee are the same person, or where the drawee is a fictitious person or a person not having capacity to contract, the holder may treat the instrument, at his option, either as a bill of exchange or a promissory note.

Where drawer and
drawee same person.

SEC. 1435. REFEREE IN CASE OF NEED.—The drawer of a bill and any indorser may insert thereon the name of a person to whom the holder may resort in case of need; that is to say, in case the bill is dishonored by nonacceptance or nonpayment. Such person is called the referee in case of need. It is in the option of the holder to resort to the referee in case of need or not, as he may see fit.

Referee in case of
need.

SEC. 1436. ACCEPTANCE.—The acceptance of a bill is the signification by the drawee of his assent to the order of the drawer. The acceptance must be in writing and signed by the drawee. It must not express that the drawee will perform his promise by any other means than the payment of money.

Acceptance.
—how made.

SEC. 1437. The holder of a bill presenting the same for acceptance may require that the acceptance be written on the bill, and if such a request is refused may treat the bill as dishonored.

Holder entitled to
acceptance on face of
bill.

SEC. 1438. Where an acceptance is written on a paper other than the bill itself it does not bind the acceptor except in favor of a person to whom it is shown and who, on the faith thereof, receives the bill for value.

Acceptance on sepa-
rate instrument.

SEC. 1439. ACCEPTANCE BEFORE BILL DRAWN.—An unconditional promise in writing to accept a bill before it is drawn is deemed an actual acceptance in favor of every person who, upon the faith thereof, receives the bill for value.

Acceptance before
bill drawn.

SEC. 1440. TIME ALLOWED FOR ACCEPTING.—The drawee is allowed twenty-four hours after presentment in which to decide whether or not he will accept the bill; but the acceptance, if given, dates as of the day of presentation.

Time allowed for
accepting.

SEC. 1441. ACCEPTANCE, WHEN DEEMED MADE.—Where a drawee to whom a bill is delivered for acceptance destroys the same or refuses

Acceptance, when
deemed made.

Acceptance of in-
complete bill.

within twenty-four hours after such delivery, or within such other period as the holder may allow, to return the bill accepted or nonaccepted to the holder he will be deemed to have accepted the same.

SEC. 1442. WHEN BILL MAY BE ACCEPTED.—A bill may be accepted before it has been signed by the drawer, or while otherwise incomplete, or when it is overdue, or after it has been dishonored by a previous refusal to accept, or by nonpayment. But when a bill payable after sight is dishonored by nonacceptance and the drawee subsequently accepts it, the holder, in the absence of any different agreement, is entitled to have the bill accepted as of the date of the first presentment.

Kinds of accept-
ance.
—general.

SEC. 1443. FORM OF ACCEPTANCE.—An acceptance is either general or qualified. A general acceptance assents without qualification to the order of the drawer. A qualified acceptance in express terms varies the effect of the bill as drawn.

—acceptance to pay
at place named gen-
eral acceptance.

SEC. 1444. ACCEPTANCE TO PAY AT PLACE NAMED.—An acceptance to pay at a particular place is a general acceptance, unless it expressly states that the bill is to be paid there only and not elsewhere.

Qualified accept-
ance.

SEC. 1445. QUALIFIED ACCEPTANCE.—An acceptance is qualified which is—

First. Conditional; that is to say, which makes payment by the acceptor dependent on the fulfillment of a condition therein stated.

Second. Partial; that is to say, an acceptance to pay part only of the amount for which the bill is drawn.

Third. Local; that is to say, an acceptance to pay only at a particular place.

Fourth. Qualified as to time.

Fifth. The acceptance of some one or more of the drawees, but not of all.

—rights of parties as
to.

SEC. 1446. HOLDER NOT BOUND TO TAKE.—The holder may refuse to take a qualified acceptance, and if he does not obtain an unqualified acceptance he may treat the bill as dishonored by nonacceptance. Where a qualified acceptance is taken, the drawer and indorsers are discharged from liability on the bill unless they have expressly or impliedly authorized the holder to take a qualified acceptance or subsequently assent thereto. When the drawer or an indorser receives notice of a qualified acceptance, he must within a reasonable time express his dissent to the holder or he will be deemed to have assented thereto.

Presentment for ac-
ceptance.

SEC. 1447. WHEN PRESENTMENT FOR ACCEPTANCE MUST BE MADE.—Presentment for acceptance must be made—

—when to be made.

First. Where the bill is payable after sight, or in any other case where presentment for acceptance is necessary in order to fix the maturity of the instrument; or,

Second. Where the bill expressly stipulates that it shall be presented for acceptance; or,

Third. Where the bill is drawn payable elsewhere than at the residence or place of business of the drawee.

In no other case is presentment for acceptance necessary in order to render any party to the bill liable.

—consequence of fail-
ure.

SEC. 1448. CONSEQUENCE OF FAILURE.—Except as herein otherwise provided, the holder of a bill which is required by the next preceding section to be presented for acceptance must either present it for acceptance or negotiate it within a reasonable time. If he fail to do so, the drawer and all indorsers are discharged.

When presentment
to be made and to
whom.

SEC. 1449. WHEN PRESENTMENT TO BE MADE AND TO WHOM.—Presentment for acceptance must be made by or on behalf of the holder at a reasonable hour on a business day, and before the bill is overdue, to the drawee or some person authorized to accept or refuse acceptance on his behalf; and,

First. Where a bill is addressed to two or more drawees who are not

partners, presentment must be made to them all, unless one has authority to accept or refuse acceptance for all, in which case presentment may be made to him only.

Second. Where the drawee is dead, presentment may be made to his personal representative.

Third. Where the drawee has been adjudged a bankrupt or an insolvent, or has made an assignment for the benefit of creditors, presentment may be made to him or to his trustee or assignee.

SEC. 1450. MAY BE MADE ON ANY DAY ON WHICH PAYMENT MIGHT BE DEMANDED.—A bill may be presented for acceptance on any day on which negotiable instruments may be presented for payment under the provisions of sections thirteen hundred and seventy-six and thirteen hundred and eighty-nine of this act. When Saturday is not otherwise a holiday, presentment for acceptance may be made before twelve o'clock noon on that day.

May be made on any day on which payment might be demanded.

SEC. 1451. EXCUSES FOR DELAY.—Where the holder of a bill drawn payable elsewhere than at the place of business or the residence of the drawee has not time, with the exercise of reasonable diligence, to present the bill for acceptance before presenting it for payment on the day that it falls due, the delay caused by presenting the bill for acceptance before presenting it for payment is excused, and does not discharge the drawers and indorsers.

Excuses for delay.

SEC. 1452. EXCUSES FOR NONPRESENTMENT.—Presentment for acceptance is excused and a bill may be treated as dishonored by nonacceptance in either of the following cases:

Excuses for nonpresentment.

First. When the drawee is dead, or has absconded, or is a fictitious person, or a person not having capacity to contract by bill.

Second. Where after the exercise of reasonable diligence presentment can not be made.

Third. Where, although presentment has been irregular, acceptance has been refused on some other ground.

SEC. 1453. WHEN BILL DISHONORED BY NONACCEPTANCE.—A bill is dishonored by nonacceptance—

When bill dishonored by nonacceptance.

First. When it is duly presented for acceptance and such an acceptance as is prescribed by this Act is refused or can not be obtained; or,

Second. When presentment for acceptance is excused and the bill is not accepted.

SEC. 1454. Where a bill is duly presented for acceptance and is not accepted within the prescribed time, the person presenting it must treat the bill as dishonored by nonacceptance or he loses the right of recourse against the drawer and indorsers.

Duty of holder where bill not accepted.

SEC. 1455. When a bill is dishonored by nonacceptance an immediate right of recourse against the drawer and indorsers accrues to the holder, and no presentment for payment is necessary.

—rights of.

SEC. 1456. PROTEST.—Where a foreign bill, appearing on its face to be such, is dishonored by nonacceptance, it must be duly protested for nonacceptance, and where such a bill which has not previously been dishonored by nonacceptance is dishonored by nonpayment it must be duly protested for nonpayment. If it is not so protested the drawer and indorsers are discharged. Where a bill does not appear on its face to be a foreign bill, protest thereof in case of dishonor is unnecessary.

Protest, when necessary.

SEC. 1457. FORM.—The protest must be annexed to the bill, or must contain a copy thereof, and must be under the hand and seal of the notary making it, and must specify—

—form.

First. The time and place of presentment.

Second. The fact that presentment was made, and the manner thereof.

Third. The cause or reason for protesting the bill.

Fourth. The demand made and the answer given, if any, or the fact that the drawee or acceptor could not be found.

—by whom made.

SEC. 1458. BY WHOM.—Protest can be made by—

First. A notary public; or,

Second. By any respectable resident of the place where the bill is dishonored, in the presence of two or more credible witnesses.

—when made.

SEC. 1459. WHEN TO BE MADE.—When a bill is protested, such protest must be made on the day of its dishonor, unless delay is excused as herein provided. When a bill has been duly noted, the protest may be subsequently extended as of the date of the noting.

—where made.

SEC. 1460. WHERE MADE.—A bill must be protested at the place where it is dishonored, except that when a bill drawn payable at the place of business or residence of some person other than the drawee has been dishonored by nonacceptance it must be protested for nonpayment at the time when it is expressed to be payable, and no further presentment for payment to or demand on the drawee is necessary.

Protest for nonacceptance and nonpayment.

SEC. 1461. BILL MAY BE PROTESTED FOR BOTH NONACCEPTANCE AND NONPAYMENT.—A bill which has been protested for nonacceptance may be subsequently protested for nonpayment.

Protest for better security.

SEC. 1462. PROTEST FOR BETTER SECURITY.—Where the acceptor has been adjudged a bankrupt or an insolvent, or has made an assignment for the benefit of creditors, before the bill matures, the holder may cause the bill to be protested for better security against the drawer and indorsers.

When dispensed with.

SEC. 1463. WHEN DISPENSED WITH.—Protest is dispensed with by any circumstances which would dispense with notice of dishonor. Delay in noting or protesting is excused when delay is caused by circumstances beyond the control of the holder and not imputable to his default, misconduct, or negligence. When the cause of delay ceases to operate the bill must be noted or protested with reasonable diligence.

When bill lost.

SEC. 1464. WHEN BILL LOST, AND SO FORTH.—Where a bill is lost or destroyed or is wrongly detained from the person entitled to hold it, protest may be made on a copy or written particulars thereof.

Acceptance for honor.
—when made.

SEC. 1465. ACCEPTANCE FOR HONOR.—Where a bill of exchange has been protested for dishonor by nonacceptance or protested for better security and is not overdue, any person not being a party already liable thereon may, with the consent of the holder, intervene and accept the bill supra protest for the honor of any party liable thereon or for the honor of the person for whose account the bill is drawn. The acceptance for honor may be for part only of the sum for which the bill is drawn, and where there has been an acceptance for honor for one party there may be a further acceptance by a different person for the honor of another party.

—how made.

SEC. 1466. An acceptance for honor supra protest must be in writing and indicate that it is an acceptance for honor, and must be signed by the acceptor for honor.

When deemed for honor of the drawer.

SEC. 1467. Where an acceptance for honor does not expressly state for whose honor it is made it is deemed to be an acceptance for the honor of the drawer.

Liability of acceptor.

SEC. 1468. LIABILITY OF ACCEPTOR FOR HONOR.—The acceptor for honor is liable to the holder and to all parties to the bill subsequent to the party for whose honor he has accepted.

Agreement of acceptor.

SEC. 1469. The acceptor for honor by such acceptance engages that he will on due presentment pay the bill according to the terms of his acceptance, provided it shall not have been paid by the drawee, and provided, also, that it shall have been duly presented for payment and protested for nonpayment and notice of dishonor given to him.

Maturity of bill payable after sight.

SEC. 1470. Where a bill payable after sight is accepted for honor its maturity is calculated from the date of the noting for nonacceptance and not from the date of the acceptance for honor.

Protest.

SEC. 1471. Where a dishonored bill has been accepted for honor supra protest, or contains a reference in case of need, it must be

protested for nonpayment before it is presented for payment to the acceptor for honor or referee in case of need.

SEC. 1472. PRESENTMENT FOR PAYMENT TO THE ACCEPTOR FOR HONOR must be made as follows: Presentment for payment to acceptor, how made.

First. If it is to be presented in the place where the protest for nonpayment was made it must be presented not later than the day following its maturity.

Second. If it is to be presented in some other place than the place where it was protested, then it must be forwarded within the time specified in section fourteen hundred and eight.

SEC. 1473. EXCUSED, WHEN.—The provisions of section thirteen hundred and eighty-five apply where there is delay in making presentment to the acceptor for honor or referee in case of need. —excused, when.

SEC. 1474. MUST BE PROTESTED FOR NONPAYMENT.—When the bill is dishonored by the acceptor for honor it must be protested for nonpayment by him. Must be protested for nonpayment.

SEC. 1475. PAYMENT FOR HONOR.—Where a bill has been protested for nonpayment any person may intervene and pay it supra protest for the honor of any person liable thereon, or for the honor of the person for whose account it was drawn. Payment for honor, who may make.

SEC. 1476. The payment for honor supra protest, in order to operate as such and not as a mere voluntary payment, must be attested by a notarial act of honor, which may be appended to the protest or form an extension to it. —how made.

SEC. 1477. The notarial act of honor must be founded on a declaration made by the payer for honor, or by his agent in that behalf, declaring his intention to pay the bill for honor and for whose honor he pays. Declaration of payment for honor.

SEC. 1478. Where two or more persons offer to pay a bill for the honor of different parties the person whose payment will discharge most parties to the bill will be given the preference. Preference to parties offering to pay.

SEC. 1479. Where a bill has been paid for honor all parties subsequent to the party for whose honor it is paid are discharged; but the payer for honor is subrogated for and succeeds to both the rights and duties of the holder as regards the party for whose honor he pays and all parties liable to the latter. Effect on subsequent parties where bill paid for honor.

SEC. 1480. Where the holder of a bill refuses to receive payment supra protest he loses his right of recourse against any party who would have been discharged by such payment. Where holder refuses to receive payment supra protest.

SEC. 1481. The payer for honor, on paying to the holder the amount of the bill and the notarial expenses incidental to its dishonor, is entitled to receive both the bill itself and the protest. Rights of payer for honor.

SEC. 1482. BILLS IN A SET.—Where a bill is drawn in a set, each part of the set being numbered and containing a reference to the other parts, the whole of the parts constitute one bill. Bills in sets, constitute one bill.

SEC. 1483. WHERE PARTS COME TO DIFFERENT HOLDERS.—Where two or more parts of a set are negotiated to different holders in due course the holder whose title first accrues is, as between such holders, the true owner of the bill. But nothing in this section affects the rights of a person who in due course accepts or pays the part first presented to him. Where parts come to different holders.

SEC. 1484. Where the holder of a set indorses two or more parts to different persons he is liable on every such part, and every indorser subsequent to him is liable on the part he has himself indorsed, as if such parts were separate bills. Liability of holder who indorses two or more parts to different persons.

SEC. 1485. HOW ACCEPTED AND LIABILITY OF ACCEPTOR.—The acceptance may be written on any part, and it must be written on one part only. If the drawee accepts more than one part, and such accepted parts are negotiated to different holders in due course, he is liable on every such part as if it were a separate bill. Acceptance.

Payment by acceptor.

SEC. 1486. When the acceptor of a bill drawn in a set pays it without requiring the part bearing his acceptance to be delivered up to him, and that part at maturity is outstanding in the hands of a holder in due course, he is liable to the holder thereon.

Effect of discharging one set.

SEC. 1487. Except as herein otherwise provided, where any one part of a bill drawn in a set is discharged by payment or otherwise the whole bill is discharged.

Promissory notes and checks. Definitions.

SEC. 1488. PROMISSORY NOTES AND CHECKS.—A negotiable promissory note, within the meaning hereof, is an unconditional promise in writing, made by one person to another, signed by the maker, engaging to pay on demand or at a fixed or determinable future time a sum certain in money to order or to bearer. Where a note is drawn to the maker's own order it is not complete until indorsed by him.

—promissory notes.

—check.

SEC. 1489. A check is a bill of exchange drawn on a bank payable on demand. Except as herein otherwise provided, the provisions hereof applicable to a bill of exchange payable on demand apply to a check.

—when check must be presented for payment.

SEC. 1490. WHEN CHECK MUST BE PRESENTED FOR PAYMENT.—A check must be presented for payment within a reasonable time after its issue or the drawer will be discharged from liability thereon to the extent of the loss caused by the delay.

—certifying check, effect.

SEC. 1491. CERTIFYING CHECK.—Where a check is certified by the bank on which it is drawn the certification is equivalent to an acceptance.

—procured by holder, effect.

SEC. 1492. DRAWER AND INDORSERS DISCHARGED.—Where the holder of a check procures it to be accepted or certified the drawer and all indorsers are discharged from liability thereon.

Check not an assignment of funds.

SEC. 1493. CHECK NOT AN ASSIGNMENT OF FUNDS.—A check of itself does not operate as an assignment of any part of the funds to the credit of the drawer with the bank, and the bank is not liable to the holder unless and until it accepts or certifies the check.

CHAPTER FORTY-SEVEN.

Partners.

PARTNERS.

Composition with individual member of a firm.

SEC. 1494. COMPOSITION WITH CREDITORS ON DISSOLUTION.—Where a partnership is dissolved, by mutual consent or otherwise, any partner may make a separate composition or compromise with any creditor of the partnership; and such composition or compromise shall be a full and effectual discharge to the debtor who makes the same, and to him only, of and from all and every liability to the creditor with whom the same is made, according to the terms thereof.

—memorandum exonerating partner from liability.

SEC. 1495. Every such debtor who makes such composition or compromise may take from the creditor with whom he makes the same a note or memorandum, in writing, exonerating him from all and every individual liability incurred by reason of his connection with the partnership, which note or memorandum may be given in evidence by such debtor, in bar of such creditor's right of recovery against him; and if such liability be by judgment, then, on the production and filing with the clerk of the notes or memorandum, the clerk shall enter the judgment as released by the plaintiff as far as the compromising debtor is concerned.

—other partners not discharged, etc.

SEC. 1496. Such compromise or composition with an individual member of a firm shall not be held to discharge the other partners, nor shall it impair the right of the creditor to proceed against such members of the partnership as have not been discharged; and the members of the partnership so proceeded against shall be permitted to set off any demand against the creditor which could have been set off had the suit been brought against all the individuals composing the firm.

Nor shall the compromise or discharge of an individual member of a firm prevent the other members of the firm from availing themselves of any defense that would have been available had this chapter not been passed, except that they shall not set up the discharge of one individual as a discharge of the other partners, unless it appear that all were intended to be discharged; but the discharge of any such partner shall be deemed a payment to the creditor equal to the proportionate interest of the partner discharged in the partnership concern.

SEC. 1497. Such compromise or composition of a member of a firm with a creditor of such firm shall in no wise affect the right of the other partners to call on the member who makes it for his ratable proportion of any partnership debt which they may be compelled to pay. —partner's liability for partnership debts.

SEC. 1498. LIMITED PARTNERSHIPS.—Limited partnerships for the transaction of any mercantile, mechanical, or manufacturing business within the District may be formed by two or more persons upon the terms, with the rights and powers, and subject to the conditions and liabilities prescribed in this chapter. Limited partnerships.

SEC. 1499. Such partnership may consist of one or more persons, who shall be called general partners and who shall be jointly and severally responsible as general partners are by law, and of one or more persons who shall contribute, in actual cash payments, a specific sum as capital to the common stock, who shall be called special partners. —of whom composed.

SEC. 1500. NUMBER.—The number of special partners shall in no partnership exceed six. Number of special partners.

SEC. 1501. LIABILITY.—The special partners shall not be liable for the debts of the partnership beyond the fund contributed by them to the capital. —liability.

SEC. 1502. CERTIFICATE TO BE SIGNED.—Persons desirous of forming a limited partnership shall make and severally sign a certificate, which shall contain— Certificate of.

First. The name or firm under which such partnership is to be conducted.

Second. The general nature of the business intended to be transacted.

Third. The names of all the general and special partners interested therein, distinguishing which are general and which are special partners, and their respective places of residence.

Fourth. The amount of capital which each special partner shall have contributed to the common stock.

Fifth. The period at which the partnership is to commence and the period at which it is to terminate.

SEC. 1503. ACKNOWLEDGMENT AND RECORDING.—The certificate shall be acknowledged by the several persons signing the same before a judge of any court in the District, or before any notary public, and such acknowledgments shall be made and certified in the same manner as the acknowledgments of deeds of land, and when so acknowledged and certified shall be filed in the office of the clerk of the supreme court of the District, and shall be recorded by him at large in a book kept for that purpose, open to public inspection. Acknowledgment and recording.

SEC. 1504. AFFIDAVITS.—At the time of filing the original certificate, with the evidence of the acknowledgment thereof, as directed in the preceding section, an affidavit of one or more of the general partners shall also be filed therewith in the same office, stating that the sums specified in the certificate to have been contributed by each of the special partners to the common stock have been actually and in good faith paid in cash. Affidavits.

SEC. 1505. No such partnership shall be deemed to have been formed until a certificate shall have been made, acknowledged, filed, and recorded, nor until an affidavit shall have been made and filed, as directed by the three preceding sections. Partnership formed only after filing, etc., certificate, etc.

False statements in certificate.

SEC. 1506. FALSE STATEMENTS.—If any false statement, not the result of accident or mistake, shall be made in the certificate or affidavit required by the preceding sections of this chapter, all the persons interested in the partnership shall be liable for all the engagements of such partnership as general partners.

Publication.

SEC. 1507. PUBLICATION.—The partners shall publish the terms of the partnership, when registered, three times a week for at least four weeks immediately after such registry in two newspapers to be designated by the clerk of the supreme court of the District, the first publication to appear within one week after the registry.

—effect want of publication.

SEC. 1508. If the publication prescribed in the preceding section be not made, the partnership shall be deemed general.

Affidavits of publication.

SEC. 1509. The affidavits of the publication of the notice required by section fifteen hundred and seven by the editor or publishers of the newspapers in which the same shall have been published shall be filed with the clerk directing the same, and shall be prima facie evidence of the facts therein contained, the affidavit of any one editor or publisher of each newspaper being sufficient.

Renewal of partnership to be certified, etc.

SEC. 1510. RENEWAL OF PARTNERSHIP.—Every renewal or continuance of a partnership beyond the time originally fixed for its duration shall be certified, acknowledged, and recorded, and an affidavit of a general partner be made and filed, and notice be given in the manner required by the provisions of this chapter for its original formation.

—otherwise deemed a general partnership.

SEC. 1511. Every partnership which shall be renewed and continued otherwise than as provided in this chapter shall be deemed a general partnership.

What shall be a dissolution.

SEC. 1512. WHAT SHALL BE A DISSOLUTION.—Every alteration which shall be made in the names of the partners, in the nature of the business, or in the capital or shares thereof, or in any other matter specified in the original certificate, shall be deemed a dissolution of the partnership.

Effect of certain acts.

SEC. 1513. EFFECT OF CERTAIN ACTS.—Every partnership which shall in any manner be carried on after any such alteration shall have been made shall be deemed a general partnership, unless renewed as a special partnership under the provisions of section fifteen hundred and ten.

Name to be used.

SEC. 1514. NAME TO BE USED.—The business of the partnership may be conducted under the name of any one or more of the general partners, and with or without the addition of the word Co. or company, as the parties may determine.

What names to be used in suits.

SEC. 1515. WHAT NAMES TO BE USED IN SUITS.—In any action or suit brought on any contract or engagement of the partnership, or to enforce any liability of the same, the general partners whose names shall be used in the firm or business shall be the only necessary defendants; and any judgment or decree recovered against such defendants shall have the same legal effect and operation and execution thereon shall be enforced and have like effect against the partnership assets as if the judgment or decree had been recovered against the general partners.

When special deemed general partner.

SEC. 1516. If the name of any special partner shall be used in the firm with his privity, he shall be deemed a general partner.

Who to transact business.

SEC. 1517. WHO TO TRANSACT BUSINESS.—The general partners only shall transact the business, and if a special partner shall interfere contrary to this provision he shall be deemed a general partner, but he may from time to time examine into the state and progress of the partnership concerns and advise as to their management.

Withdrawal of capital.

SEC. 1518. WITHDRAWAL OF CAPITAL.—No part of the sum which any special partner shall have contributed to the capital stock shall be withdrawn by him or paid or transferred to him in the shape of dividends, profits, or otherwise, during the continuance of the partnership,

but any partner may annually receive lawful interest on the sum so contributed by him if the payment of such interest shall not reduce the original amount of such capital; and if after payment of such interest any profits shall remain to be divided, he may also receive his portion of such profits.

SEC. 1519. REDUCTION OF CAPITAL.—If it shall appear that by the payment of interest or profits to any special partner the original capital has been reduced, the partner receiving the same shall be bound to restore the amount necessary to make good his share of capital, with interest, on being notified thereof. Reduction of capital.

SEC. 1520. ASSIGNMENT WITH PREFERENCES.—Every sale, assignment, or transfer of any property or effects of a partnership, or of any general partner, made by such partnership or general partner when insolvent or in contemplation of insolvency, or after or in contemplation of the insolvency of any general partner, with the intent of giving preference to any creditor of such partnership or insolvent partner, and every judgment confessed, lien created, or security given by such partnership or general partner under the like circumstances and with the like intent, shall be void as against the creditors of such partnership. Assignment with preferences.

SEC. 1521. Every special partner who shall violate any of the provisions of the two preceding sections, or who shall concur in or assent to any such violation by the partnership or by any individual partner, shall be liable as a general partner. —penalty, special partner.

SEC. 1522. NO PARTNER TO CLAIM BEFORE CREDITORS ARE PAID.—In case of the insolvency or bankruptcy of a partnership no special partner shall, under any circumstances, be allowed to claim as a creditor until the claims of all the other creditors of the partnership shall be satisfied. No partner to claim before creditors are paid.

SEC. 1523. SUITS TO BE AGAINST GENERAL PARTNERS ONLY, IN WHAT CASES.—All suits respecting the business of the partnership shall be brought by and against the general partners only, subject to the provisions of section fifteen hundred and fifteen, except in those cases in which provision is made in this chapter that special partners shall be deemed general partners and special partnerships general partnerships, in which cases all persons so becoming general partners may be joined with those originally general partners in any suit brought against such partnerships. When suits to be against general partners only.

SEC. 1524. If, in any case or suit brought against general and special partners, it shall appear at the trial of the case that the special partners or any one of them are not liable to the suit of the plaintiff, the court may proceed to judgment or decree against the partners who may appear to be liable, in the same manner as if such partners were the only parties defendant to the suit, excepting that the partners who may be deemed not liable shall recover their legal costs against the plaintiffs. —when brought against general and special partners; latter discovered not to be suable, etc.

SEC. 1525. If, in any case or suit brought against general and special partners, the creditor shall recover a judgment or obtain a decree against the general partners only, and shall afterward discover that special partners, or some one or more of them, have become liable as general partners, he may bring a new suit against such special partner or partners. Suit against special partner becoming liable after judgment against general partners.

SEC. 1526. In the suits mentioned in the two preceding sections the judgment recovered shall be prima facie evidence of the amount due by the partnerships, and the partnership debt shall not be merged in any judgment or decree recovered or obtained against any partner or partners as against any other partner or partners. —force of judgments, etc.

SEC. 1527. VOLUNTARY DISSOLUTION.—No dissolution of such partnership by act of the partners shall take place previous to the time specified in the certificate of its formation, or in the certificate of its renewal, unless in consequence of the death of one of the partners or

Voluntary dissolution.

insolvency of the partnership or of one of the general partners, nor until a notice of such dissolution shall have been filed and recorded in the office of the clerk of the supreme court of the District, and published once a week for four weeks in two newspapers to be designated by the clerk, which publication may be proved by affidavit, and recorded as hereinbefore prescribed for the publication of the certificate for the formation of such partnership.

Liability of the general partners to each other, etc.

SEC. 1528. LIABILITY OF THE GENERAL PARTNERS.—The general partners shall be liable to account to each other and to the special partners for the management of the concern, both at law and in equity.

CHAPTER FORTY-EIGHT.

PAYMENT OF MONEY INTO COURT.

Payment of money into court.

In what cases.

SEC. 1529. IN WHAT CASES.—In any personal action the defendant may pay into court a sum of money on account of what is claimed by the plaintiff, or by way of compensation or amends, with costs to the time of such payment, and plead that he is not indebted to the plaintiff (or that the plaintiff has not sustained damages) to a greater amount than said sum.

—right of plaintiff.

SEC. 1530. RIGHT OF PLAINTIFF.—The plaintiff may accept the said sum, either in full satisfaction or in part satisfaction, and reply to the plea generally, and if issue thereon be found for the defendant judgment shall be given for the defendant and he shall recover his costs.

Defendant's right on claim by third party.

SEC. 1531. DEFENDANT'S RIGHT ON CLAIM BY THIRD PARTY.—Upon affidavit by the defendant, in an action upon contract or for the recovery of personal property, that a third party, without collusion with him, has or makes claim to the subject of the action, and that he, the defendant, is ready to pay or dispose of the same as the court may direct, the court may make an order for the safe-keeping or for the payment or deposit in court of the subject of the action, or the delivery thereof to such person as it may direct, and also an order requiring such third party to appear in a reasonable time and maintain or relinquish his claim against the defendant; and if said third party, having been served with a copy of the order by the marshal, fail to appear the court may declare him barred of all claim in respect to the subject of the action against the defendant therein; but if he appear he shall be allowed to make himself defendant in the action in lieu of the original defendant, who shall be discharged from all liability to either of the other parties in respect to the subject of the action on his compliance with the order of the court for the payment, deposit, or delivery thereof.

—appearance, etc., of third party.

CHAPTER FORTY-NINE.

PLEADINGS AND PRACTICE IN RELATION THERETO.

Pleadings and practice in relation thereto.

Joinder of claims.

SEC. 1532. JOINDER OF CLAIMS.—The plaintiff may join in his declaration in debt, in separate counts, different claims for liquidated amounts due him, whether founded on judgment, specialty, or simple contract, and also claims for unliquidated damages for breach of contract, whether growing out of specialties or simple contract. He may also join in his declaration in trespass, in separate counts, different claims for damages for torts, whether committed with force or not. He shall not be allowed to join in the same declaration counts sounding in tort and counts sounding in contract.

Waiver of demurrer.

SEC. 1533. WAIVER OF DEMURRER.—In all cases, civil or criminal, in which any or either party shall demur to any indictment, declara-

tion, or other pleading of the adverse party, and said demurrer shall be overruled, the party demurring shall have the right to plead over, by traverse or otherwise, without waiving his said demurrer; and upon appeal shall have the right to insist upon his demurrer and have the benefit thereof as fully as if he had not pleaded over.

SEC. 1534. NON EST FACTUM.—No plea of non est factum shall be received unless it be verified by the oath of the party tendering the same, or unless the defendant, being heir, executor, or administrator of the person alleged to have made the deed, obtain leave of the court, upon just cause shown, to put in such plea without verification.

Non est factum.

SEC. 1535. PLAINTIFF'S OFFICIAL CHARACTER, HOW DENIED.—If either party wishes to deny the right of any other party to claim as executor, or as trustee, or in other representative capacity, or as a corporation, he shall deny the same specially under oath.

Plaintiff's official character, how denied.

CHAPTER FIFTY.

PROCESS.

Process.

SEC. 1536. SUMMONS.—In all common-law civil suits and actions in the District of Columbia the process for compelling the defendant's appearance shall be a summons in the following form:

Summons.

SUMMONS.

—form.

In the supreme court of the District of Columbia.

A B, plaintiff, }
versus } At law. Number....
C D, defendant. }

The President of the United States to the defendant,, greeting:

You are hereby summoned to appear in this court on or before the twentieth day, exclusive of Sundays and legal holidays, after the day of service of this writ upon you, to answer the plaintiff's suit and show why he should not have judgment against you for the cause of action stated in his declaration; and in case of your failure so to appear and answer, judgment will be given against you by default.

Witness the honorable, chief justice of said court, the day of, anno Domini

_____, Clerk,
By _____, Assistant Clerk.

SEC. 1537. SERVICE ON FOREIGN CORPORATIONS.—In actions against foreign corporations doing business in the District all process may be served on the agent of such corporation or person conducting its business, or, in case he is absent and can not be found, by leaving a copy at the principal place of business in the District, or, if there be no such place of business, by leaving the same at the place of business or residence of such agent in said District, and such service shall be effectual to bring the corporation before the court.

Service on foreign corporations.

CHAPTER FIFTY-ONE.

QUO WARRANTO.

Quo warranto.

SEC. 1538. AGAINST WHOM ISSUED.—A quo warranto may be issued from the supreme court of the District in the name of the United States—

Against whom issued.

First. Against a person who usurps, intrudes into, or unlawfully holds or exercises within the District a franchise or public office, civil or military, or an office in any domestic corporation.

Second. Against any one or more persons who act as a corporation within the District without being duly authorized, or exercise within the District any corporate rights, privileges, or franchises not granted them by the laws in force in said District.

And said proceedings shall be deemed a civil action.

Who may institute.

SEC. 1539. WHO MAY INSTITUTE.—The Attorney-General or the district attorney may institute such proceeding on his own motion, or on the relation of a third person. But such writ shall not be issued on the relation of a third person except by leave of the court, to be applied for by the relator, by a petition duly verified, setting forth the grounds of the application, or until the relator shall file a bond with sufficient surety, to be approved by the clerk of the court, in such penalty as the court may prescribe, conditioned for the payment by him of all costs incurred in the prosecution of the writ in case the same shall not be recovered from and paid by the defendant.

If Attorney-General and district attorney refuse.

SEC. 1540. IF ATTORNEY-GENERAL AND DISTRICT ATTORNEY REFUSE.—If the Attorney-General and district attorney shall refuse to institute such proceeding on the request of a person interested, such person may apply to the court by verified petition for leave to have said writ issued; and if in the opinion of the court the reasons set forth in said petition are sufficient in law, the said writ shall be allowed to be issued by any attorney, in the name of the United States, on the relation of said interested person, on his compliance with the condition prescribed in the last section as to security for costs.

Relator claiming of-
fice.

SEC. 1541. RELATOR CLAIMING OFFICE.—When such proceeding is against a person for usurping an office, on the relation of a person claiming the same office, the relator shall set forth in his petition the facts upon which he claims to be entitled to the office.

Notice to defendant.

SEC. 1542. NOTICE TO DEFENDANT.—On the issuing of the writ the clerk may fix a time within which the defendant may appear and answer the same. If the defendant can not be found in the District, the court may direct notice to be given to him by publication as in other cases of proceedings against nonresident defendants, and upon proof of publication, if the defendant shall not appear, judgment may be rendered as if he had been personally served.

Nonappearance
after service by publi-
cation.

—after personal serv-
ice.

SEC. 1543. If the defendant shall not appear as required by the writ, after being personally served, the court may proceed to hear proof in support of the writ, and render judgment accordingly.

Pleading.

SEC. 1544. PLEADING.—The defendant may demur or plead specially or plead "Not guilty" as the general issue, and the United States may reply as in other actions of a civil character; and any issue of fact shall be tried by a jury if either party shall require it, otherwise it shall be determined by the court.

Verdict.

SEC. 1545. VERDICT.—Where the defendant is found by the jury to have usurped or intruded into or unlawfully held or exercised an office or franchise, the verdict shall be that he is guilty of the act or acts in question, and judgment shall be rendered that he be ousted and excluded therefrom and that the relator recover his costs.

Usurping corporate
franchise.

SEC. 1546. USURPING CORPORATE FRANCHISE.—Where the proceeding is against persons acting as a corporation without being legally incorporated, the judgment against the defendants shall be that they be perpetually restrained and enjoined from the commission or continuance of the acts complained of.

Elections of direct-
ors, etc.

SEC. 1547. ELECTIONS OF DIRECTORS, AND SO FORTH.—Where the proceeding is against a director or trustee of a corporation and the court finds that at his election either illegal votes were received or legal votes rejected, or both, sufficient to change the result if such error be corrected, judgment may be rendered that the defendant be ousted, and that the relator, if entitled to be declared elected, be admitted to the office, and a mandamus may be issued to the proper parties, being officers or members of said corporation, to admit him to

said office. The said judgment may require the defendant to deliver to the relator all books, papers, and other things in his custody or control pertaining to the said office, and obedience to said judgment may be enforced by attachment.

SEC. 1548. ACTION AGAINST INTRUDER FOR DAMAGES.—At any time within a year after such judgment the said relator may bring an action against the party ousted and recover the damages sustained by him by reason of such usurpation of the office to which he was entitled.

Action against intruder for damages.

CHAPTER FIFTY-TWO.

REPLEVIN.

Replevin.

SEC. 1549. WILL LIE FOR WHAT.—In any action of replevin brought to recover any personal property to which the plaintiff is entitled, which may have been wrongfully taken by or may be in the possession of and wrongfully detained by the defendant, it shall not be necessary to demand possession of said property before bringing the action therefor; but in such cases the costs of the action shall be awarded as the court may order.

Not necessary to demand property before action, etc.

SEC. 1550. DECLARATION.—The declaration in replevin shall be in the following or equivalent form: "The plaintiff sues the defendant for (wrongly taking and detaining) (unjustly detaining) his, said plaintiff's, goods and chattels, to wit: (describe them) of the value of ——— dollars. And the plaintiff claims that the same be taken from the defendant and delivered to him; or, if they are eloiigned, that he may have judgment of their said value and all mesne profits and damages, which he estimates at ——— dollars, besides costs."

Declaration.

SEC. 1551. AFFIDAVIT.—At the time of filing the declaration in replevin, the plaintiff, his agent, or attorney shall file an affidavit stating—

Affidavit.

First. That, according to affiant's information and belief, the plaintiff is entitled to recover possession of chattels proposed to be replevied, being the same described in the declaration.

Second. That the defendant has seized and detained or detains the same.

Third. That said chattels were not subject to such seizure or detention and were not taken upon any writ of replevin.

SEC. 1552. UNDERTAKING.—The plaintiff shall at the same time enter into an undertaking with surety, approved by the clerk, to abide by and perform the judgment of the court in the premises.

Undertaking.

SEC. 1553. IF GOODS NOT SEIZED.—If the officer's return of the writ of replevin be that he has served the defendant with copies of the declaration, notice to plead, and summons, but that he could not get possession of the goods and chattels sued for, the plaintiff may prosecute the action for the value of the same and damages for detention, or he may renew the writ in order to get possession of the goods and chattels themselves.

If goods not seized.

SEC. 1554. PUBLICATION AGAINST DEFENDANT.—If the officer's return be that he has taken possession of the goods and chattels sued for, but that the defendant is not to be found, the court may order that the defendant appear to the action by some fixed day; and of this order the plaintiff shall cause notice to be given by publication in some newspaper of the District at least three times, the first of which shall be at least twenty days before the day fixed for the defendant's appearance.

Publication against defendant.

SEC. 1555. DEFAULT.—If the defendant fails to appear, the court may proceed as in case of default after personal service.

Default.

SEC. 1556. PLEADING.—If the defendant appear he may plead not guilty, in which case all special matters of defense may be given in evidence, or he may plead specially.

Pleading.

Motion for return of property.

SEC. 1557. MOTION FOR RETURN.—On the taking possession of the goods and chattels by the marshal, by virtue of the writ of replevin, the defendant may, on one day's notice to the plaintiff or his attorney, move for a return of the property to his possession; and the court may thereupon inquire into the circumstances and manner of the defendant's obtaining possession of such property, and if it shall seem just may order the property to be returned to the possession of the defendant, to abide the final judgment in the action, and may, in its discretion, require the defendant to enter into an undertaking, with surety or sureties, similar to that required of the plaintiff upon the commencement of the action, and in such case a judgment for the plaintiff shall be rendered against the surety or sureties, as well as against the defendant. If it shall appear that the possession of the property was forcibly or fraudulently obtained by the defendant, or that the possession, being first in the plaintiff, was procured or retained by the defendant without authority from the plaintiff, the court may refuse to order the return. The defendant may also, on similar notice, object to the sufficiency of the security in the undertaking, and the court may require additional security, in default of which the property shall be returned to the defendant, but the action may proceed as if the property had not been taken.

Officer's duty when notified of impending motion.

SEC. 1558. OFFICER'S DUTY.—If the defendant shall notify the officer taking possession of the property, in writing, of his intention to make either of the motions aforesaid, it shall be the duty of the officer to retain possession of the property until said motion shall be disposed of, provided that the same shall be filed and notice given, as aforesaid, to the plaintiff, or his attorney, within two days thereafter.

Damages.

SEC. 1559. DAMAGES.—Whether the defendant plead and the issue thereon joined is found against him, or his plea is held bad on demurrer, or he makes default after personal service or after publication, the plaintiff's damages shall be ascertained by the jury trying the issue, where one is joined, or by a jury of inquest, where there is no issue of fact, and the damages shall be the full value of the goods, if eloigned by the defendant, including, in every case, the loss sustained by the plaintiff by reason of the detention, and judgment shall pass for the plaintiff accordingly.

Judgment for defendant.

SEC. 1560. JUDGMENT FOR DEFENDANT.—If the issue be found for the defendant, or the plaintiff dismiss or fail to prosecute his suit, the judgment shall be that the goods, if delivered to the plaintiff, be returned to the defendant with damages, or, on failure, that the defendant recover against the plaintiff and his surety the damages by him sustained, to be assessed by the jury trying the issue; or, where the plaintiff dismisses or fails to prosecute his suit, by the jury of inquest.

—where defendant has eloigned things sued for.

SEC. 1561. If the defendant has eloigned the things sued for the court may instruct the jury, if they find for the plaintiff, to assess such damages as may compel the defendant to return the things.

Judgment for plaintiff.

SEC. 1562. JUDGMENT FOR PLAINTIFF.—The judgment in such cases shall be that the plaintiff recover against the defendant the value of the goods as found and the damages so assessed, to be discharged by the return of the things, within ten days after the judgment, with damages for detention, which the jury shall also assess.

CHAPTER FIFTY-THREE.

Set-off.

SET-OFF.

What can be set-off.

SEC. 1563. WHAT CAN BE SET-OFF.—Mutual debts and claims under contract between the parties to a common-law action, or between one party and the testator or intestate of the other, or between the testators or intestates of both parties, may be set off against each other by plea in bar, whether said debts or claims be of the same or a different

nature or degree, and whether the claims be for liquidated debts or unliquidated damages for breach of contract; and if either debt be in the form of the penalty of a bond the exact sum to be set off shall be stated in the plea.

SEC. 1564. FORM OF PLEA.—The plea of set-off may be as follows: That the plaintiff, at the commencement of the suit, was, and still is, indebted to the defendant in the sum of dollars, for that, and so forth, as appears by the particulars of said indebtedness hereunto annexed; and defendant is willing that the same may be set off against the plaintiff's demand.

Form of plea.

SEC. 1565. SET-OFF AN ACTION BY DEFENDANT.—A defendant who files a plea of set-off, founded on a claim against the plaintiff, shall be deemed to have brought an action at the time of filing such plea against the plaintiff for the matters mentioned in the plea; but it shall not be necessary that the amount of the claim so sought to be set off shall be such that the court would have jurisdiction of an original action to recover the same; and the plaintiff shall not thereafter be allowed to dismiss his suit without the consent of the defendant, but the defendant shall be entitled to a trial of and judgment upon his claim, but the same shall be open to the same defenses to which it would be open in an action brought by him thereon; and on the trial of an issue on said plea of set-off judgment shall be rendered for the balance found due, whether to the plaintiff or to the defendant, with costs: *Provided*, That nothing herein contained shall be construed to enlarge the jurisdiction of justices of the peace so as to authorize any judgment by any such justice in excess of three hundred dollars.

Set-off an action by defendant.

Provido.
Jurisdiction of justices of the peace not enlarged.

SEC. 1566. EFFECT OF ASSIGNMENT.—When cross demands have existed between persons under such circumstances that if one had brought an action against the other a counterclaim or set-off could have been pleaded, neither can be deprived of the benefit thereof by an assignment by the other; but in an action by the assignee of any nonnegotiable debt the defendant may set off any indebtedness to him of the assignor, existing before notice of the assignment, as well as any indebtedness to him of the plaintiff.

Effect of assignment.

SEC. 1567. SET-OFF AS TO PART.—If the defendant's plea of set-off covers or applies to only part of the plaintiff's demand judgment may be forthwith rendered for the part not controverted and the costs accrued until the filing of the plea, and the case shall be proceeded with for the residue as if the part for which judgment was rendered had not been included therein.

Set-off as to part.

SEC. 1568. ACTION AGAINST PRINCIPAL AND SURETIES.—In an action against principal and sureties an indebtedness of the plaintiff to the principal may be set off as if he were the sole defendant, and in such case, if the indebtedness so set off shall exceed the plaintiff's demand, the judgment for the excess shall be in favor of the defendant, who is sued as principal.

Action against principal and sureties.

SEC. 1569.—ACTION BY TRUSTEE.—If the plaintiff is trustee for another, or has no actual interest in the contract on which the action is founded, a demand against the plaintiff shall not be pleaded by way of set-off, but a demand against the person whom he represents or for whose benefit the action is brought may be pleaded.

Action by trustee.

SEC. 1570. ACTION BY OR AGAINST EXECUTOR, AND SO FORTH.—In an action against an executor or administrator, in his representative capacity, the defendant may plead, by way of set-off, a demand belonging to the decedent where he would have been entitled to rely upon the same in an action against him; and in an action brought by an executor or administrator, in his representative capacity, a demand against the decedent, belonging at the time of his death to the defendant, may be pleaded by way of set-off, as if the action had been brought by the decedent in his lifetime.

Action by or against executor, etc.

Setting off judgments.

SEC. 1571. SETTING OFF JUDGMENTS.—Where reciprocal claims between different parties have passed into judgments the court may, on motion, in its discretion, order that the judgments shall be set off against each other and satisfaction of both be entered to the amount of the smaller claim.

CHAPTER FIFTY-FOUR.

Sureties.

SURETIES.

Counter security.

SEC. 1572. COUNTER SECURITY.—When the surety, or his personal representatives, of any officer, commissioner, receiver, or trustee appointed under a decree of court and required to give bond shall apprehend himself to be in danger of suffering from the suretyship and shall petition the court to be relieved from the suretyship, or that the court shall require said officer, commissioner, receiver, or trustee to give counter security, the court may, on reasonable notice to the trustee or other officer, require him to give counter security or to give a new bond in the same manner as if none had been given by him, and on his failure so to do by a day named may remove him from his office or trust and appoint a new trustee or other officer in his stead to complete the duties of his office or trust, and may thereupon order him to deliver over to his successor all the trust property, including moneys, books, papers, bonds, notes, and evidences of debt, and may compel compliance with said order by attachment.

Surety or indorser paying judgment against principal and himself to have recourse against principal.

SEC. 1573. JUDGMENTS AGAINST.—Where any person shall recover a judgment or money decree against the principal debtor and a surety or indorser, and the judgment shall be satisfied by the surety or indorser, the latter shall be entitled to have the judgment or money decree entered by the clerk to his use and to have execution in his own name against the principal, and where any judgment or money decree shall be rendered against several sureties and one of them shall satisfy the whole debt, the said surety shall be entitled to have the judgment or decree entered to his use, as aforesaid, and to have execution against each of the other sureties in the judgment or decree for a proportionate part of the debt so paid by him; and on the motion of said surety so paying the entire debt and notice to the other sureties the court may determine for what amount execution shall issue against each of the other sureties.

CHAPTER FIFTY-FIVE.

SURVEYOR.

Surveyor.

Office to be office of record of plats of all property, etc.

SEC. 1574. OFFICE.—The office of the surveyor of the District shall be the legal office of record of the plats of all private property, in the District of Columbia, and authenticated copies of all records of the division of squares and lots made between the public and the original proprietors or otherwise authorized by law shall be kept in said office.

—transcripts from records.

SEC. 1575. TRANSCRIPTS.—All transcripts from such records certified by the surveyor shall be prima facie evidence thereof.

Records District property.

SEC. 1576. RECORDS.—The records of the surveyor of the District of Columbia shall be a part of the United States property under the jurisdiction of the Commissioners of the District of Columbia.

Salary of surveyor.

SEC. 1577. SALARY.—The surveyor of the District of Columbia shall receive a salary of three thousand dollars per annum in lieu of fees, and shall be appointed by the Commissioners of the District of Columbia for a term of four years, unless sooner removed for cause, and shall be under the direction and control of the said Commissioners.

—bond.

SEC. 1578. BOND.—The surveyor shall give bond to the United States in the penalty of twenty thousand dollars, with security, to be

approved by the Commissioners, conditioned for the faithful discharge of the duties of his office, and shall take and subscribe an oath or affirmation before the Commissioners that he will faithfully and impartially discharge the duties of his office, which bond and oath shall be deposited with the Commissioners of the District of Columbia.

SEC. 1579. ASSISTANT SURVEYOR.—The Commissioners of the District of Columbia, on the recommendation of the surveyor, are hereby authorized to appoint one assistant surveyor, at a salary of one thousand eight hundred dollars per annum, and such employees as may in the judgment of the Commissioners of the District of Columbia be required for the surveyor's office and operation, at an aggregate expense of not exceeding ten thousand dollars in any one year.

Assistant surveyor.

SEC. 1580. SCALE OF PLATS.—The plats and squares and subdivisions of the city of Washington shall be drawn upon a uniform scale of not less than one inch to fifty feet, and shall show the lines of all subdivisions of the squares as the same existed at the date of the completion of each square.

Scale of plats.

SEC. 1581. SUBDIVISIONS.—Whenever the proprietor of any square or lot shall deem it necessary to subdivide the same into convenient building lots or portions for sale and occupancy and alleys for their accommodation, he may cause a plat to be made by the surveyor, on which shall be expressed the dimensions and length of all the lines of such portions as are necessary for defining and laying off the same on the ground, and may certify such subdivision under his hand and seal, in the presence of two or more credible witnesses, upon the same plat or on a paper or parchment attached thereto.

Subdivisions.

SEC. 1582. At the request of the proprietor the surveyor shall examine whether the lots or parcels into which any square or lot may be subdivided as provided in the preceding section agree in dimensions with the whole of the square or lot so intended to be subdivided, and whether the dimensions expressed on the plat of subdivision be the true dimensions of the parts so expressed; and if upon such examination he shall find the plat correct, he shall certify the same under his hand and seal, with such remarks as appear to him necessary, and shall record the plat as examined in a book to be kept by him for that purpose.

Certification of correct plat

SEC. 1583. REFERENCE TO SUBDIVISIONS.—When a subdivision of any square or lot shall be so certified, examined, and recorded, the purchaser of any part thereof or any person interested therein may refer to the plat and record for description in the same manner as to squares and lots divided between the Commissioners and original proprietors.

Reference to subdivisions.

SEC. 1584. ALLEYS.—The ways, alleys, or passages laid out or expressed on any plat of subdivision shall be and remain to the public or subject to the uses declared by the person making such subdivision at all times under the same police regulations as the alleys laid off by the Commissioners on division with the original proprietors.

Alleys.

SEC. 1585. DEFICIENCY IN NUMBER OF FEET.—Whenever the surveyor shall lay off any lot, or any parts into which a square or lot may be subdivided, as provided in this chapter, he shall measure the whole of that front of the square on which such lot or part lies, and if, on such admeasurement, the whole front of the square exceeds or falls short of the aggregate of the fronts of the lots on that side of the square, as the same are recorded, he shall apportion such excess or deficiency among the lots or pieces on that front agreeably to their respective dimensions.

Deficiency in number of feet.

SEC. 1586. PARTY WALLS.—Whenever, on such admeasurement, the wall of a house previously erected by any proprietor shall appear to stand on the adjoining lot of any other person in part less than seven inches in width thereon, such wall shall be considered as standing

Party walls.

—when wall deemed to stand on adjoining lot.

altogether on the land of such proprietor, who shall pay to the owner of the lot on which the wall may stand a reasonable price for the ground so occupied, to be decided by arbitrators or a jury, as the parties interested may agree.

—when deemed party wall.

SEC. 1587. If the wall of any house already erected cover seven inches or more in width of the adjoining lot, it shall be deemed a party wall, according to the regulations for building in the District, and the ground so occupied more than seven inches in width shall be paid for as provided in the preceding section.

—certificate of.

SEC. 1588. The surveyor shall ascertain and certify and put on record, at the request and expense of any person interested therein, the fact of the occupation of land by a party wall, as mentioned in the preceding section.

Adjusting lines of buildings.

SEC. 1589. ADJUSTING LINES OF BUILDINGS.—It shall be the duty of the surveyor to attend, when requested, and examine the foundation or walls of any house to be erected, when the same shall be level with the street or surface of the ground, for the purpose of adjusting the line of the front of such building to the line of the street and correctly placing the party wall on the line of division between that and the adjoining lot; and his certificate of the fact shall be admitted as evidence and binding on the parties interested.

Order of survey to be speedily executed.

SEC. 1590. ORDER OF SURVEY TO BE SPEEDILY EXECUTED.—The surveyor shall, as speedily as possible, execute any order of survey made by any court or private individual of any lot or square within the city of Washington; or of any land within the District of Columbia outside of said city, and shall make due return of a true plat and certificate thereof.

Surveys for District.

SEC. 1591. SURVEYS FOR DISTRICT.—It shall be the duty of the surveyor to execute any surveying work for the District of Columbia without charge, on the order of the Commissioners; and all fees for surveys made by the surveyor or the assistant surveyor shall be paid over to the collector of taxes of the District of Columbia under regulations to be prescribed by the Commissioners of the District of Columbia, and be covered into the Treasury of the United States as other revenues of the District are now; and the field notes of the surveyor and his assistant shall be preserved and shall be a part of the public property of the District of Columbia, and all records, plats, plans, and other papers or documents now existing, or hereafter made or secured by the office of the said surveyor, shall be delivered by each surveyor to his successor in office, and no plat or survey of land shall be recorded in the office of the surveyor of the District of Columbia except it be certified to as correct by the surveyor of said District.

—fees, etc.

—field notes, etc.

Assistant surveyor's duties.

SEC. 1592. ASSISTANT SURVEYOR'S DUTIES.—The assistant surveyor shall take the same oath his principal is required to take, and may, during the continuance of his office, discharge and perform any of the official duties of his principal, and any default or misfeasance in office by the assistant surveyor, or other assistant or helper of the surveyor, shall be deemed a breach of the official bond of his principal.

Fees of surveyor.

SEC. 1593. FEES.—The Commissioners of the District of Columbia are hereby authorized from time to time to prescribe a schedule of fees to be charged by the surveyor for his services, which schedule shall be printed and conspicuously displayed in the office of the surveyor.

Subdivisions of United States squares.

SEC. 1594. SUBDIVISIONS OF UNITED STATES SQUARES.—Whenever the President shall deem it necessary to subdivide any square or lot belonging to the United States within the city of Washington, not reserved for public purposes, into convenient building lots or portions for sale and occupancy, and alleys for their accommodation, he may cause a plat to be made by the surveyor in the manner prescribed in

this chapter, which plat shall be recorded by the surveyor; and the provisions of this chapter shall extend to the lots, pieces, and parcels of ground contained in such plat as fully as to subdivisions made by individual proprietors.

SEC. 1595. ALTERATIONS OF BOUNDARIES, AND SO FORTH.—Whenever the proprietor of any tract or parcel of land in the District of Columbia shall desire or deem it necessary to subdivide or alter boundaries, or change the surveys of any such tract or parcel of land, such subdivision, alteration, or change shall be by the surveyor of the District of Columbia, or his assistant, only, and shall be entered in the plat book or books of said surveyor. All such subdivisions, alterations, or changes shall be certified by the surveyor, the party wishing such plat, and two competent witnesses, whose names shall be appended thereto.

Alterations of boundaries, etc.

SEC. 1596. RECORDS OF DIVISIONS.—All records, or copies thereof, of the divisions of squares and lots heretofore made between the public and the original proprietors, or which are authorized by this chapter, shall be kept in the office of the surveyor of the District of Columbia, and the surveyor shall put up, label, index, and preserve all the maps, charts, plats, plans, and other drawings and papers relating to the District of Columbia or which appertain to his office, and which may come to his office for deposit, record, or otherwise.

Records of divisions to be kept in surveyor's office, etc.

SEC. 1597. ERRORS.—Whenever it shall be made to appear to the satisfaction of the Commissioners that the surveyor has been guilty of culpable error or neglect, by which the District may be obliged to pay damages, it shall be lawful for the Commissioners to deduct and retain from the salary of the surveyor the amount of damages which the District may have paid in each and every case; and in case the salary then due the said surveyor shall be insufficient to cover the damages which the District shall have paid the Commissioners are hereby required to institute suit upon the bond of the surveyor for the recovery of such damages.

Errors of surveyor, recovery for.

SEC. 1598. BOUNDARIES OF LOTS TO BE MARKED.—It shall also be the duty of the surveyor on the request of the proprietor or proprietors of any square, lot, or piece of ground within the District of Columbia to set out and mark the proper lines, and furnish to him, her, or them a certificate describing the dimensions and boundaries of the same, according to the plan.

Boundaries and grades of lots to be marked.

SEC. 1599. BOOKS, MAPS, AND SO FORTH, TO BE KEPT BY SURVEYOR.—The surveyor shall keep his office in a room designated by the Commissioners for the purpose, and shall not be engaged in the transaction of any business appertaining to any other office or appointment which may be held by him, and shall in his said office preserve and keep all such maps, charts, surveys, books, records, and papers relating to the District of Columbia, or to any of the avenues, streets, alleys, public spaces, squares, lots, and buildings thereon, or any of them, as shall for the purpose of being deposited in his office come into his hands or possession; and shall, in books provided or to be provided for that purpose, keep a true record of every survey, certificate, or account which shall be made, issued, or prepared by him, and also shall preserve and keep in good order and repair the instruments in his said office belonging to the District.

Books, maps, etc., to be kept by surveyor.

SEC. 1600. PAPERS, AND SO FORTH, TO BE THE PROPERTY OF THE DISTRICT OF COLUMBIA.—All papers, plats, and records of his office shall be deemed the property of the District of Columbia, and shall constitute a part of the public records; and in all cases of vacancy in the office, by resignation or otherwise, they shall be transferred to his successor in office.

—deemed property of the District.

SEC. 1601. PLATS, WHEN TO BE RECORDED.—The Commissioners are authorized and directed to make and publish such general orders as may be necessary to regulate the platting and subdividing of all lands

Commissioners to make regulations as to plats, etc.

—recording plats

and grounds in the District of Columbia under their jurisdiction; and no such plat of subdivision made in pursuance of such orders shall be admitted to record in the office of the surveyor of said District without an order to that effect indorsed thereon by the Commissioners of said District.

Streets, etc.

SEC. 1602. STREETS, AND SO FORTH.—All spaces on any duly recorded plat of land thereon designated as streets, avenues, or alleys shall thereupon become public ways, provided they are made in conformity with the preceding section.

Cemeteries, right of way through, for streets, etc.

SEC. 1603. CEMETERIES.—If by the extension of any of the present streets or avenues or the opening of any public way it becomes necessary to traverse any grounds now used as a cemetery or place of burial, the Commissioners are empowered to secure a right of way through the same by stipulation with the proprietors thereof.

Subdivision to conform to plan of Washington.

SEC. 1604. SUBDIVISION TO CONFORM TO PLAN OF WASHINGTON.—No subdivision of land in the District of Columbia without the limits of the city of Washington shall be recorded in the office of the surveyor or in the office of the recorder of deeds unless the same shall have been first approved by the Commissioners of the District of Columbia and be in conformity with the recorded plans for a permanent system of highways.

Changing of alleyways.

SEC. 1605. CHANGING OF ALLEYWAYS.—That whenever all the owners of an entire square, or all the owners of a part of a square bounded on all sides by public streets, in the District of Columbia, shall present to the Commissioners of the District of Columbia a petition asking that any alley or alleys within said square or part of square may be closed wholly or partially, and shall in said petition offer to dedicate for public use, and shall so dedicate if in the opinion of the Commissioners of said District such dedication is necessary, as alleyways ground owned by the petitioners in amount equal at least in area to that of the alleyway sought to be closed, and shall also present to said Commissioners with said petition a correct plat of said square or part of square signed by all of the owners thereof, upon which shall be accurately delineated the positions and dimensions of the existing alley way or ways and a subdivision of the entire area of the alley or alleys sought to be closed into parcels, according to an agreement of all said owners for the future ownership of the same, the name of the agreed future owner of each parcel being marked thereon, and showing also the position and dimensions of the new alley way or ways proposed to be substituted therefor, it shall be the duty of said Commissioners, upon being satisfied of the truth of the facts stated in the petition as to ownership and of correctness of the plat, and also that the proposed change will not be detrimental to the public convenience, to make an order declaring the existing alley way or ways closed, as prayed for, and opening the new alley way or ways proposed to be substituted therefor.

—rights to vest, etc., after Commissioners' order recorded.

SEC. 1606. That the Commissioners shall cause a certified copy of the order to be attached to the plat and delivered to the petitioners, who shall file the same for record with the recorder of deeds of the District and also in the office of the surveyor of the District, each of whom shall record the same, and thereafter the right of the public to use the alley way or ways declared closed and the proprietary interest of the United States therein shall forever cease and determine, and the title to the same shall be vested according to the agreement of the owners as shown in the aforesaid plat, each person being thenceforward the owner in fee simple of the parcel or parcels upon which his name shall be marked as provided in the foregoing section. The new alley way or ways described in said order and delineated on said plat shall thereafter be and remain dedicated to public use as alleyways,

and, like other alleys of said city, shall be under the care and control of the city authorities.

SEC. 1607. OBLITERATING SUBDIVISIONS AND ALLEYS.—Whenever the title in fee simple to an entire square is vested in one person or in tenants in common, or partners, and such owner or owners desire to improve said square by the erection of a building thereon, covering not less than two-thirds of the area thereof, or for the purpose of some business enterprise, the Commissioners of the District may, on the petition of such owner or owners, setting forth such ownership, the purpose for which it is desired to use such square, and the manner and the time in which it is proposed to improve the same, on being satisfied of the truth of the facts stated in the petition, and also that the proposed change and use will not be detrimental to the public interests, make an order canceling any previous subdivision of said square and obliterating all alleys therein. They shall cause a certified copy of such order to be attached to a plat of said square and delivered to the petitioners, who shall file the same for record with the recorder of deeds, and also the surveyor of the District, each of whom shall record the same.

Obliterating subdivisions and alleys for owner of an entire square, etc.

SEC. 1608. OPENING, AND SO FORTH, OF ALLEYS.—The Commissioners of the District of Columbia are authorized to condemn, open, extend, widen, or straighten alleys in the District of Columbia upon the presentation to them of the plat of the alley to be condemned, opened, widened, extended, or straightened, accompanied by a petition of the owners of more than one-half of the real estate in the square in which such alley is sought to be opened, widened, extended, or straightened; or when the Commissioners of the District of Columbia shall certify that the preservation of peace, good order, and public morals require that any such alley should be opened, extended, widened, or straightened; or when said Commissioners shall deem that such opening, extending, widening, or straightening of an alley is necessary in order to provide proper drainage facilities for the square in which said alley is sought to be opened, extended, widened, or straightened; or when said Commissioners shall certify that such opening, extending, widening, or straightening of an alley is necessary in order to properly accommodate vehicle traffic in such square; or when the health officer of said District shall certify that such opening, extension, widening, or straightening of an alley is necessary for the public health; and to open, extend, widen, or straighten minor street in said District, of a width not less than forty feet nor more than sixty feet, to run through a square from one street to another, whenever in the judgment of said Commissioners the public interests require it: *Provided*, That in the opening, extension, widening, or straightening of an alley or minor street it shall be lawful to close any original alley, or part of an original alley, the fee of which is in the United States, which may thereby become useless or unnecessary; and that it shall also, in like manner, be lawful to close any other alleys or parts of alleys, the title thereto to revert to the person or persons who dedicated the same for alley purposes, or to their assigns: *And provided further*, That the Commissioners of the District of Columbia are authorized, whenever in their judgment the same may be necessary or expedient, to close any alley or part of an alley the width of which is less than ten feet: *Provided*, That the assent thereto, in writing, is obtained from the owners of a majority of the real estate abutting thereon; that if the fee title to the land contained in the alley or part of an alley so to be closed is in the United States the said Commissioners are authorized to dispose of said land by sale to the owners of the lots or parts of lots contiguous thereto, at a price to be agreed upon between the said Commissioners and said owners, which price

Commissioners may open, etc., alleys.

—on petition.

—to preserve order.

—for drainage.

—for vehicle traffic.

—for health.

—minor streets.

Provided,
—closing original alleys.

—any alley less than 10 feet wide.

—assent of abutting owners.

shall not be less than the current market price of the ground in the contiguous lots; that if the fee title to the land in the alley or part of alley so to be closed is not in the United States the title to said land shall revert to the person or persons who dedicated the same for alley purposes, or to his or their heirs or assigns.

--when fee is in U. S.,
etc.

Plat of alley.

SEC. 1609. That it shall be the duty of the surveyor of said District, as soon as may be thereafter, to distinctly mark off such alley in the manner in which it may be designated in the petition therefor, and make out triplicate plats of such alley, showing its courses and boundaries and the quantity in square feet which may be taken from the lots or parts of lots in the square by the opening, extending, widening, or straightening thereof, and showing also the alley or part of alley to be closed, if any, and the lots or parts of lots to which the land contained in such closed alley is to be annexed; one of which plats shall be deposited with the recorder of deeds of said District, to be filed among the records of his office, another kept in the office of the surveyor of said District, and one filed in the office of the Commissioners of the District of Columbia.

--filing.

Commissioners may
agree with contiguous
owners for purchase
of land in closed al-
ley, etc.

SEC. 1610. That in the opening, extension, widening, or straightening of an alley or minor street, as herein provided for, it shall be lawful for the Commissioners of the District of Columbia to close any alley or part of an alley thereby rendered useless or unnecessary, the fee to which is in the United States, by entering into an agreement with the owners of the lots or parts of lots contiguous thereto for the purchase by them of the land contained in said alley sought to be closed, at a price to be agreed upon by the said Commissioners and said owners, which price shall not be less per square foot than the assessed value per square foot of the contiguous lots; said agreements to be in duplicate, one of which shall be filed in the office of the recorder of deeds and the other in the office of the Commissioners of the District of Columbia, and the sums so agreed to be paid shall be assessed severally against the lots or parts of lots to which the land so purchased shall be annexed; such assessments to bear interest at the rate of ten per centum per annum until paid, and shall be collected as other taxes are collected: *Provided, however,* That the Commissioners of the District of Columbia may, in their discretion, sell and convey the land contained in the alley to be closed, for cash, to any person or persons; that the Commissioners of the District of Columbia may, in the opening, extension, widening, or straightening of an alley, close an alley, or part of an alley, the fee to which is not in the United States, provided the owners of all the lots or parts of lots abutting thereon and the party or parties holding the fee title to the land contained in the alley to be closed shall first sign and file a petition therefor in triplicate, together with a plat thereof in triplicate, as provided by section sixteen hundred and eight of this code. One copy of said plat shall be filed and recorded in the office of the surveyor of the District of Columbia, one in the office of the recorder of deeds, and the other in the office of the Commissioners of the District of Columbia.

Proviso.
--or sell same to any-
one.

Closing alley on pe-
tition of owner and
abutting owners.

Damages.

SEC. 1611. DAMAGES.—That upon the filing of such plat by the surveyor in the office of the Commissioners of the District of Columbia, as aforesaid, the said Commissioners shall make an application in writing to the marshal of the District of Columbia to summon and impanel a jury of twelve citizens who have no interest in the real estate mentioned in the said petition (and it is hereby made his duty to summon and impanel the same in all such cases, upon application to him in writing by said Commissioners), and who, having first taken and subscribed an oath in writing to discharge the duty imposed upon them by the provisions of this act justly and impartially, shall proceed to ascertain and appraise the damages which may accrue to the real estate of any person or persons by the opening, extending, widening,

--impaneling jury.

--appraisal, etc.

or straightening of such alley or minor street, which shall be the value of the land at the time of the taking; and they shall make and file a statement in writing, signed by them, of the damages so ascertained and appraised, in the office of the Commissioners of the District of Columbia, and a duplicate of said statement in the office of the recorder of deeds for the said District, and the amount thereof shall be paid to the persons, respectively, entitled thereto by said District of Columbia, out of any funds available therefor; and all such alleys or minor streets or extensions, widenings, or straightenings shall thereafter be kept open and free for public use.

SEC. 1612. That the said jury shall apportion an amount equal to the amount of said damages so ascertained and appraised as aforesaid, including five dollars for the services of said marshal when actually employed and five dollars per diem for the services of each of said jurors when actually employed, according as each lot or part of a lot of land in such square may be benefited by the opening, widening, extending, or straightening of such alley or minor street: *Provided, however,* That in cases provided for in section sixteen hundred and ten of this code the sums paid or agreed to be paid for the land contained in any alley or part of alley to be closed shall first be deducted from the amount of benefits so to be assessed; and they shall make due return of such apportionment to the recorder of deeds and to the Commissioners of the District of Columbia, in which they shall designate each lot or part of a lot of land in such square so benefited, and the amount so apportioned to each, respectively; and in case of failure to pay the amount so apportioned, it shall be the duty of said Commissioners, or some one designated by them, to levy an assessment upon each lot or part of lot of land in accordance with such apportionment, the same to be collected as other special assessments upon real estate are collected; and said assessment shall bear interest at the rate of ten per centum per annum until paid.

Apportionment of damages among lots benefited.

Proviso.

—deductions.

—return of apportionment.

—assessment on failure to pay, etc.

SEC. 1613. That the said marshal shall give or cause to be given at least ten days' written or printed notice of the time and place of the meeting of such jurors, for the purposes aforesaid, to each proprietor of land in the square designated as the location of such alley or minor street. If the proprietor be a resident of the District of Columbia, the notice shall be served by delivering a copy thereof to him or her personally, or leaving it at the usual residence with some person over ten years of age. If the proprietor be a nonresident, the notice shall be served by delivering a copy thereof to his or their tenant or agent, or depositing it in the post-office at Washington City, inclosed in a post-paid envelope, which shall be addressed to the proprietor at his or her post-office address. If the proprietor or proprietors be under twenty-one years of age, the notice shall be served as hereinbefore provided upon the guardian or parent of such minor or minors. A return of such service and the manner thereof shall be made by the marshal to the Commissioners of the District of Columbia, and shall be filed among the records of said District.

Notice of meeting of jury.

SEC. 1614. ALLEYS PREVIOUSLY OPENED, AND SO FORTH.—That all alleys opened or extended in the city of Washington since June thirtieth, eighteen hundred and seventy-one, under an ordinance of the late corporation of Washington approved November fourth, eighteen hundred and forty-two, are hereby made valid: *Provided,* That nothing in this code shall affect the rights of parties to suits now pending in such cases.

Alleys previously opened made valid.

Proviso.
—pending suits unaffected.

SEC. 1615. That all alleys or parts of alleys heretofore closed by subdivision, with the approval of the Commissioners, shall remain unaffected by this code.

Alleys heretofore closed by subdivision.

SEC. 1616. MONEYS FROM SALE OF LAND.—If any money from the sale of land in which the United States is interested shall remain after

Disposition of moneys from sale of land.

carrying out the provisions of the preceding sections of this code, such moneys shall be paid into the Treasury of the United States by the Commissioners of the District of Columbia.

CHAPTER FIFTY-SIX.

Uses and trusts.

USES AND TRUSTS.

Legal estate to be in cestui que use.

SEC. 1617. THE LEGAL ESTATE TO BE IN CESTUI QUE USE.—Where lands, tenements, or hereditaments are conveyed or devised to one person, whether for years or for a freehold estate, to the use of or in trust for another, no estate or interest, legal or equitable, shall vest in the trustee, but the person entitled, according to the true intent and meaning of such instrument, to the actual possession of the property and the receipt of the rents and profits thereof, in law or in equity, shall be deemed to have a legal estate therein of the same quality and duration and subject to the same conditions as his beneficial interest, except where the title of such trustee is not merely nominal but is connected with some power of actual disposition or management of the property conveyed.

Purchaser for value.

SEC. 1618. PURCHASER FOR VALUE.—No implied or resulting trust shall be alleged or established to defeat or prejudice the title of a purchaser for a valuable consideration and without notice of such trust; and where an express trust is created, but is not contained or declared in the conveyance to the trustee, such conveyance shall be deemed absolute in favor of purchasers from the trustee for value and without notice of the trust.

CHAPTER FIFTY-SEVEN.

Warehousemen.

WAREHOUSEMEN.

Lien of warehousemen.

SEC. 1619. LIEN OF WAREHOUSEMEN.—Every person, firm, association, or corporation lawfully engaged in the business of storing goods, wares, merchandise, or personal property of any description shall have a lien first, except for taxes thereon, for the agreed charges for storing the same and for all moneys advanced for freight, cartage, labor, insurance, and other necessary expenses thereon. Said lien for such unpaid charges, upon at least one year's storage and for the aforesaid advances in connection therewith, may be enforced by sale at public auction, after thirty days' notice in writing mailed to the last known address of the person or persons in whose name or names the said property so in default was stored, and said notice shall also be published for six days in a daily newspaper in the District of Columbia. And after deducting all storage charges, advances, and expenses of sale, any balance arising therefrom shall be paid by the bailee to the bailor of such goods, wares, merchandise, or personal property, his assigns or legal representatives.

—sale, etc.

—may be in bulk, etc.

Proviso.
Notice to assignee of stored property.

SEC. 1620. ASSIGNEE.—Said property may be so sold either in bulk or in separate pieces, articles, packages, or parcels, as will in the judgment of the lien holder secure the largest obtainable price: *Provided*, That if the person or persons storing said property shall have assigned or transferred the title thereto and have duly recorded said assignment or transfer upon the books of the storage warehouse, the written notice of sale shall also be mailed to said transferee or assignee.

Where title in issue.

SEC. 1621. WHERE TITLE IN ISSUE.—Whenever the title or right of possession to any goods, wares, merchandise, or personal property on storage shall be put in issue by any judicial proceeding, the same shall be delivered upon the order of the court, after prepayment of the storage charges and cash advances then due by the person at whose instance such change of possession is so ordered, and who shall be enti-

tled to recover such payment as part of the costs in such proceeding, or, if defeated therein, he shall be credited with such payment in taxation of costs against him. And unless the person, firm, association, or corporation so conducting a storage business shall claim some right, title, or interest in said stored property other than the lien hereinabove authorized, he, it, or they shall not be made a party to such judicial proceedings.

CHAPTER FIFTY-EIGHT.

WASTE.

Waste.

SEC. 1622. JOINT TENANT OR TENANT IN COMMON AGAINST COTENANT.—Any joint tenant or tenant in common may maintain an action for waste committed by his cotenant, or in a suit for a partition, or a sale for purpose of partition, may have said waste charged against the share of the cotenant committing the same.

Joint tenant or tenant in common against cotenant.

CHAPTER FIFTY-NINE.

WILLS.

Wills.

SEC. 1623. WHAT MAY BE DEVISED.—All lands, tenements, and hereditaments, and personal estate which might pass by deed or gift, or which would, in case of the proprietor's dying intestate, descend to or devolve on his or her heirs or other representatives, shall be subject to be disposed of, transferred, and passed by his or her last will, testament, or codicil, under the following restrictions:

What may be devised.

SEC. 1624. PERPETUITIES.—No will, testament, or codicil shall be effectual to create any interest in perpetuity, or make any limitation, or appoint any uses, except as permitted by this code.

Perpetuities.

SEC. 1625. WHO CAPABLE OF MAKING WILL.—No will, testament, or codicil shall be good and effectual for any purpose whatever unless the person making the same be, if a male, of the full age of twenty-one years, and if a female, of the full age of eighteen years, and be at the time of executing or acknowledging it, as hereinafter directed, of sound and disposing mind and capable of executing a valid deed or contract.

Who capable of making will.

SEC. 1626. FORM OF WILL AND REVOCATION.—All wills and testaments shall be in writing and signed by the testator, or by some other person in his presence and by his express directions; and shall be attested and subscribed in the presence of the said testator by at least two credible witnesses, or else they shall be utterly void and of no effect; and, moreover, no devise or bequest, or any clause thereof, shall be revocable otherwise than by some other will or codicil in writing or other writing declaring the same, or by burning, canceling, tearing, or obliterating the same by the testator himself or in his presence and by his direction and consent; but all devises and bequests shall remain and continue in force until the same be burned, canceled, torn, or obliterated by the testator or by his direction in the manner aforesaid, or unless the same be altered or revoked by some other will, testament, or codicil in writing, or other writing of the testator signed in the presence of at least two witnesses attesting the same, any former law or usage to the contrary notwithstanding.

Form of will.

Revocation.

SEC. 1627. REVIVAL OF WILL AFTER REVOCATION.—No will or codicil, or any part thereof, which shall be in any manner revoked shall, after being revoked, be revived otherwise than by the reexecution thereof, or by a codicil executed in the manner hereinbefore required, and then only to the extent to which an intention to revive is shown.

Revival of will after revocation.

SEC. 1628. AFTER-ACQUIRED REAL ESTATE.—Any will hereafter executed which shall, by words of general import, devise all the estate or all the real estate of the testator shall be deemed, taken, and held to operate as a valid devise of any real estate acquired by said testator

After-acquired real estate.

after the execution of such will, unless it shall appear therefrom that it was not the intention of the testator to devise such after-acquired property.

Powers.

SEC. 1629. **POWERS.**—No appointment made by will in the exercise of a power shall be valid unless the same be so executed that it would be valid for the disposition of the property to which the power applies if it belonged to the testator.

Satisfaction of legacy.

SEC. 1630. **SATISFACTION OF LEGACY.**—A provision for or advancement to any person shall be deemed a satisfaction, in whole or in part of a devise or bequest to such person contained in a previous will if it would be so deemed in case the devisee or legatee were the child of the testator; and, whether he be a child or not, it shall be so deemed in all cases in which it shall appear from parol or other evidence to be so intended.

Devisee dying before testator, heirs to take, etc.

SEC. 1631. **LAPSED OR VOID DEVISES.**—If a devisee or legatee die before the testator, leaving issue who survive the testator, such issue shall take the estate devised or bequeathed as the devisee or legatee would have done if he had survived the testator, unless a different disposition be made or required by the will. Unless a contrary intention appear by the will, such property as shall be comprised in any devise or bequest in such will which shall fail or be void or otherwise incapable of taking effect shall be deemed included in the residuary devise or bequest, if any, contained in such will.

Lapsed devises.

Leaseholds.

SEC. 1632. **LEASEHOLDS.**—A devise of the land of a testator, or of his land in any place, or in the occupation of a person named or otherwise described in a general manner, shall be construed to include his leasehold estates or any of them to which such descriptions shall extend, as well as freehold estates, unless a contrary intention shall appear by the will.

General devise of all property.

SEC. 1633. **GENERAL DEVISE OF ALL PROPERTY.**—Every devise and bequest purporting to be of all real or personal property, or both, belonging to the testator shall be construed to include also all property of either or both kinds, respectively, over which he has a general power of appointment, and the legal title of all such property which he holds in trust, unless the contrary intention shall appear in the will or codicil containing such devise or bequest.

Nuncupative wills invalid.
Soldiers may dispose of movables, etc.

SEC. 1634. **NUNCUPATIVE WILLS.**—No nuncupative will hereafter made shall be valid in the District; but any soldier being in actual military service, or mariner being at sea, may dispose of his movables, wages, and personal estate by word of mouth: *Provided*, That such disposition shall be proved by at least two witnesses who were present at the making thereof and were requested by the testator to bear witness that such was his last will, nor unless such will were made in the time of the last sickness of the deceased, and the substance thereof reduced to writing within ten days after the making thereof.

Proviso.
—witnesses, etc.

Bequests for religious purposes valid only when made one month before death, etc.

SEC. 1635. **BEQUESTS FOR RELIGIOUS PURPOSES.**—No devise or bequest of lands, or goods, or chattels to any minister, public teacher, or preacher of the gospel, as such, or to any religious sect, order, or denomination, or to or for the support, use, or benefit of or in trust for any minister, public teacher, or preacher of the gospel, as such, or any religious sect, order, or denomination, shall be valid unless the same shall be made at least one calendar month before the death of the testator.

CHAPTER SIXTY.

Repeal provisions

REPEAL PROVISIONS.

SEC. 1636. All acts and parts of acts of the general assembly of the State of Maryland general and permanent in their nature, all like acts and parts of acts of the legislative assembly of the District of Columbia, and all like acts and parts of acts of Congress applying solely to

the District of Columbia in force in said District on the day of the passage of this act are hereby repealed, except:

First. Acts and parts of acts relating to the rights, powers, duties, or obligations of the United States. —exceptions

Second. Acts and parts of acts relating to the Court of Claims.

Third. Acts and parts of acts relating to the organization of the District government, or to its obligations, or the powers or duties of the Commissioners of the District of Columbia, or their subordinates or employees, or to police regulations, and generally all acts and parts of acts relating to municipal affairs only, including those regulating the charges of public-service corporations.

Fourth. Acts and parts of acts relating to the militia.

Fifth. All penal statutes authorizing punishment by fine only or by imprisonment not exceeding one year, or both.

Sixth. Acts and parts of acts of Congress relating solely to the Departments of the General Government in the District of Columbia, or any of them.

Seventh. Acts or parts of acts authorizing, defining, and prescribing the organization, powers, duties, fees, and emoluments of the register of wills of the District of Columbia and his office.

Eighth. An act to regulate the practice of pharmacy in the District of Columbia, approved June fifteenth, eighteen hundred and seventy-eight; an act for the regulation of the practice of dentistry in the District of Columbia, and for the protection of the people from empiricism in relation thereto, approved June sixth, eighteen hundred and ninety-two; an act regulating the construction of buildings along alleyways in the District of Columbia, approved July twenty-second, eighteen hundred and ninety-two; an act for the promotion of anatomical science, and to prevent the desecration of graves in the District of Columbia, approved February twenty-sixth, eighteen hundred and ninety-five; an act to provide for the incorporation and regulation of medical and dental colleges in the District of Columbia, approved May fourth, eighteen hundred and ninety-six; an act relating to the testimony of physicians in the courts of the District of Columbia, received by the President May thirteenth, eighteen hundred and ninety-six; an act to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia, approved June third, eighteen hundred and ninety-six; and, generally, all acts or parts of acts relating to medicine, dentistry, pharmacy, the commitment of the insane to the Government Hospital for the Insane in the District of Columbia, the abatement of nuisances, and public health.

All acts and parts of acts included in the foregoing exceptions, or any of them, shall remain in force except in so far as the same are inconsistent with or are replaced by the provisions of this code.

SEC. 1637. The incorporation into this code of any general and permanent provision taken from an act making appropriations, or from an act containing other provisions of a private or temporary character, shall not repeal nor in any way affect any appropriation or any provision of a private or temporary character contained in any of said acts, but the same shall remain in force.

Incorporation of permanent provisions taken from appropriation acts, etc.

SEC. 1638. The repeal by the preceding section of any statute, in whole or in part, shall not affect any act done or any right accruing or accrued or any suit or proceeding had or commenced in any civil cause before such repeal, but all rights and liabilities under the statutes or parts thereof so repealed shall continue and may be enforced in the same manner as if such repeal had not been made: *Provided*, That the provisions of this code relating to procedure or practice and not affecting the substantial rights of parties shall apply to pending suits or proceedings civil or criminal.

—repeals not to affect pending, etc., causes.

Provided.

—procedure, etc.

Acts of Congress
hereafter passed, ef-
fect of.

SEC. 1639. The enactment of this code is not to affect or repeal any act of Congress which may be passed between the date of this act and the date when this act is to go into effect; and all acts of Congress that may be passed hereafter are to have full effect as if passed after the enactment of this code, and, so far as such acts may vary from or conflict with any provision contained in this code, they are to have effect as subsequent statutes and as repealing any portion of this act inconsistent therewith.

Operation of com-
mon law, etc., unaf-
fected.

SEC. 1640. Nothing in the repealing clause of this code contained shall be held to affect the operation or enforcement in the District of Columbia of the common law or of any British statute in force in Maryland on the twenty-seventh day of February, eighteen hundred and one, or of the principles of equity or admiralty, or of any general statute of the United States not locally inapplicable in the District of Columbia or by its terms applicable to the District of Columbia and to other places under the jurisdiction of the United States, or of any municipal ordinance or regulation, except in so far as the same may be inconsistent with, or is replaced by, some provision of this code.

Prosecution of prior
offenses.

SEC. 1641. All offenses committed and all penalties or forfeitures incurred in the District prior to the date on which this code is to take effect may be prosecuted and punished in the same manner and with the same effect as if this code had not been enacted.

Actions barred by
limitation under
chapter 41, etc.
Ante, p. 1389.

SEC. 1642. Where any action or proceeding by the provisions of chapter forty-one of this code would be barred at the time it goes into effect, or within one year thereafter, which would not be so barred by prior laws, such action or proceeding may be brought or instituted within such period of one year, anything in said chapter to the contrary notwithstanding.

Approved, March 3, 1901.

March 3, 1901.

CHAP. 855.—An Act To extend the provisions of section eight of the Act entitled "An Act to repeal timber-culture laws, and for other purposes," approved March third, eighteen hundred and ninety-one, concerning prosecutions for cutting timber on public lands, to California, Oregon, and Washington.

Repeal of timber-
culture laws.
What sufficient de-
fense to timber de-
gradation suits in Col-
orado, Montana, etc.
Vol. 26, pp. 1093, 1099.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section eight of the Act entitled "An Act to repeal timber-culture laws, and for other purposes," approved March third, eighteen hundred and ninety-one, as amended by an Act approved March third, eighteen hundred and ninety-one, chapter five hundred and fifty-nine, page ten hundred and ninety-three, volume twenty-six, United States Statutes at Large, be, and the same is hereby, amended as follows: After the word "Nevada," in said amended Act, insert the words "California, Oregon, and Washington."

—in California, Ore-
gon, and Washington.

Approved, March 3, 1901.

March 3, 1901.

CHAP. 856.—An Act Authorizing and directing the Secretary of the Interior to issue a patent to the heir or heirs of one Tawamnoha, or Martha Crayon, conveying to them certain lands in the State of North Dakota, confirming certain conveyances thereof, and for other purposes.

Conveyance to heirs
of Tawamnoha, or
Martha Crayon, of
Devils Lake Sioux
Reservation, author-
ized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed, upon due proof of the death of one Tawamnoha, or Martha Crayon, an Indian woman, late of the Devils Lake Sioux Indian Reservation, and due proof of

heirship, to issue a patent to her heir or heirs conveying to them the following-described premises, situated in the county of Benson, State of North Dakota, to wit: The lots numbered two and three of section fifteen, the lot numbered one of section twenty-two, and the southwest quarter of the southwest quarter of section fourteen, in township one hundred and fifty-three north, of range sixty-seven west of the fifth principal meridian, in the State of North Dakota, containing one hundred and fifty-nine acres and eight one-hundredths of an acre; the said premises being land allotted to her in severalty by trust allotment patent of date November second, eighteen hundred and ninety-two; such patent so to be issued to convey to said heir or heirs the said premises in fee, discharged of any trust or incumbrance whatsoever.

—lots described.

SEC. 2. That a certain deed, of date October twenty-third, eighteen hundred and ninety-eight, executed, acknowledged, and delivered by Matochatka and Mahpiyatokahewin, the father and mother of said Tawamnoha, or Martha Crayon, and parties entitled to succeed to her estate by the laws of the State of North Dakota, she having died without issue, which said deed was duly filed for record in the office of the register of deeds in and for Benson County, State of North Dakota, and recorded in Book E of Deeds, on page six hundred, and which purported to convey the said premises to Thomas Crayon, the surviving husband of said Tawamnoha, or Martha Crayon, be and the same is hereby legalized and in all things confirmed and ratified.

Certain deed of conveyance legalized.

Approved, March 3, 1901.

CHAP. 857.—An Act Extending to the city of Everett, Washington, a subport of entry, the privileges of the Act approved June tenth, eighteen hundred and eighty, governing the immediate transportation of dutiable merchandise.

March 3, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the privileges of the Act approved June tenth, eighteen hundred and eighty, governing the immediate transportation of dutiable merchandise without appraisement, be, and the same are hereby, extended to Everett, a subport of entry in the customs collection district of Puget Sound.

Everett, Wash.
Granted immediate transportation privileges.

Approved, March 3, 1901.

CHAP. 858.—An Act To provide for subports of entry and delivery in the Territory of Hawaii.

March 3, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That such places in the customs district of the Territory of Hawaii as the Secretary of the Treasury may from time to time designate shall be subports of entry and delivery, and customs officers shall be stationed at such subports with authority to enter and clear vessels, receive duties, fees, and other moneys, and perform such other services and receive such compensation as in the judgment of the Secretary of the Treasury the exigencies of commerce may require: *Provided, however,* That the Secretary of the Treasury be, and he is hereby, authorized and empowered to discontinue such subports of entry or delivery whenever in his judgment there is necessity for such action.

Hawaii Territory.
Secretary of Treasury to designate subports of entry, etc.
Customs officers.

Proviso.
Discontinuing subports.

Approved, March 3, 1901.

March 3, 1901.

CHAP. 859.—An Act To amend section two hundred and three of title three of the Act entitled "An Act making further provisions for a civil government for Alaska, and for other purposes."

Alaska.
Incorporation of
towns.
Officers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section two hundred and three of title three of the Act entitled "An Act making further provisions for a civil government for Alaska, and for other purposes," be amended so as to read as follows:

Treasurer; bond
and qualifications.

The treasurer of the corporation shall be ex officio treasurer of the school board, and shall, before entering upon the duties of his office, take the oath prescribed by law and execute bonds to the corporation in an amount to be determined by the judge of the district court, which bond shall be approved by the council and the judge of the district court and filed in the office of the recorder of the corporation, and he shall give such additional bond as the council or judge of the district court may from time to time direct, but in no event shall such bonds be less than twice the amount of money in the hands of the treasurer at any one time, to be determined by the tax rolls and license books of the corporation, of the corporation clerk, and the clerk of the district court: *Provided*, That fifty per centum of all license moneys provided for by Act of Congress approved March third, eighteen hundred and ninety-nine, entitled "An Act to define and punish crimes in the district of Alaska and to provide a code of criminal procedure for said district," and any amendments made thereto, required to be paid by any resident, person, or corporation for business carried on within said corporation, shall be paid over by the clerk of the United States district court receiving the same to the treasurer of said corporation upon taking his receipt therefor in duplicate, one of which duplicate receipts shall be forwarded to the Secretary of the Treasury of the United States by the clerk as a voucher in lieu of cash, and the other receipt shall be retained by the clerk. The money received by the treasurer of the corporation from the clerk of the court for licenses shall be used, under the direction of the council, for school purposes: *Provided*, That where it is made to appear to the satisfaction of the district court that the whole amount heretofore or hereafter received by the treasurer of the corporation from the clerk of the court is not required for school purposes, the court may from time to time, by orders duly made and entered with a statement of the facts upon which they are based, authorize the expenditure of the accumulated surplus, or any part thereof, for any of the municipal purposes enumerated in this chapter. Fifty per centum of all license moneys provided for by said Act of Congress approved March third, eighteen hundred and ninety-nine, and any amendments made thereto, that may hereafter be paid for business carried on outside incorporated towns in the district of Alaska, and covered into the Treasury of the United States, shall be set aside to be expended, so far as may be deemed necessary by the Secretary of the Interior, within his discretion and under his direction, for school purposes outside incorporated towns in said district of Alaska.

Provisos.
—payments to, of half
of license moneys for
schools.
Vol. 30, p. 1336.

—expenditure of ac-
cumulated surplus au-
thorized.

—expenditures for
schools outside incor-
porated towns.

Approved, March 3, 1901.

March 3, 1901.

CHAP. 860.—An Act Granting a charter to the General Federation of Women's Clubs.

District of Colum-
bia.
General Federation
of Women's Clubs in-
corporated.
—incorporators.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Mrs. Rebecca D. Lowe, Atlanta, Georgia; Mrs. Dimies T. S. Denison, New York, New York; Miss Margaret J. Evans, Northfield, Minnesota; Mrs. Emma A. Fox, Detroit, Michigan; Mrs. George W. Kendrick, junior, Philadelphia, Pennsylvania; Mrs. Emma M. Van Vechten, Cedar Rapids, Iowa;

Mrs. George H. Noyes, Milwaukee, Wisconsin; Mrs. Edward L. Buchwalter, Springfield, Ohio; Mrs. William J. Christie, Butte, Montana; Mrs. William T. Coad, Rapid City, South Dakota; Mrs. Laura Rockwell Priddy, Wichita, Kansas; Mrs. Frank Sherwin Streeter, Concord, New Hampshire; Mrs. Anna D. West, Somerville, Massachusetts; Mrs. Charles W. Fairbanks, Indiana; Mrs. Lucia E. Blount, Washington, District of Columbia; Mrs. Ralph Trautman, New York; Mrs. John L. McNeil, Colorado; Mrs. Mary S. Lockwood, Washington, District of Columbia; Mrs. May Wright Sewall, Indiana; Mrs. J. C. Croly, New York; Miss Mary V. Temple, Tennessee; Mrs. Phoebe A. Hearst, California; Mrs. Kate Tannett Woods, Massachusetts; Mrs. Julia Plato Harvey, Illinois; Mrs. Jane O. Cooper, Colorado; Mrs. Harriet H. Robinson, Massachusetts; Mrs. Ellen M. Henrotin, Illinois; Mrs. Mary E. Mumford, Pennsylvania; Mrs. C. P. Barnes, Kentucky; Mrs. Philip N. Moore, Missouri; Mrs. Alice Ives Breed, Massachusetts; Mrs. Frank Trumbull, Colorado; Miss Annie Laws, Ohio; Mrs. Sarah S. Platt-Decker, Colorado; Mrs. J. C. Royle, Utah; Josephine Bates, Mary Rogers, Octavia W. Bates, Fanny Purdy Palmer, Julia Ward Howe, Cordelia I. Sterling, Katherine Nobles, Mary D. Steele, and their associates and successors, are hereby created a body corporate and politic, of the District of Columbia, by the name, style, and title of the General Federation of Women's Clubs, and by that name shall have perpetual succession, for educational, industrial, philanthropic, literary, artistic, and scientific culture, and to bring into communication with one another the various Women's Clubs throughout the world, with power in said corporation to make and use a common seal, and to alter the same at pleasure.

—purposes.

SEC. 2. That said corporation is authorized to acquire, by devise, bequest, or otherwise, hold, purchase, and convey, such real and personal estate as shall or may be required for the purposes of its incorporation, not exceeding two hundred thousand dollars, with authority in said corporation, should it be by it deemed necessary so to do, to mortgage or otherwise incumber the real estate which it may hereafter own or acquire, and may give therefor such evidences of indebtedness as such corporation may decide upon.

Limit real estate holdings, etc.

SEC. 3. That said corporation shall have a constitution and may adopt and make by-laws for the admission and qualifications of members, the management of its property, and the regulation of its affairs, and shall have the power to amend said constitution and by-laws at pleasure. Said corporation shall have its headquarters at Washington, in the District of Columbia.

General powers.

Approved, March 3, 1901.

CHAP. 861.—An Act To establish Lowelltown, Maine, a subport of entry.

March 3, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Lowelltown, Maine, be, and is hereby, established as a subport of entry in the customs collection district of Bangor, Maine.

Lowelltown, Me., made subport of entry

Approved, March 3, 1901.

CHAP. 862.—An Act To amend chapter five hundred and fifty-nine of the Revised Statutes of the United States, approved March third, eighteen hundred and ninety-one.

March 3, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of chapter five hundred and fifty-nine of the Revised Statutes of the United States, approved March third, eighteen hundred and ninety-one, limiting the use of timber taken from public lands to residents of the State in which such timber is found, for use within said State, shall not apply to the

Public lands.
Limitation of timber taking to citizens of State for use within State.
Vol. 26, p. 1033 amended.

—exception from
limitation.

south slope of Pryor Mountains, in the State of Montana, lying south of the Crow Reservation, west of the Big Horn River, and east of Sage Creek; but within the above-described boundaries the provisions of said chapter shall apply equally to the residents of the States of Wyoming and Montana, and to the use of timber taken from the above-described tract in either of the above-named States.

Approved, March 3, 1901.

March 3, 1901.

CHAP. 863.—An Act To authorize the Secretary of the Navy to loan naval equipment to certain military schools.

Loan of naval equip-
ments to military
schools authorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and he is hereby, authorized, upon the application of the governor of any State having seacoast line or bordering on one or more of the Great Lakes, to direct the Secretary of the Navy to furnish to one well-established military school in that State, desiring to afford its cadets instruction in elementary seamanship, one fully equipped man-of-war's cutter for every fifty cadets in actual attendance, and such other equipment as may be spared and be deemed adequate for instruction in elementary seamanship: *Provided,* That the said school shall have adequate facilities for cutter drill, and shall have in actual attendance at least one hundred and forty cadets in uniform receiving military instruction and quartered in barracks under military regulation, and shall have the capacity to quarter and educate at the same time one hundred and fifty cadets: *And provided further,* That the Secretary of the Navy shall require a bond in each case in double the value of the property, for the care and safe keeping thereof, and for the return of the same when required.

Provisos.
—conditions.

—bond.

Approved, March 3, 1901.

March 3, 1901.

CHAP. 864.—An Act To provide for celebrating the one hundredth anniversary of the purchase of the Louisiana territory by the United States by holding an international exhibition of arts, industries, manufactures, and the products of the soil, mine, forest, and sea in the city of Saint Louis, in the State of Missouri.

St. Louis Exposition
authorized.
Preamble.

Whereas it is fit and appropriate that the one hundredth anniversary of the purchase of the Louisiana territory be commemorated by an exhibition of the resources of the territory, their development, and of the progress of the civilization therein; and

Whereas such an exhibition should be of a national and international character, so that not only the people of that territory, but of our Union, and of all nations as well, can participate, and should therefore have the sanction of the Congress of the United States: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an exhibit of arts, industries, manufactures, and products of the soil, mine, forest, and sea shall be inaugurated in the year nineteen hundred and three, in the city of Saint Louis, in the State of Missouri, as herein provided.

"Louisiana Purchase
Exposition
Commission" author-
ized.

SEC. 2. That a nonpartisan commission is hereby constituted, to consist of nine commissioners, to be known and designated as the "Louisiana Purchase Exposition Commission," who shall be appointed, within thirty days from the passage of this Act, by the President of the United States, and who shall also be subject to removal by him. Vacancies in said commission to be filled in the same manner as original appointments.

SEC. 3. That the commissioners so appointed shall be called together by the Secretary of State of the United States, in the city of Saint Louis, by notice to the commissioners, as soon as convenient after the appointment of said commissioners, and within thirty days thereafter. The said commissioners, at said first meeting, shall organize by the election of their officers, and they may then, or thereafter, appoint such executive or other committees as may be deemed expedient, and a secretary at a salary of three thousand dollars per annum; that in addition to the salary of the secretary of said commission there is hereby allowed, out of any money appropriated to aid in carrying forward said exposition, the sum of ten thousand dollars per annum, or so much thereof as may be necessary, for the purpose of defraying the clerical, office, and other necessary expenses of said commission.

—first meeting.

—expenses.

SEC. 4. That said commission, when fully organized under the provisions of this Act, shall appoint two of their number to act in conjunction with a like number appointed by the Louisiana Purchase Exposition Company, to constitute a board of arbitration, to whom all matters of difference arising between said commission and said company, concerning the administration, management, or general supervision of said exposition, including all matters of difference arising out of the power given by this Act to the said company or to the said national commission to modify or approve any act of the other of the two bodies, shall be referred for determination; and in the case of the failure of said board of arbitration to agree upon such matters as may be so referred, said board of arbitration shall appoint a fifth member thereof; and in case of the failure of the said board to agree upon a fifth member, such fifth member shall then be appointed by the Secretary of the Treasury. And the decision of said board shall be final in all matters presented to it for consideration and determination.

Board of arbitration, powers, etc.

SEC. 5. That said commission be empowered, in its discretion, to accept, for the purposes of the exposition herein authorized, such site as may be selected and offered, and such plans and specifications of buildings for such purpose at the expense of and tendered by the corporation organized under the laws of the State of Missouri, known as "The Louisiana Purchase Exposition Company."

Commission authorized to accept site, etc.

SEC. 6. That the allotment of space for exhibitors, classification of exhibits, plan and scope of the exposition, the appointment of all judges and examiners for the exposition, and the awarding of premiums, if any, shall all be done and performed by the said Louisiana Purchase Exposition Company, subject, however, to the approval of the commission created by section two of this Act; and said commission is hereby authorized to appoint a board of lady managers, of such number and to perform such duties as may be prescribed by said commission, subject, however, to the approval of said company. Said board of lady managers may, in the discretion of said commission and corporation, appoint one member of all committees authorized to award prizes for such exhibits as may have been produced in whole or in part by female labor.

Louisiana Purchase Exposition Company, of Missouri, powers of, etc.

Board of lady managers.

SEC. 7. That after the plans for said exposition shall be prepared by said company and approved by said commission the rules and regulations of said corporation governing rates for entrance and admission fees, or otherwise affecting the rights, privileges, or interests of the exhibitors, or of the public, shall be fixed or established by said company, subject, however, to the modification or approval of said commission.

Company to fix rates for entrance, etc.

SEC. 8. That said commission shall provide for the dedication of the buildings of the Louisiana Purchase Exposition, in said city of Saint Louis, not later than the thirtieth day of April, nineteen hundred and three, with appropriate ceremonies, and thereafter said exposition shall be opened to visitors at such time as may be designated by said

Opening and closing of exposition.

company, subject to the approval of said commission, not later than the first day of May, nineteen hundred and three, and shall be closed at such time as the national commission may determine, subject to the approval of said company, but not later than the first day of December thereafter.

Proclamation by
President.

SEC. 9. That whenever the President of the United States shall be notified by the national commission that provision has been made for grounds and buildings for the uses herein provided for, he shall be authorized to make proclamation of the same, through the Department of State, setting forth the time at which said exposition will be held, and the purpose thereof; and he shall communicate to the diplomatic representatives of foreign nations copies thereof, together with such regulations as may be adopted by the commission, for publication in their respective countries; and he shall, in behalf of the Government and the people, invite foreign nations to take part in the said exposition and to appoint representatives thereto.

Exemption from
duty of imported ex-
hibits.

—sale of

Proviso.

—duty on.

SEC. 10. That all articles which shall be imported from foreign countries for the sole purpose of exhibition at said exposition, upon which there shall be a tariff or customs duty, shall be admitted free of payment of duty, customs fees, or charges, under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during the exposition to sell, for delivery at the close thereof, any goods or property imported for and actually on exhibition in the exposition buildings or on the grounds, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe: *Provided*, That all such articles, when sold or withdrawn for consumption in the United States, shall be subject to the duty, if any, imposed upon such articles by the revenue laws in force at the date of importation, and all penalties prescribed by law shall be applied and enforced against such articles and against the person who may be guilty of any illegal sale or withdrawal.

Reports by commis-
sion.

SEC. 11. That it shall be the duty of the national commission to make reports monthly to the President of the United States, showing receipts and disbursements and giving a general summary of the financial condition of said exposition, and a final report within six months after the close of the exposition, presenting the results and a full exhibit thereof.

Termination of com-
mission.

SEC. 12. That the national commission hereby authorized shall cease to exist on the first day of January, nineteen hundred and five.

United States not
liable.

SEC. 13. That the United States shall not in any manner nor under any circumstances be liable for any of the acts, doings, proceedings, or representations of the said Louisiana Purchase Exposition Company, its officers, agents, or employees or any of them, or for the service, salaries, labor, or wages of said officers, agents, servants, or employees, or any of them, or for any subscriptions to the capital stock, or for any certificates of stock, bonds, mortgages, or obligations of any kind issued by said corporation, or for any debts, liabilities, or expenses of any kind whatever attending such corporation or accruing by reason of the same.

Government ex-
hibit.

SEC. 14. That there shall be exhibited at said exposition by the Government of the United States from its Executive Departments, the Smithsonian Institution, the National Museum, the United States Commission of Fish and Fisheries, and the Department of Labor such articles and material as illustrate the function and administrative faculty of the Government in time of peace and its resources as a war power, tending to demonstrate the nature of our institutions and their adaptation to the wants of the people; and the Bureau of the American Republics is hereby invited to make an exhibit illustrating the resources and international relations of the American Republics, and space in the United

Bureau of American
Republics.

States Government building shall be provided for the purpose of said exhibit; and to secure a complete and harmonious arrangement of such Government exhibit a board, to be known as the United States Government board, shall be created, independent of the commission hereinbefore provided, to be charged with the selection, purchase, preparation, transportation, arrangement, installation, safe-keeping, exhibition, and return of such articles and material as the heads of the several Executive Departments, the Secretary of the Smithsonian Institution, the Commissioner of Fish and Fisheries, the Commissioner of Labor, and the Director of the Bureau of the American Republics may, respectively, decide shall be embraced in said Government exhibit. The President may also designate additional articles for exhibition. Such board shall be composed of one person to be named by the head of each Executive Department, one by the Secretary of the Smithsonian Institution, one by the Commissioner of Fish and Fisheries, one by the Commissioner of Labor, and one by the Director of the Bureau of American Republics. The President shall name one of said persons so detailed as chairman, and the board itself shall appoint its secretary, disbursing officer, and such other officers as it may deem necessary. The members of said board of management, with other officers and employees of the Government who may be detailed to assist them, including officers of the Army and Navy, shall receive no compensation in addition to their regular salaries, but they shall be allowed their actual and necessary traveling expenses, together with a per diem in lieu of subsistence, to be fixed by the Secretary of the Treasury, while necessarily absent from their homes engaged upon the business of the board. Officers of the Army and Navy shall receive this allowance in lieu of the transportation and mileage now allowed by law. Any provision of law which may prohibit the detail of persons in the employ of the United States to other service than that which they customarily perform shall not apply to persons detailed for duty in connection with the said Louisiana Purchase Exposition. Employees of the board not otherwise employed by the Government shall be entitled to such compensation as the board may determine. The disbursing officer shall give bond in the sum of thirty thousand dollars for the faithful performance of his duties, said bond to be approved by the Secretary of the Treasury. The Secretary of the Treasury shall advance to said officer from time to time, under such regulations as the Secretary of the Treasury may prescribe, a sum of money from the appropriation hereafter to be made for the Government exhibit, not exceeding at any one time the penalty of his bond, to enable him to pay the expenses of exhibit as authorized by the board of management herein created.

Government board,
duties, etc

Detail of Govern-
ment employees not
prohibited.

Employees of board.

SEC. 15. That the Secretary of the Treasury is hereby authorized and directed to place on exhibition, in connection with the exhibit of his Department, upon such grounds as shall be allotted for the purpose, one of the life-saving stations authorized to be constructed on the coast of the United States by existing law, and to cause the same to be fully equipped with all apparatus, furniture, and appliances now in use in all life-saving stations in the United States.

Life-saving station
exhibit.

SEC. 16. That the Secretary of the Treasury shall cause a suitable building or buildings to be erected on the site selected for the Louisiana Purchase Exposition for the Government exhibits, as provided in this Act, and he is hereby authorized and directed to contract therefor in the same manner and under the same regulations as for other public buildings of the United States; but the contracts for said building or buildings shall not exceed the sum of two hundred and fifty thousand dollars, which sum, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to defray the expense of erecting said Government building or buildings hereby authorized. The Secretary of the Treasury shall

Government build-
ing.

—limit of cost.

cause the said building or buildings to be constructed from plans to be approved by said Government board; and he is authorized and required to dispose of such building or buildings, or the material composing the same, at the close of the exposition, giving preference to the city of Saint Louis or to the said Louisiana Purchase Exposition Company to purchase the same at an appraised value, to be ascertained in such manner as he may determine.

Commissioners.
—compensation.

SEC. 17. That the commissioners appointed by the President under the authority of this Act shall receive as compensation for their services and expenses the sum of five thousand dollars each per annum, the same to be paid by the Secretary of the Treasury and deducted from any money appropriated for said exposition.

—not personally li-
able.

SEC. 18. That no member of said commission or of said Government board, whether an officer or otherwise, shall be personally liable for any debt or obligation which may be created or incurred by the said commission or by the said United States Government board herein authorized.

Appropriation.

SEC. 19. That whereas the Secretary of the Treasury has certified, under date of February sixth, nineteen hundred and one, that the Louisiana Purchase Exposition Company has presented to him proof to his satisfaction that it has raised ten million dollars for and on account of inaugurating and carrying forward an exposition at the city of Saint Louis, Missouri, in the year nineteen hundred and three, to celebrate the one hundredth anniversary of the purchase of the Louisiana Territory; therefore there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of five million dollars, to aid in carrying forward such exposition, to pay the salaries of the members and secretary of the national Commission herein authorized, and such other necessary expenses as may be incurred by said commission in the discharge of its duties in connection with said exposition, and to discharge all other obligations incurred by the Government on account of said exposition, except for the erection of its own buildings and the making and care of its own exhibits at said exposition. That the money hereby appropriated shall be disbursed under the direction of the said Louisiana Purchase Exposition Company under rules and regulations to be prescribed by the Secretary of the Treasury and upon vouchers to be approved by him: *Provided*, That, except for the payment of the salaries and expenses of the national commission, no part of said appropriation shall become available until the sum of ten million dollars shall have been expended by said company on account of said exposition to the satisfaction of the Secretary of the Treasury: *Provided further*, That all sums expended by the Government on account of said exposition, including the salaries and expenses of said national commission, except for the erection of its own buildings and the making and care of its own exhibits at said exposition, shall be limited to and paid out of the appropriation of five million dollars herein provided for such purpose.

Provisos.
—when available.

—Government ex-
penditures.

Repayment.

—construction.

SEC. 20. That there shall be repaid into the Treasury of the United States the same proportionate amount of the aid given by the United States as shall be repaid to either the Louisiana Purchase Exposition Company or the city of Saint Louis: *Provided*, That this section shall not be taken or construed to give the United States a right to share in the proceeds of said exposition beyond the actual amount appropriated to aid in carrying forward said exposition.

Location of branch
bank on exposition
grounds.

SEC. 21. That any bank or trust company located in the city of Saint Louis, or State of Missouri, may be designated by the Louisiana Purchase Exposition Company to conduct a banking office upon the exposition grounds, and if the bank so designated shall be a national bank, upon such designation being approved by the Comptroller of the Currency, said national bank is hereby authorized to open and

conduct such office as a branch of the bank, subject to the same restrictions and having the same rights as the bank to which it belongs: *Provided*, That the branch office authorized hereby, if the same shall be a branch of a national bank, shall not be operated for a period longer than two years, beginning not earlier than July first, nineteen hundred and two, and closing not later than July first, nineteen hundred and four.

Proviso.
—limit period of operation.

SEC. 22. That no citizen of any foreign country shall be held liable for the infringement of any patent granted by the United States, or of any trade-mark or label registered in the United States, where the act complained of is or shall be performed in connection with the exhibition of any article or thing at the Louisiana Purchase Exposition.

Infringement of patents.

SEC. 23. That the Secretary of War be, and he hereby is, authorized, at his discretion, to detail for special duty, in connection with the Louisiana Purchase Exposition, such officers of the Army as may be required, to report to the general commanding the Department of Missouri; and the officers thus detailed shall not be subject to loss of pay or rank on account of such detail, nor shall any officer or employee of the United States receive additional pay or compensation because of services connected with the said exposition from the United States or from said exposition.

Detail of army officers.

SEC. 24. That nothing in this Act shall be so construed as to create any liability of the United States, direct or indirect, for any debt or obligation incurred, nor for any claim for aid or pecuniary assistance from Congress or the Treasury of the United States in support or liquidation of any debts or obligations created by said commission.

United States not liable.

SEC. 25. That as a condition precedent to the payment of this appropriation the directors shall contract to close the gates to visitors on Sundays during the whole duration of the fair.

Sunday closing.

Approved, March 3, 1901.

CHAP. 865.—An Act Amending section forty-seven hundred and eight of the Revised Statutes of the United States in relation to pensions to remarried widows.

March 3, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section forty-seven hundred and eight of the laws of the United States governing the granting of army and navy pensions be, and the same is, amended to read as follows:

Pensions.
—of widow or dependent mother, etc., to cease on remarriage.
R. S., sec. 4708, p. 917, amended.

The remarriage of any widow, dependent mother, or dependent sister entitled to pension shall not bar her right to such pension to the date of her remarriage, whether an application therefor was filed before or after such marriage; but on the remarriage of any widow, dependent mother, or dependent sister having a pension, such pension shall cease: *Provided, however*, That any widow who was the lawful wife of any officer or enlisted man in the Army, Navy, or Marine Corps of the United States, during the period of his service in any war, and whose name was placed or shall hereafter be placed on the pension roll because of her husband's death as the result of wound or injury received or disease contracted in such military or naval service, and whose name has been or shall hereafter be dropped from said pension roll by reason of her marriage to another person who has since died or shall hereafter die, or from whom she has been heretofore or shall be hereafter divorced, upon her own application and without fault on her part, and if she is without means of support other than her daily labor as defined by the Acts of June twenty-seventh, eighteen hundred and ninety, and May ninth, nineteen hundred, shall be entitled to have her name again placed on the pension roll at the rate now provided for widows by the Acts of July fourteenth, eighteen

Provisos.
Pension restored on renewed widowhood.

Vol. 26, p. 182.
Ante, p. 170.
Vol. 12, p. 566.
Vol. 17, p. 567.
Vol. 24, p. 5.

Not restored if drawing pension.

-if pension accrued to helpless child, etc.

Agents' fees barred.

hundred and sixty-two, March third, eighteen hundred and seventy-three, and March nineteenth, eighteen hundred and eighty-six, such pension to commence from the date of the filing of her application in the Pension Bureau after the approval of this Act: *And provided further*, That where such widow is already in receipt of a pension from the United States she shall not be entitled to restoration under this Act: *And provided further*, That where the pension of said widow on her second or subsequent marriage has accrued to a helpless or idiotic child, or a child or children under the age of sixteen years, she shall not be entitled to restoration under this Act unless said helpless or idiotic child, or child or children under sixteen years of age, be then a member or members of her family and cared for by her, and upon the restoration of said widow the payment of pension to said child or children shall cease.

SEC. 2. No claim agent or other person shall be entitled to receive any compensation for services in making application for pension under this Act.

Approved, March 3, 1901.

March 3, 1901.

CHAP. 866.—An Act Requiring common carriers engaged in interstate commerce to make full reports of all accidents to the Interstate Commerce Commission.

Common carriers to report accidents to Interstate Commerce Commission.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, It shall be the duty of the general manager, superintendent, or other proper officer of every common carrier engaged in interstate commerce by railroad to make to the Interstate Commerce Commission, at its office in Washington, District of Columbia, a monthly report, under oath, of all collisions of trains or where any train or part of a train accidentally leaves the track, and of all accidents which may occur to its passengers or employees while in the service of such common carrier and actually on duty, which report shall state the nature and causes thereof, and the circumstances connected therewith.

Penalty.

SEC. 2. That any common carrier failing to make such report within thirty days after the end of any month shall be deemed guilty of a misdemeanor and, upon conviction thereof by a court of competent jurisdiction, shall be punished by a fine of not more than one hundred dollars for each and every offense and for every day during which it shall fail to make such report after the time herein specified for making the same.

Report inadmissible as evidence.

SEC. 3. That neither said report nor any part thereof shall be admitted as evidence or used for any purpose against such railroad so making such report in any suit or action for damages growing out of any matter mentioned in said report.

Form of reports.

SEC. 4. That the Interstate Commerce Commission is authorized to prescribe for such common carriers a method and form for making the reports in the foregoing section provided.

Approved, March 3, 1901.

March 3, 1901.

CHAP. 867.—An Act To amend an Act amending the Act entitled "An Act to authorize the receipt of United States gold coin in exchange for gold bars."

Exchange of gold coin for gold bars authorized.
Vol. 22, p. 97, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act approved March third, eighteen hundred and ninety-one, amending the Act approved May twenty-sixth, eighteen hundred and eighty-two, be amended so as to read as follows:

"That the superintendent of the coinage mints and of the United

States assay office at New York may, with the approval of the Secretary of the Treasury, but not otherwise, receive United States gold coin from any holder thereof in sums of not less than five thousand dollars, and pay and deliver in exchange therefor gold bars in value equaling such coin so received: *Provided*, That the Secretary of the Treasury may make, in his discretion, such exchange without charge, or may impose a charge therefor.”

Proviso.
—charge for discretionary.

Approved, March 3, 1901.

CHAP. 868.—An Act to amend section six, chapter one hundred and nineteen, United States Statutes at Large numbered twenty-four.

March 3, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section six of chapter one hundred and nineteen of the United States Statutes at Large numbered twenty-four, page three hundred and ninety, is hereby amended as follows, to wit: After the words “civilized life,” in line thirteen of said section six, insert the words “and every Indian in Indian Territory.”

Citizenship accorded Indians.
Vol. 24, p. 390, amended.

—in Indian Territory.

Approved, March 3, 1901.

CHAP. 869.—An Act Granting a right of way to the Jamestown and Northern Railway through the Devils Lake Indian Reservation, in the State of North Dakota.

March 3, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a right of way through the Devils Lake Indian Reservation, in the State of North Dakota, not exceeding two hundred feet in width, with grounds for station and depot purposes, according to the map and plat thereof, respectively, now on file in the office of the Secretary of the Interior, be, and is hereby, granted to the Jamestown and Northern Railway Company, a corporation duly organized under the laws of the then Territory and now State of North Dakota, upon the terms and conditions mentioned and set forth in a certain proposition in writing, dated July twenty-eighth, eighteen hundred and eighty-three, made and submitted to the United States Indian agent at Devils Lake Agency by F. R. Delano on behalf of the Northern Pacific Railway Company, as the same is modified by a memorandum of consent in writing thereto appended, signed by the majority of the chiefs and headmen of the Indians occupying the Devils Lake Reservation, now on file in the office of the Secretary of the Interior; which said terms and conditions, so modified, have been accepted by the said Jamestown and Northern Railway Company, by a resolution of the board of directors of said company adopted October fifth, eighteen hundred and eighty-three, a certified copy whereof is also on file in the said office: *Provided*, That the amount of compensation hereby agreed to be paid to said Indians shall be deposited by the said Jamestown and Northern Railway Company in the Treasury of the United States to the credit of the Sisseton, Wahpeton, and Cut-head Sioux Indians, occupying the Devils Lake Reservation, within sixty days after the passage of this Act, to be expended for the benefit of said Indians in such manner as the Secretary of the Interior may direct: *Provided further*, That whenever said right of way and station and depot grounds shall cease to be used for railroad purposes the same shall revert to the United States; and that the right to repeal, alter, or amend this Act is reserved to Congress.

Jamestown and Northern Railway granted right of way through Devils Lake Indian Reservation, N. D.

Provisos.
Deposit of Indians, compensation, etc.

Reversion of right of way.

Amendment.

Approved, March 3, 1901.

March 3, 1901.

CHAP. 870.—An Act To amend an Act entitled "An Act conferring on the supreme court of the District of Columbia jurisdiction to take proof of the execution of wills affecting real estate, and for other purposes," approved June eighth, eighteen hundred and ninety-eight.

District of Columbia.
Proof of execution
of wills affecting real
estate.
Vol. 30, p. 434, amend-
ed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act conferring on the supreme court of the District of Columbia jurisdiction to take proof of the execution of wills affecting real estate, and for other purposes," approved June eighth, eighteen hundred and ninety-eight, be, and it is hereby, amended by adding thereto three sections, to be designated as sections thirteen, fourteen, and fifteen, which will read as follows:

Publication of
notice to "unknown
next of kin" binding.

"SEC. 13. In all cases where it is made to appear to the satisfaction of the court that all or any of the next of kin or heirs at law of the deceased are unknown, such unknown next of kin or heirs at law may be proceeded against and described in the publication of notice hereinbefore provided for as 'the unknown next of kin,' or 'the unknown heirs at law,' as the case may be, of the deceased, and by such publication of such notice under such designation such unknown next of kin and heirs at law shall be as effectually bound and concluded as if known and their names were specifically set forth in said order of publication.

Publication against
unknown heirs in
wills heretofore pro-
bated authorized.

"SEC. 14. In case any will shall have been heretofore admitted to probate upon publication against unknown heirs or next of kin, any person interested may file a petition for further probate of such will, alleging that the heirs at law or next of kin of the deceased, or some of them, as the case may be, are unknown, and upon satisfactory showing being made to the court publication of notice may be made against the unknown next of kin or heirs at law of the deceased, and upon such publication being made, as required by the court, a decree may be made confirming such previous probate, and such decree so made shall be as effectual as if the said heirs at law or next of kin were named in the order of publication.

Previous probate
confirmed, etc.

Distributee and not
executor answerable
for property under
will afterwards in-
validated.

"SEC. 15. If any will be hereafter held invalid in any action begun after distribution made of the property by the executor or executrix in good faith, with the approval of the court, without knowledge on his or her part of such invalidity and without notice that such action was intended, the distributees of the property, and not such executor or executrix, shall be answerable for the property or its value to the person or persons entitled thereto."

Approved, March 3, 1901.

March 3, 1901.

CHAP. 871.—An Act To amend section fifty-one hundred and fifty-three of the Revised Statutes of the United States.

National banks de-
positaries of public
moneys, except cus-
toms receipts.

—exception not ap-
plicable to Hawaii,
Alaska, etc.

R. S., sec. 5153, p. 996,
amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section fifty-one hundred and fifty-three of the Revised Statutes of the United States be amended to read as follows:

"SEC. 5153. All national banking associations, designated for that purpose by the Secretary of the Treasury, shall be depositaries of public money, except receipts from customs, under such regulations as may be prescribed by the Secretary, but receipts derived from duties on imports in Alaska, the Hawaiian Islands, and other islands under the jurisdiction of the United States may be deposited in such depositaries subject to such regulations; and such depositaries may also be employed as financial agents of the Government; and they shall perform all such reasonable duties as depositaries of public moneys

and financial agents of the Government as may be required of them. The Secretary of the Treasury shall require the associations thus designated to give satisfactory security, by the deposit of United States bonds and otherwise, for the safe-keeping and prompt payment of the public money deposited with them, and for the faithful performance of their duties as financial agents of the Government. And every association so designated as receiver or depository of the public money shall take and receive at par all of the national currency bills, by whatever association issued, which have been paid into the Government for internal revenue or for loans or stocks."

Approved, March 3, 1901.

CHAP. 872.—An Act To establish the National Bureau of Standards.

March 3, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Office of Standard Weights and Measures shall hereafter be known as the National Bureau of Standards.

National Bureau of Standards established.

SEC. 2. That the functions of the bureau shall consist in the custody of the standards; the comparison of the standards used in scientific investigations, engineering, manufacturing, commerce, and educational institutions with the standards adopted or recognized by the Government; the construction, when necessary, of standards, their multiples and subdivisions; the testing and calibration of standard measuring apparatus; the solution of problems which arise in connection with standards; the determination of physical constants and the properties of materials, when such data are of great importance to scientific or manufacturing interests and are not to be obtained of sufficient accuracy elsewhere.

Functions of bureau.

SEC. 3. That the bureau shall exercise its functions for the Government of the United States; for any State or municipal government within the United States; or for any scientific society, educational institution, firm, corporation, or individual within the United States engaged in manufacturing or other pursuits requiring the use of standards or standard measuring instruments. All requests for the services of the bureau shall be made in accordance with the rules and regulations herein established.

—for whom exercised.

SEC. 4. That the officers and employees of the bureau shall consist of a director, at an annual salary of five thousand dollars; one physicist, at an annual salary of three thousand five hundred dollars; one chemist, at an annual salary of three thousand five hundred dollars; two assistant physicists or chemists, each at an annual salary of two thousand two hundred dollars; one laboratory assistant, at an annual salary of one thousand four hundred dollars; one laboratory assistant, at an annual salary of one thousand two hundred dollars; one secretary, at an annual salary of two thousand dollars; one clerk, at an annual salary of one thousand two hundred dollars; one messenger, at an annual salary of seven hundred and twenty dollars; one engineer, at an annual salary of one thousand five hundred dollars; one mechanic, at an annual salary of one thousand four hundred dollars; one watchman, at an annual salary of seven hundred and twenty dollars, and one laborer, at an annual salary of six hundred dollars.

—requests for services.

Officers and employees.

SEC. 5. That the director shall be appointed by the President, by and with the advice and consent of the Senate. He shall have the general supervision of the bureau, its equipment, and the exercise of its functions. He shall make an annual report to the Secretary of the Treasury, including an abstract of the work done during the year and a financial statement. He may issue, when necessary, bulletins for

Director, etc. powers,

—report.

Bulletins.

Appointments.

public distribution, containing such information as may be of value to the public or facilitate the bureau in the exercise of its functions.

SEC. 6. That the officers and employees provided for by this Act, except the director, shall be appointed by the Secretary of the Treasury, at such time as their respective services may become necessary.

Appropriation

SEC. 7. That the following sums of money are hereby appropriated: For the payment of salaries provided for by this Act, the sum of twenty-seven thousand one hundred and forty dollars, or so much thereof as may be necessary; toward the erection of a suitable laboratory, of fireproof construction, for the use and occupation of said bureau, including all permanent fixtures, such as plumbing, piping, wiring, heating, lighting, and ventilation, the entire cost of which shall not exceed the sum of two hundred and fifty thousand dollars, one hundred thousand dollars; for equipment of said laboratory, the sum of ten thousand dollars; for a site for said laboratory, to be approved by the visiting committee hereinafter provided for and purchased by the Secretary of the Treasury, the sum of twenty-five thousand dollars, or so much thereof as may be necessary; for the payment of the general expenses of said bureau, including books and periodicals, furniture, office expenses, stationery and printing, heating and lighting, expenses of the visiting committee, and contingencies of all kinds, the sum of five thousand dollars, or so much thereof as may be necessary, to be expended under the supervision of the Secretary of the Treasury.

Fees for tests, etc.

SEC. 8. That for all comparisons, calibrations, tests, or investigations, except those performed for the Government of the United States or State governments within the United States, a reasonable fee shall be charged, according to a schedule submitted by the director and approved by the Secretary of the Treasury.

Regulations.

SEC. 9. That the Secretary of the Treasury shall, from time to time, make regulations regarding the payment of fees, the limits of tolerance to be attained in standards submitted for verification, the sealing of standards, the disbursement and receipt of moneys, and such other matters as he may deem necessary for carrying this Act into effect.

Visiting committee.

SEC. 10. That there shall be a visiting committee of five members, to be appointed by the Secretary of the Treasury, to consist of men prominent in the various interests involved, and not in the employ of the Government. This committee shall visit the bureau at least once a year, and report to the Secretary of the Treasury upon the efficiency of its scientific work and the condition of its equipment. The members of this committee shall serve without compensation, but shall be paid the actual expenses incurred in attending its meetings. The period of service of the members of the original committee shall be so arranged that one member shall retire each year, and the appointments thereafter to be for a period of five years. Appointments made to fill vacancies occurring other than in the regular manner are to be made for the remainder of the period in which the vacancy exists.

Approved, March 3, 1901.

March 3, 1901.

CHAP. 873.—An Act To amend section fifty-five hundred and forty-six of the Revised Statutes.

Designation of penitentiary by Attorney-General for convicts of United States courts.
R. S., sec. 5546, p. 1074, amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section fifty-five hundred and forty-six of the Revised Statutes be amended by adding after the words "any court of the United States" the words "including consular courts," and after the words "District or Territory" by adding the words "or country," and after the words "where the conviction has occurred" by adding the words "and in case of convictions by a consular court the transportation shall be by some properly qualified agent

or agents designated by the Department of State, the reasonable actual expense of transportation, necessary subsistence, and hire and transportation of guards and agent or agents to be defrayed from the appropriation for bringing home criminals;" so as to read:

"SEC. 5546. All persons who have been, or who may hereafter be, convicted of crime by any court of the United States, including consular courts, whose punishment is imprisonment in a District or Territory or country where, at the time of conviction or at any time during the term of imprisonment, there may be no penitentiary or jail suitable for the confinement of convicts, or available therefor, shall be confined during the term for which they have been or may be sentenced, or during the residue of said term, in some suitable jail or penitentiary in a convenient State or Territory, to be designated by the Attorney-General, and shall be transported and delivered to the warden or keeper of such jail or penitentiary by the marshal of the District or Territory where the conviction has occurred; and in case of convictions by a consular court the transportation shall be by some properly qualified agent or agents designated by the Department of State, the reasonable actual expense of transportation, necessary subsistence, and hire and transportation of guards and agent or agents to be defrayed from the appropriation for bringing home criminals; and if the conviction be had in the District of Columbia, the transportation and delivery shall be by the warden of the jail of that District, the reasonable actual expense of transportation, necessary subsistence, and hire and transportation of guards and the marshal, or the warden of the jail in the District of Columbia only, to be paid by the Attorney-General out of the judiciary fund. But if, in the opinion of the Attorney-General, the expense of transportation from any State, Territory, or the District of Columbia in which there is no penitentiary will exceed the cost of maintaining them in jail in the State, Territory, or the District of Columbia during the period of their sentence, then it shall be lawful so to confine them therein for the period designated in their respective sentences. And the place of imprisonment may be changed in any case when, in the opinion of the Attorney-General, it is necessary for the preservation of the health of the prisoner, or when, in his opinion, the place of confinement is not sufficient to secure the custody of the prisoner, or because of cruel and improper treatment: *Provided, however,* That no change shall be made in the case of any prisoner on the ground of the unhealthiness of the prisoner or because of his treatment, after his conviction and during his term of imprisonment, unless such change shall be applied for by such prisoner, or some one in his behalf."

Approved, March 3, 1901.

CHAP. 874.—An Act To authorize the Charleroi and Monessen Bridge Company to construct and maintain a bridge across the Monongahela River.

March 3, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Charleroi and Monessen Bridge Company, a corporation existing under the laws of the State of Pennsylvania is hereby authorized to construct, maintain, and operate a highway bridge across the Monongahela River, from a point in the borough of North Charleroi, county of Washington and State of Pennsylvania, to a point on the opposite side of the river, in the township of Rostraver, county of Westmoreland, and State of Pennsylvania. The said bridge, when built in accordance with this Act, shall be a legal structure, and may be used for all the purposes of a highway bridge.

SEC. 2. That the channel span of any bridge built under the provisions of this Act shall not be less than fifty-four feet above the level

—of consular courts.

Transport and delivery of prisoners.

—consular prisoners; State Department agent to act.

In District of Columbia.

Expense of transporting.

Change of place of imprisonment.

Proviso.—application for, required.

Charleroi and Monessen Bridge Company may bridge Monongahela River.

—location, etc.

Spans, etc.

Proviso.
Lawful structure
and post route.

of the water at pool full in said river, measured to the lowest part of the superstructure thereof, nor shall the said span be less than three hundred feet in length in the clear, and the piers of the bridge shall be parallel with the current of the river, and the said span shall be over the main channel of the river at ordinary water: *Provided*, That any bridge constructed under this Act and according to its limitations shall be a lawful structure and shall be known and recognized as a post route, and the same is hereby declared to be a post route, upon which, also, no higher charge shall be made for the transportation over the same of the mails, the troops, or munitions of war of the United States than the rate per mile paid for transportation over railroads or public highways leading to the said bridge.

Secretary of War to
approve plans.

SEC. 3. That the bridge authorized to be constructed under this Act shall be located and built under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe, and to secure that object the bridge company shall submit to the Secretary of War, for his examination and approval, a design and drawing of the bridge and a map of the location, giving for the space of three-fourths of a mile above the proposed location the depths and currents at all points of the same and the depths and the currents as far below the proposed location as he may require, and also give the location of any other bridge for three-fourths of a mile above and below the proposed location, together with all other information touching the said bridge and river as may be deemed requisite by the Secretary of War to determine whether said bridge when built will conform to the provisions of this Act and cause any serious obstruction to the navigation of the river or injuriously affect the flow of water.

Notification of ap-
proval, etc.

SEC. 4. That the Secretary of War is hereby authorized and directed, upon receiving said plan and map and upon being satisfied that a bridge built upon such a plan and at said locality will conform to the provisions of this Act and cause no serious obstruction to the navigation of the river or injuriously affect the flow of water, to notify said company that he approves the same; and upon receiving such notification the said company may proceed to the erection of said bridge, conforming strictly to the approved plan and location. But until the Secretary of War shall approve the plan and location of the said bridge and notify the said company of the same in writing the bridge shall not be commenced; and should any change be made in the plan of the bridge during the progress of the work thereon, such change shall be subject likewise to the approval of the Secretary of War.

Transit.

SEC. 5. That said bridge shall be constructed and used for the passage of wagons and vehicles of all kinds, for the transit of animals and foot passengers, for the erection and maintenance thereon of telegraph and telephone wires, and the passage and operation of street cars over the same, for such reasonable rates of toll as may be fixed by the laws of the State of Pennsylvania, or may be agreed upon between the bridge company and such persons or corporations using the same, where the rates of toll are not fixed by law; and in case the parties interested shall fail to agree upon the sum to be paid and upon the rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall, upon the application of either party, be determined by the circuit court of the United States in and for any district in which any portion of said bridge may be. The United States shall also have the right of way over said bridge for postal-telegraph and telephone purposes: *Provided*, That all street railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same, and over the approaches thereto, and all telephone and telegraph companies shall be granted equal rights and privileges in the construction and operation of their lines across said bridge.

—tolls.

—litigation.

—postal telegraph,
etc.

Proviso.
Street railways.

Telephone, etc.,
companies.

SEC. 6. That said bridge herein authorized to be constructed shall so be kept and managed at all times as to afford proper means and ways for the passage of vessels, barges, or rafts, both by day and by night, and there shall be displayed on said bridge by the owners thereof, from sunrise to sunset, such lights or other signals as the Light-House Board may prescribe; and such changes may be made from time to time in the structure of said bridge as the Secretary of War may direct, at the expense of the said company, in order the more effectually to preserve the free navigation of said river; and in case of any litigation arising from any alleged obstruction to the navigation of any of said rivers created by the construction of any bridge under this Act, the cause or question arising may be tried before the circuit court of the United States in and for any district in which any portion of said obstruction or bridge may be.

Aids to navigation.

Lights.

Alterations.

Litigation.

SEC. 7. That this Act shall be null and void unless the construction of said bridge shall be commenced within one year and completed within three years from the passage of this Act.

Commencement and completion.

SEC. 8. That Congress shall have power at any time to alter, amend, or repeal this Act.

Amendment.

Approved, March 3, 1901.

CHAP. 875.—An Act To provide an American register for the foreign-built ship *Balclutha*.

March 3, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of Navigation be, and he is hereby, authorized and directed to cause the foreign-built ship *Balclutha*, owned by citizens of the United States, to be registered as vessel of the United States.

Ship *Balclutha*
granted American
register.

Approved, March 3, 1901.

CHAP. 876.—An Act To incorporate the Society of American Florists and Ornamental Horticulturists within the District of Columbia.

March 3, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That James Dean, of Freeport, Charles W. Ward, of Queens, William Scott, of Buffalo, and Charles Henderson, of New York City, all in the State of New York; William J. Stewart, Michael H. Norton, and Patrick Welch, of Boston, Edmund M. Wood, of Natick, and Lawrence Cotter, of Dorchester, all in the State of Massachusetts; Edward G. Hill, of Richmond, in the State of Indiana; John N. May, of Summit, John G. Esler, of Saddle River, Patrick O'Mara, of Jersey City, William A. Manda, of South Orange, all in the State of New Jersey; Benjamin Durfee, William R. Smith, William F. Gude, and Henry Small, jr., of Washington, in the District of Columbia; Willis N. Rudd, of Chicago, Emil Buettner, of Park Ridge, John C. Vaughan, of Chicago, all in the State of Illinois; Joseph A. Dirwanger, of Portland, in the State of Maine; Robert Craig, Edwin Lonsdale, W. Atlee Burpee, and John Burton, of Philadelphia, H. B. Beatty, of Oil City, and William Falconer, of Pittsburg, all in the State of Pennsylvania; George M. Kellogg, of Pleasant Hill, in the State of Missouri; John T. D. Fulmer, of Des Moines, and J. C. Rennison, of Sioux City, in the State of Iowa; L. A. Berckmans, of Augusta, in the State of Georgia; H. Papworth, of New Orleans, in the State of Louisiana; Elmer D. Smith, of Adrian, and Harry Balsley, of Detroit, in the State of Michigan; F. A. Whelan, of Mount

District of Columbia.
Society of American
Florists and Orna-
mental Horticultur-
ists incorporated.
—incorporators.

Purposes of incorporation.

Powers.
—to hold real estate.

Proviso.
—limitation.

Principal office.

Not to use parks.

Amendment.

Vernon on the Potomac, in the State of Virginia; Adam Graham, of Cleveland, in the State of Ohio; William Fraser, of Baltimore, in the State of Maryland; John Spalding, of New London, and John N. Champion, of New Haven, in the State of Connecticut; and Charles W. Hoitt, of Nashua, in the State of New Hampshire, their associates and successors, are hereby created a body corporate and politic, within the District of Columbia, by the name of the Society of American Florists and Ornamental Horticulturists, for the development and advancement of floriculture and horticulture in all their branches, to increase and diffuse the knowledge thereof, and for kindred purposes in the interest of floriculture and horticulture. Said association is authorized to adopt a constitution and to make by-laws not inconsistent with law, to hold real and personal estate in the District of Columbia, so far only as may be necessary to its lawful ends, to an amount not exceeding fifty thousand dollars, and such other estate as may be donated or bequeathed in any State or Territory: *Provided*, That all property so held, and the proceeds thereof, shall be held and used solely for the purposes set forth in the Act. The principal office of the association shall be at Washington in the District of Columbia, but annual meetings may be held in such places as the incorporators or their successors shall determine: *Provided*, That this corporation shall not be permitted to occupy any park of the city of Washington.

SEC. 2. That Congress reserves the right to alter, amend, or repeal this Act in whole or in part.

Approved, March 3, 1901.

March 3, 1901.

CHAP. 877.—An Act To authorize the Paris, Choctaw and Little Rock Railway Company to construct and maintain a bridge across Red River, in the State of Texas.

Paris, Choctaw and
Little Rock Railway
may bridge Red River
at Hooks Ferry, Tex.

Proviso.
Lawful structure
and post route.

Postal telegraph,
etc.

Secretary of War to
approve plans.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Paris, Choctaw and Little Rock Railway Company, a corporation duly created under and by virtue of the laws of the State Texas, be, and is hereby, authorized to build a bridge across Red River, at a point suitable to the interest of navigation, at or near Hooks Ferry, Red River County, Texas, the said bridge to be so constructed as to not interfere with the navigation of said river: *Provided*, That any bridge constructed under this Act and according to its limitations shall be a lawful structure, and shall be known and recognized as a post route, and the same is hereby declared to be a post route, upon which no higher rate shall be charged for the transmission over the same of the mails, the troops, and the munitions of war of the United States, or for through passengers or freight passing over said bridge, than the rate per mile paid for their transportation over the railways leading to said bridge; and the United States shall have the right of way for postal-telegraph and telephone purposes over said bridge.

SEC. 2. That any bridge constructed under this Act shall be built and located under and subject to such regulations for the security of the navigation of said river as the Secretary of War shall prescribe, and to secure that object the said company shall submit to the Secretary of War, for his examination and approval, a design and drawings of the bridge and piers, and a map of the location, giving for the space of at least one mile above and one mile below the proposed location the topography of the banks of the river, the shore lines at high and low water, and the direction and strength of the current at all stages, and the soundings, accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such

other information as may be required for a full and satisfactory understanding of the subject; and until said plan and location of the bridge are approved by the Secretary of War the bridge shall not be built, and if any change be made in the plan of construction of said bridge during the progress of the work thereon, or after the completion of said bridge, such change shall be subject to the approval of the Secretary of War; and the said structure shall be so kept and managed at all times as to offer reasonable and proper means for the passage of vessels through or under said structure; and for the safety of vessels passing at night there shall be displayed on said bridge, from sunset to sunrise, at the expense of the owners thereof, such lights and other signals as may be prescribed by the Light-House Board; and the said structure shall be changed and altered at the cost and expense of the owners thereof from time to time as the Secretary of War may direct, so as to preserve the free and convenient navigation of said river.

SEC. 3. That all railway companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of cars over the same and the approaches thereto upon the payment of a reasonable compensation for such use; and in case the owner or owners of said bridge and several companies, or any one of them, desiring such use shall fail to agree upon the sum or sums to be paid and upon the rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties. And equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies.

SEC. 4. That this Act shall be null and void if actual construction of the bridge herein authorized is not commenced within one year and completed within three years from the date hereof.

SEC. 5. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, March 3, 1901.

Changes.

Aids to navigation.

Lights.

Alterations.

Rights of railroads to use.

Telegraph, etc., companies.

Commencement and completion.

Amendment.

CHAP. 878.—An Act to authorize the Pigeon River Improvement, Slide, and Boom Company, of Minnesota, to enter upon the Grand Portage Indian Reservation, and improve the Pigeon River in said State at what is known as the cascades of said river.

March 3, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Pigeon River Improvement, Slide, and Boom Company, a corporation organized and existing under the laws of the State of Minnesota, be, and hereby is, authorized, under such rules and regulations and subject to such conditions and limitations as the Secretary of the Interior may prescribe, to enter upon and improve the Pigeon River at what is known as the cascades of said river, for the purpose of making said river at said point navigable for floating logs, and to that end to enter upon the unallotted lands, and, with the consent of the allottees, upon any allotted lands, adjacent to said cascades, of the Grand Portage Indian Reservation, in said State, and to construct such sluice dams, wing dams, bulkheads, spill dams, and other works necessary for said purpose, and to take from said unallotted lands timber for the construction of said improvements and works in quantity not to exceed one hundred and twenty-five thousand feet, board measure, for which timber said company shall pay such price as may be agreed upon between said company and the Secretary of the Interior, but not less than five dollars per thousand feet, board measure, the proceeds to be placed in the Treasury of the United States to the credit of the Chippewa

Pigeon River Improvement, Slide, and Boom Company may improve Pigeon River on Grand Portage Indian Reservation, Minn.

Use of timber by company.

—proceeds credited to Chippewa Indians, Minn.

Provisos.
River open to pas-
sage of timber.

Fishways.

Indians in Minnesota: *Provided*, That said river after being so improved shall be open at all times to the free passage of all timber cut from said Grand Portage Indian Reservation, and to the passage of all other timber for a reasonable charge therefor: *Provided further*, That suitable fishways shall be constructed and maintained by said company, to be approved by the United States Fish Commission.

Approved, March 3, 1901.

March 3, 1901.

CHAP. 879.—An Act To authorize the Portland, Nehalem and Tillamook Railway Company to construct a bridge across Nehalem Bay and River, in the State of Oregon.

Portland, Nehalem
and Tillamook Rail-
way may bridge Ne-
halem Bay and River,
Oreg.

Proviso.
—location.

Transit, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Portland, Nehalem and Tillamook Railway Company, a corporation created and existing under the laws of Oregon, its successors and assigns, be, and is hereby, authorized to construct and maintain a bridge and approaches thereto across the upper portion of Nehalem Bay, or across the main channel of, or the North Fork of, the Nehalem River, to the opposite shore of said bay or rivers, in the county of Tillamook and State of Oregon: *Provided*, That a location is found within or near Nehalem Bay suitable to the interests of navigation and satisfactory to the Secretary of War. Said bridge will be constructed where necessary for the crossing of said bay and rivers with said railway company's railway at such points as may be selected by the said railway company, and subject to the approval of the Secretary of War, and shall be so constructed as to provide for the passage of railroad trains, and, at the option of said railway company by which it may be built, may be used for the passage of wagons and vehicles of all kinds, for the transit of animals and foot passengers, for such reasonable rates of toll as may be fixed by the said railway company and approved by the Secretary of War.

Lawful structure
and post route.

Telegraph, etc.,
companies.

Proviso.
Rights of railroads
to use.

SEC. 2. That any bridge built under this Act, and subject to its limitations, shall be a lawful structure, and shall be recognized and known as a post route, and shall enjoy the same rights and privileges as other post roads in the United States; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies; and the United States shall have the right of way across said bridge and its approaches for postal-telegraph and telephone purposes: *Provided*, That all railway companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of cars over the same and the approaches thereto upon the payment of a reasonable compensation for such use; and in case the owner or owners of said bridge and several companies, or any one of them, desiring such use shall fail to agree upon the sum or sums to be paid and upon the rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties.

Aids to navigation.

SEC. 3. That the bridge across said Nehalem Bay or the main or North Fork of Nehalem River shall be so constructed, whether by draw, span, or otherwise, that a free and unobstructed passage may be secured to all vessels and other water craft navigating said bay or rivers, and be built under and subject to such regulations for the security of the navigation of the said bay or rivers over which they may be built as the Secretary of War may prescribe; and to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, designs and drawings of the bridge and

Secretary of War to
approve plan.

maps of location selected; and until said plans and locations are approved by the Secretary of War the bridge shall not be commenced or built; and should any changes be made in the plans of said bridge during the process of construction or after completion such changes shall be subject to the approval of the Secretary of War; and all changes in said bridge required by the Secretary of War at any time shall be at the expense of the corporations or persons owning or operating said bridge: *Provided*, That for the safety of vessels passing at night there shall be displayed on said bridge, from sunset to sunrise, at the expense of the owners thereof, such lights and other signals as the Light-House Board may prescribe.

Changes.

Proviso.
Lights.

SEC. 4. That Congress may, at any time, alter, amend, or repeal this Act.

Amendment.

SEC. 5. That this Act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within four years from the date hereof.

Commencement and
completion.

Approved, March 3, 1901.

CHAP. 880.—An Act To authorize the city of Nashville, Tennessee, to construct a free public bridge across the Cumberland River within the corporate limits of said city.

March 3, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the mayor and city council of Nashville, a municipal corporation located in Davidson County, State of Tennessee, be, and is hereby, authorized to construct, maintain, and operate a free public bridge across the Cumberland River at the foot of Broad street, within the corporate limits of said city, provided such location is, in the judgment of the Secretary of War, suitable to the interests of navigation.

Nashville, Tenn.,
may bridge Cumber-
land River.

SEC. 2. That the said bridge shall be located and built subject to such regulations for the security of navigation as the Secretary of War may prescribe; and to secure that object the said mayor and city council shall submit, for his examination, a design and drawing of the proposed bridge and a map of its location; and until the said plan and location shall be approved by him the bridge shall not be commenced or built; and should any change be made in said bridge, either before or after completion, such change shall likewise be subject to the approval of the Secretary of War.

Secretary of War to
approve plans.

SEC. 3. That such bridge shall be so kept and managed as to offer reasonable and proper means for the passage of boats and other craft through or under the same; and for the safety of vessels passing at night there shall be displayed on said bridge, from sunset to sunrise, such lights or other signals as the Light-House Board may prescribe. And any changes in the said bridge which the Secretary of War may at any time deem necessary, and order in the interests of navigation, shall be made by the owners thereof at their own expense.

Aids to navigation.

Lights.

SEC. 4. That this Act shall be null and void if the actual construction of said bridge shall not be commenced within one year and completed within three years after the date hereof.

Commencement and
completion.

SEC. 5. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

Approved, March 3, 1901.

March 3, 1901.

CHAP. 881.—An Act To amend an Act entitled "An Act to constitute a new division of the eastern judicial district of Texas, and to provide for the holding of terms of court at Sherman, Texas, and for the appointment of a clerk for said court, and for other purposes," approved February nineteenth, nineteen hundred and one.

Texas, eastern judicial district.
New division of, etc.
Clerk's office at Sherman, Tex.
Ante, p. 798.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section five of said Act be, and the same is hereby, amended to read as follows:

"**SEC. 5.** That the clerk of the circuit court of said eastern district shall maintain an office, in charge of himself or a deputy, at the said city of Sherman, which shall be kept open at all times for the transaction of the business of said division; and the district judge for the said eastern district shall appoint a clerk of the district court who shall maintain an office at the said city of Sherman, which shall be kept open at all times for the transaction of the business of said division."

Approved, March 3, 1901.

RESOLUTIONS.

[No. 1.] Joint Resolution To pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, nineteen hundred, on the twentieth day of said month.

December 18, 1900.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Senate and the Clerk of the House of Representatives be, and they are hereby, authorized and directed to pay the officers and employees of the Senate and House of Representatives, including the Capitol police, their respective salaries for the month of December, nineteen hundred, on the twentieth day of December, nineteen hundred.

Officers, etc., of Congress to be paid December salaries December 20, 1900.

Approved, December 18, 1900.

[No. 2.] Joint Resolution To fill a vacancy in the Board of Regents of the Smithsonian Institution.

January 14, 1901.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the vacancy in the Board of Regents of the Smithsonian Institution of the class other than members of Congress, caused by the death of William Lyne Wilson, of Virginia, shall be filled by the appointment of George Gray, a resident of Delaware.

George Gray appointed regent Smithsonian Institution.

Approved, January 14, 1901.

[No. 3.] Joint Resolution Authorizing the publication of an edition of "A Digest of International Law."

January 14, 1901.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there be printed the usual number of copies of "A Digest of the International Law of the United States, taken from the Opinions of Presidents and Secretaries of State, and of Attorney-Generals, and from the Decisions of Federal Courts, and of Joint International Commissions in which the United States was a party;" and that there be printed, in addition to said usual number, two thousand copies for the use of the State Department, two thousand copies for the use of the Senate, and four thousand copies for the use of the House of Representatives; said Digest to be printed under the direction of the Secretary of State, and to be brought down to date.

"Digest of International Law." Publication authorized.

Approved, January 14, 1901.

January 14, 1901.

[No. 4.] Joint Resolution Authorizing the appointment of Charles A. Boutelle as a captain on the retired list of the Navy.

Charles A. Boutelle.
Appointment as captain on retired list of Navy authorized.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint upon the retired list of the Navy, with the rank of captain, Charles A. Boutelle, formerly a volunteer lieutenant on the active list of the Navy.

Approved, January 14, 1901.

January 22, 1901.

[No. 5.] Joint Resolution Authorizing the Secretary of War to grant permits to the executive committee on inaugural ceremonies for use of reservations or public spaces in the city of Washington on the occasion of the inauguration of the President-elect, on March fourth, nineteen hundred and one, and so forth.

District of Columbia.
Inauguration of President-elect.
Permits for use of public reservations authorized.

Designation of streets to be used.

Proviso.
Platforms, etc., supervision of, etc.

Use of conductors for illumination.

Provisos.
—limit of time.

—removal of wires.

—no expense to United States, etc.

—no underground conduits.

Appropriation for preserving order.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War is hereby authorized to grant permits to the committee on inaugural ceremonies for the use of any reservations or other public spaces in the city of Washington on the occasion of the inauguration of the President-elect, on the fourth day of March, nineteen hundred and one, which, in his opinion, will inflict no serious or permanent injuries upon such reservations or public spaces or statuary thereon; and the Commissioners of the District of Columbia may designate, for such and other purposes on the occasion aforesaid, such streets, avenues, and sidewalks in said city of Washington as they may deem proper and necessary: *Provided, however,* That all stands or platforms that may be erected on the public spaces aforesaid shall be under the supervision of the said inaugural committee and in accordance with plans and designs to be approved by the Architect of the Capitol, the commissioner of public buildings and grounds, and the building inspector of the District of Columbia.

SEC. 2. That the Commissioners of the District of Columbia are hereby authorized to permit the committee on illumination of the citizens' inaugural committee for the inaugural ceremonies, March, nineteen hundred and one, to stretch suitable overhead conductors, with sufficient supports, wherever necessary and in the nearest practicable connection with the present supply of light, for the purpose of effecting the said illumination: *Provided,* That the said conductors shall not be used for the conveying of electrical currents after March sixth, nineteen hundred and one, and shall, with their supports, be fully and entirely removed from the streets and avenues of the said city of Washington on or before March fifteenth, nineteen hundred and one: *Provided further,* That the stretching and removing of the said wires shall be under the supervision of the Commissioners of the District of Columbia, who shall see that the provisions of this resolution are enforced, that all needful precautions are taken for the protection of the public, and that the pavement of any street, avenue, or alley disturbed is replaced in as good condition as before entering upon the work herein authorized: *Provided further,* That no expense or damage on account of or due to the stretching, operation, or removing of the said temporary overhead conductors shall be incurred by the United States or the District of Columbia: *Provided further,* That for the purposes of this Act the construction of additional underground conduits is specifically prohibited.

SEC. 3. That ten thousand dollars, or as much thereof as may be necessary, payable from any money in the Treasury not otherwise appropriated and from the revenues of the District of Columbia in

equal parts, is hereby appropriated to enable the Commissioners of the District of Columbia to maintain public order and protect life and property in said District from the twenty-eighth of February to the ninth of March, nineteen hundred and one, both inclusive. Said Commissioners are hereby authorized and directed to make all reasonable regulations necessary to secure such preservation of public order and protection of life and property and fixing fares by public conveyance during said period. Any person violating any of such regulations shall be liable for each such offense to a fine not to exceed one hundred dollars in the police court of said District, and in default of payment thereof to imprisonment in the workhouse of said District for not longer than sixty days.

Regulations.

—penalty.

SEC. 4. That the Secretary of War and the Secretary of the Navy be, and they are hereby, authorized to loan to the committee on inaugural ceremonies such ensigns, flags, and so forth (except battle flags), that are not now in use and may be suitable and proper for decoration and may be spared without detriment to the public service, such flags to be used by said committee under such regulations and restrictions as may be prescribed by the said Secretaries, or either of them, in decorating the fronts of public buildings and other places on the line of march between the Capitol and the Executive Mansion, and the interior of the reception hall: *Provided*, That the said committee shall indemnify the said Departments, or either of them, for any loss or damage to such flags not necessarily incident to such use.

Loan of flags, etc., for decorating.

Proviso.
—liability for damage.

SEC. 5. That the Commissioners of the District of Columbia be, and they are hereby, authorized to permit the Western Union Telegraph Company and the Postal Telegraph Company to extend overhead wires into the Pension building and to such points along the line of parade as shall be deemed by the chief marshal convenient for use in connection with the parade and other inaugural purposes, the said wires to be taken down within ten days after the conclusion of the ceremonies on the fourth day of March, anno Domini nineteen hundred and one.

Temporary telegraph wires.

—removal of.

SEC. 6. That the Commissioners of the District of Columbia are hereby authorized to issue to steam railroad companies in said District permits to temporarily occupy additional parts of streets for the purpose of accommodating the traveling public attending the inaugural ceremonies in March, nineteen hundred and one: *Provided*, That such temporary occupation shall not exceed the period of fifteen days, and shall be subject to conditions prescribed by said Commissioners: *Provided further*, That no temporary tracks shall be laid upon or over any of the parks of the city.

Temporary occupation of streets by railroads.

Provisos.
—limit of time.

—use of parks forbidden.

Approved, January 22, 1901.

[No. 7.] Joint Resolution To enable the Secretary of the Senate and Clerk of the House of Representatives to pay the necessary expenses of the inaugural ceremonies of the President of the United States March fourth, nineteen hundred and one.

February 8, 1901.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That to enable the Secretary of the Senate and Clerk of the House of Representatives to pay the necessary expenses of the inaugural ceremonies of the President of the United States March fourth, nineteen hundred and one, in accordance with such programme as may be adopted by a Joint Committee of the Senate and House of Representatives, to be appointed under a concurrent resolution of the two Houses, including the pay for extra police for three days, at three dollars per day, there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, seven thousand dollars, or so much thereof as may be necessary, the same to be immediately available.

Inauguration of President elect.
Appropriation for expenses of Senate, etc.

Approved, February 8, 1901.

February 23, 1901.

[No. 8.] Joint Resolution Providing for the printing annually of the Report on Field Operations of the Division of Soils, Department of Agriculture.

Department of Agriculture,
Division of Soils,
Report on Field
Operations.
Printing of, annually authorized.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there be printed seventeen thousand copies of the Report on Field Operations of the Division of Soils, Department of Agriculture, for nineteen hundred, of which three thousand copies shall be for the use of the Senate, six thousand copies for the use of the House of Representatives, and eight thousand copies for the use of the Department of Agriculture; and that annually hereafter a similar report shall be prepared and printed, the edition to be the same as for the report herein provided.

Approved, February 23, 1901.

February 23, 1901.

[No. 9.] Joint Resolution Providing for reprint of Bulletin Numbered Eighty, entitled "The Agricultural Experiment Stations of the United States."

Bulletin Agricultural
Experiment Stations,
United States.
Printing authorized.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there be printed from the stereotype plates in the Government Printing Office five thousand copies of Bulletin Numbered Eighty, office of Experiment Stations, entitled "The Agricultural Experiment Stations in the United States," of which one thousand copies shall be for the use of the Senate, two thousand copies for the use of the House of Representatives, and two thousand copies for the use of the Department of Agriculture; the quality of paper and style of binding to be the same as in the original edition of the publication.

Approved, February 23, 1901.

February 28, 1901.

[No. 10.] Joint Resolution Authorizing the Secretary of the Interior to remove from the files of the Department of the Interior certain letters to be donated to the State of Iowa.

Department of the
Interior.
Donation of letters
from files of, to State
of Iowa authorized.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and is hereby, authorized to remove from the files of the Department and donate to the State of Iowa such letters of Robert Lucas, John Chambers, and James Clark, addressed to the Commissioner of Indian Affairs, as may be designated by the curator of the historical department of said State, copies being retained in the files of the Department of the Interior if the Secretary shall deem such letters or any of them of any value to the Government.

Approved, February 28, 1901.

February 28, 1901.

[No. 11.] Joint Resolution Authorizing articles imported from foreign countries for the sole purpose of exhibition at the San Antonio International Fair and at the Texas State Fair and Dallas Exposition, to be held in the cities of San Antonio, Texas, and Dallas, Texas, to be imported free of duty, under regulations prescribed by the Secretary of the Treasury.

San Antonio International Fair, Texas.
Texas State Fair and Dallas Exposition, Texas.
Imported exhibits admitted free of duty.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That all articles which shall be imported from foreign countries for the sole purpose of exhibition at the annual fair held under the auspices of the San Antonio International Fair Association and at the Texas State Fair and Dallas Exposition, held annually in the cities of San Antonio, Texas, and Dallas,

Texas, respectively, upon which there shall be a tariff or customs duty, shall be admitted free of payment of duty, customs fees, or charges, under such regulations as the Secretary of the Treasury may prescribe; but it shall be lawful at any time during the exhibition to sell, for delivery at the close of the said fairs and expositions, any goods or property imported for and actually on exhibition in the fair and exposition buildings or on their grounds, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe: *Provided*, That all such articles, when sold or withdrawn for consumption in the United States, shall be subject to the duty, if any, imposed upon such article by the revenue laws in force at the date of importation, and all penalties prescribed by law shall be applied and enforced against such articles and against the persons who may be guilty of any illegal sale or withdrawal. —sale.

Proviso.

—payment of duty.

SEC. 2. That for the purposes of the execution of this Act San Antonio, Texas, and Dallas, Texas, may, in the discretion of the Secretary of the Treasury, be ports of delivery in the customs collection district in which they are situated: *Provided*, That all necessary expenses incurred, including salaries of customs officials in charge of imported articles, shall be paid into the Treasury of the United States by the San Antonio International Fair and the Texas State Fair and Dallas Exposition Association, respectively, as the goods imported, under regulations to be prescribed by the Secretary of the Treasury. San Antonio and Dallas temporary ports of delivery.

Proviso.

Payment of expenses, etc.

Approved, February 28, 1901.

[No. 12.] Joint Resolution Extending the time within which certain street railroads in the District of Columbia may be constructed.

March 1, 1901.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the time within which the Washington and Gettysburg Railway Company, of Maryland, is allowed to extend its lines into and within the District of Columbia be, and the same is hereby, extended for two years from and after the passage of this resolution.

District of Columbia, Washington and Gettysburg Railway, Md. Time extended to run lines into the District.

SEC. 2. That the time within which the Columbia Railway is authorized to construct an extension of its lines from the intersection of Watts Creek and Anacostia road along the Anacostia road to its intersection with the eastern boundary line of the District of Columbia be, and the same is hereby, extended for two years from the passage of this resolution: *Provided*, That said branch of said railway shall be constructed in or along said Anacostia road in accordance with plans to be approved by the Commissioners of the District of Columbia.

Columbia Railway. Time for completing extension extended.

Proviso.
Plans.

Approved, March 1, 1901.

[No. 13.] Joint Resolution Regulating licenses to proprietors of theaters in the District of Columbia.

March 1, 1901.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That any license issued by the assessor of the District of Columbia to the proprietor of a theater or other public place of amusement in the District of Columbia may be terminated by the Commissioners of the District of Columbia whenever it shall appear to them that, after due notice, the person holding such license shall have failed to comply with such regulations as may be prescribed by the said Commissioners for the public decency.

District of Columbia. Theater licenses may be terminated for indecent performances.

Approved, March 1, 1901.

March 2, 1901.

[No. 14.] Joint Resolution Giving the Commissioners of the District of Columbia authority to provide for the public comfort.

District of Columbia.
Inaugural ceremonies.Appropriation to
provide for public
comfort.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioners of the District of Columbia be, and they are hereby, authorized to expend a sum not to exceed five hundred dollars from the emergency fund of the District of Columbia to provide for the public comfort during the approaching inaugural ceremonies; and the said Commissioners may, from time to time, issue temporary permits for the aforesaid purpose, subject to such regulations as they may prescribe.

Approved, March 2, 1901.

March 2, 1901.

[No. 15.] Joint Resolution Providing for the publication of the report of the board of management of the United States Government exhibit at the Tennessee Centennial Exposition.

Tennessee Centennial Exposition.

Printing authorized
of report of board of
managers Government
exhibit.
Vol. 29, p. 478.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That so much as may be necessary of the unexpended balance of the appropriation of one hundred thousand dollars provided in section three of the Act to aid and encourage the holding of the Tennessee Centennial Exposition at Nashville in eighteen hundred and ninety-seven, approved December twenty-second, eighteen hundred and ninety-six, be applied to the preparation of illustrations and the printing and binding at the Government Printing Office of six thousand copies of the report of the board of management of the United States Government exhibit at said exposition, under the direction of the chairman of said board.

Approved, March 2, 1901.

March 2, 1901.

[No. 16.] Joint Resolution To regulate the distribution of public documents to the Library of Congress for its own use and for international exchange.

Library of Congress.
Distribution of public
documents to, regulated, etc.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That of the publications described in this section the number of copies which shall be printed and distributed by the Public Printer to the Library of Congress for its own use and for international exchange in lieu of the number now provided by law shall be sixty-two, except as such number shall be enlarged to not exceeding one hundred copies by request of the Librarian of Congress, to wit: The House documents and reports, bound; the Senate documents and reports, bound; the House Journals, bound; the Senate Journals, bound; all other documents bearing a Congressional number and all documents not bearing a Congressional number printed by order of either House of Congress, or by order of any Department, bureau, commission, or officer of the Government, except confidential matter, blank forms, and circular letters not of a public character; the Revised Statutes, bound; the Statutes at Large, bound; the Congressional Record, bound; the Official Register of the United States, bound.

Additional copies
furnished.

SEC. 2. That in addition to the foregoing the Public Printer shall supply to the Library of Congress for its own use two copies of each of the above-described publications, unbound, as published; five copies of all bills and resolutions; ten copies of the daily Congressional Record; and two copies of all documents printed for the use of Congressional committees not of a confidential character.

SEC. 3. That of any publication printed at the Government expense by direction of any Department, commission, bureau, or officer of the Government elsewhere than at the Government Printing Office there shall be supplied to the Library of Congress for its own use and for international exchange sixty-two copies, except as such number shall be enlarged to not exceeding one hundred copies by request of the Joint Committee on the Library.

Approved, March 2, 1901.

Number of copies of publications printed elsewhere than at Government Printing Office to be supplied Library.

[No. 17.] Joint Resolution Concerning printing of additional copies of the Annual Report of the Geological Survey.

March 2, 1901.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That of the volumes or parts of the Annual Report of the Geological Survey which relate to hydrography, forestry, and mining and mineral resources there shall hereafter be published one thousand copies in addition to the number now published, for distribution by the Geological Survey.

Geological Survey. Printing of additional copies of annual report authorized.

Approved, March 2, 1901.

[No. 18.] Joint Resolution Authorizing the Secretary of the Navy to cause bronze medals to be struck and distributed to certain officers and men who participated in the war with Spain, and for other purposes.

March 3, 1901.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and he is hereby, authorized to cause to be struck bronze medals commemorative of the naval and other engagements in the waters of the West Indies and on the shores of Cuba during the war with Spain, and to distribute the same to the officers and men of the Navy and Marine Corps who participated in any of said engagements deemed by him of sufficient importance to deserve commemoration: *Provided*, That officers and men of the Navy or Marine Corps who rendered specially meritorious service, otherwise than in battle, may be rewarded in like manner: *And provided further*, That any person who may, under the provisions of this Act, be entitled to receive recognition in more than one instance shall, instead of a second medal, be presented with a bronze bar, appropriately inscribed, to be attached to the ribbon by which the medal is suspended. And to carry out the provisions of this resolution the sum of twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Navy and Marine Corps. Bronze medals to officers, etc., Spanish war authorized.

Providos.

Bronze bar authorized instead of two medals.

Appropriation.

Approved, March 3, 1901.

[No. 19.] Joint Resolution Ratifying agreement between Tennessee and Virginia with reference to the boundary line of said States.

March 3, 1901.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That a recent compact or agreement having been made by and between the States of Tennessee and Virginia, whereby the State of Tennessee, by an act of its legislature approved January twenty-eighth, nineteen hundred and one,

Tennessee and Virginia boundary line. Interstate compact ratified.

ceded to the State of Virginia certain territory specifically described in said act and being the northern half of the main street between the cities of Bristol, Virginia, and Bristol, Tennessee, and the State of Virginia, by act of its general assembly, approved February ninth, nineteen hundred and one, having accepted said cession of the State of Tennessee, the consent of Congress is hereby given to said contract or agreement between said States fixing the boundary line between said States as shown by said acts referred to, and the same is hereby ratified.

Approved, March 3, 1901.

PROCLAMATIONS

BY THE

PRESIDENT OF THE UNITED STATES.

1945

PROCLAMATIONS.

[No. 1.]

BY THE PRESIDENT OF THE UNITED STATES.

March 29, 1899.

A PROCLAMATION.

Whereas, it is deemed necessary in the public interests that certain lands lying to the eastward of the city of San Juan, in Puerto Rico, be immediately reserved for naval purposes;

Puerto Rico. Reservation of land for naval purposes.

Now, therefore, I, William McKinley, President of the United States, by virtue of the authority in me vested, do hereby declare, proclaim, and make known that the following-described lands be and the same are hereby reserved for naval purposes until such time as the Congress of the United States shall otherwise direct, to wit:

1st. The public land, natural, reclaimed, partly reclaimed, or which may be reclaimed, lying south of the Caguas Road, shown on the U. S. Hydrographic Map No. 1745 of July, 1898, and for 250 feet north of said Caguas Road, to be bounded on the west by a true north and south line passing through the eastern corner of the railway station shown on said map, on the south by the shore of the harbor, and to extend east 2400 feet, more or less, to include 80 acres.

2nd. The entire island lying to the southward of the above described land, and described on the U. S. Hydrographic Map No. 1745, of July, 1898, as Isla Grande, or Manglar.

The Military Governor of the Island of Puerto Rico will make this transfer through the representative of the Navy, the Commandant of the United States Naval Station, San Juan, Puerto Rico, who will present this proclamation:

WILLIAM MCKINLEY

March 29 1899.

By the President:

JOHN HAY

Secretary of State.

[No. 2.]

BY THE PRESIDENT OF THE UNITED STATES.

April 13, 1899.

A PROCLAMATION.

Whereas, by the provisions of an act approved February 20, 1895, entitled "An act to disapprove the treaty heretofore made with the Southern Ute Indians to be removed to the Territory of Utah, and providing for settling them down in severalty where they may so elect and are qualified and to settle all those not electing to take lands in severalty, on the west forty miles of present reservation and in por-

Southern Ute Indian Reservation, Colorado. Preamble. Vol. 28, p. 677.

tions of New Mexico, and for other purposes, and to carry out the provisions of the treaty with said Indians June fifteenth, eighteen hundred and eighty," the agreement made by the commissioners on the part of the United States with the Southern Ute Indians of Colorado bearing date November thirteenth, eighteen hundred and eighty-eight, was annulled and the treaty made with said Indians June fifteenth, eighteen hundred and eighty, was directed to be carried out as therein provided and as further provided by general law for settling Indians in severalty; and

Vol. 21, p. 200.

Whereas, it was further provided by said act that within six months after the passage thereof, the Secretary of the Interior should cause allotment of land, in severalty, to be made to such of the Southern Ute Indians in Colorado, as might elect and be considered by him qualified to take the same out of the agricultural lands embraced in their present reservation in Colorado such allotments to be made in accordance with the provisions of the act of Congress approved June fifteenth, eighteen hundred and eighty, entitled "An act to accept and ratify the agreement submitted by the confederated bands of Ute Indians in Colorado for the sale of their reservation in said State and for other purposes, and to make the necessary appropriations for carrying out the same," and the amendments thereto, as far as applicable, and the treaties theretofore made with said Indians; and

Vol. 21, p. 204.

Whereas, it was further provided that for the sole and exclusive use of such of said Indians as might not elect or be deemed qualified to take allotments in severalty as provided, there should be set apart and reserved all that portion of their reservation lying west of the range line between ranges thirteen and fourteen west of the New Mexico Principal Meridian, and also all of townships thirty-one and thirty-two of ranges fourteen, fifteen, and sixteen west of the New Mexico Principal Meridian and lying in the Territory of New Mexico, subject to the right of the Government to erect and maintain agency buildings thereon, and to grant rights of way through the same for railroads, irrigation ditches, highways and other necessary purposes; and

Whereas, under the provisions of section four of said act it was made the duty of the President of the United States to issue his proclamation declaring the lands within the reservation of said Indians except such portions as might have been allotted or reserved under the provisions of the preceding sections of said act, open to occupancy and settlement, said unallotted and unreserved lands to be and become a part of the public domain of the United States and to become subject to entry, under the desert, homestead, and townsite laws and the laws governing the disposal of coal, mineral, stone and timber lands, but providing that no homestead settler should receive a title to any portion of such lands at less than one dollar and twenty-five cents per acre, and such settlers should be required to make a cash payment of fifty cents per acre at the time filing is made upon any of said lands; and providing that before said lands should be open to public settlement the Secretary of the Interior should cause the improvements belonging to the Indians on the lands then occupied by them to be appraised and sold at public sale to the highest bidder, except improvements on lands allotted to the Indians in accordance with this act; and providing that no sale of such improvements should be made for less than the appraised value and that the several purchasers of said improvements should, for thirty days after the issuance of the President's proclamation have the preference right of entry of the lands upon which the improvements purchased by them should be situated, but that the said purchase should not exceed one hundred and sixty acres and that the proceeds of such improvements should be paid to the Indians owning the same; and

Whereas, it is further provided that the provisions of said act should take effect only upon the acceptance thereof and consent thereto by

a majority of all the male adult Indians then located or residing upon the reservation, which acceptance should be at once obtained under such regulations as the Secretary of the Interior might prescribe; and

Whereas, allotments have been made as provided for in said act, and all the other terms and considerations as required therein have been complied with, precedent to opening the unallotted and unreserved lands in said reservation to settlement and entry, except the sale of improvements on the NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 1. T. 33 N., R. 9 W., belonging to Ignacio, an Indian, but said sale will be immediately ordered and the rights of the purchaser thereof will be protected for thirty days from date of this proclamation, as provided by the act, by instructions to the register and receiver of the local land office having jurisdiction over the same, and as this exception is not considered a bar to the opening of the unallotted and unreserved lands to settlement; and

Whereas, I issued a proclamation on the 29th day of March, last, intended to open the lands to settlement and entry as authorized in said act, but as some question has arisen as to the boundaries proclaimed being sufficiently definite to cover the lands intended to be opened,

Now, Therefore, I, William McKinley, President of the United States, for the purpose of removing any doubt and making the boundaries of said lands more definite, by virtue of the power in me vested by said act, do hereby issue this, my second proclamation, and do hereby declare and make known that all of the lands embraced in said reservation, saving and excepting the lands reserved for and allotted to said Indians, and the lands reserved for other purposes in pursuance of the provisions of said act, will, at and after the hour of twelve o'clock noon (mountain standard time) on the 4th day of May A. D., eighteen hundred and ninety-nine, and not before, be open to settlement and entry under the terms of and subject to all the conditions, limitations, reservations, and restrictions contained in said act, and the laws of the United States applicable thereto.

Lands opened for settlement.

The lands to be opened to settlement and entry are described as lying within the following boundaries: Beginning at the point established by S. S. Gannett, Special Indian Agent, in June, 1897, at the intersection of the 107th meridian and the 37th parallel of latitude; thence north 15 miles along the eastern boundary of the reservation; thence westerly along the north boundary of the Southern Ute Indian Reservation to its intersection with the range line between ranges thirteen and fourteen west of the New Mexico Principal Meridian; thence south fifteen miles on said range line to the south boundary of the State of Colorado; thence easterly along the south boundary of the State of Colorado to the place of beginning.

Boundaries, etc.

The survey of the east boundary of the above tract through townships 32, 33, and 34 N., R. 1 W., and of that part of the north boundary in Tps. 34 N., Rs. 1 and 2 W., being in process of correction owing to errors found in said survey, notice is hereby given to all parties who may elect to make entries of lands adjoining the boundary lines subject to correction, that their entries will be at their own risk, and subject to such changes as to the boundaries of the several tracts so entered as may be found necessary in the progress of the correction of the erroneous survey, and that without recourse to the United States for any damage that may arise as the result of the correction survey.

The lands allotted to the Indians are for greater convenience particularly described in the accompanying schedule entitled "Schedule of lands within the Southern Ute Indian Reservation allotted to the Indians and withheld from settlement and entry by proclamation of the President dated April 13, 1899," and which schedule is made a part thereof.

An error having been made in 1873 in the survey and location of the

eastern boundary of the reservation hereby opened to settlement and entry whereby certain lands constituting a part of the reservation were erroneously identified as being outside of the reservation, by reason of which several persons in good faith settled upon said lands under the belief that the same were unappropriated public lands open to settlement, and have since improved and cultivated, and are now residing upon the same with a view to the entry thereof under the public land laws, notice is hereby given that in so far as said persons possess the qualifications required by law, and maintain their said settlement and residence up to the time of the opening herein provided for, they will be considered and treated as having initiated and established a lawful settlement at the very instant at which the lands become open, and as having the superior right and claim to enter said lands, which right must be exercised within three months from the time of said opening.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this 13th day of April in the year of our Lord one thousand, eight hundred and ninety-nine, and of the Independence of the United States the one hundred and twenty-third.

[SEAL.]

WILLIAM MCKINLEY

By the President

JOHN HAY

Secretary of State.

Schedule.

SCHEDULE OF LANDS WITHIN THE SOUTHERN UTE INDIAN RESERVATION ALLOTTED TO THE INDIANS AND WITHHELD FROM SETTLEMENT AND ENTRY BY PROCLAMATION OF THE PRESIDENT DATED APRIL 13, 1899.

In Township 32 North, Range 3 West.

Southwest quarter of southwest quarter of section 4; south half of southeast quarter and southeast quarter of southwest quarter of section 5; north half of northeast quarter, east half of northwest quarter, east half of southwest quarter and southwest quarter of southwest quarter of section 8; north half of northwest quarter and southeast quarter of northwest quarter of section 9; southeast quarter of southwest quarter and south half of southeast quarter of section 10; southwest quarter of southwest quarter of section 11; northwest quarter of northwest quarter of section 13; north half of northeast quarter and north half of northwest quarter of section 14; northeast quarter of northeast quarter of section 15; northwest quarter of northwest quarter of section 17; and northeast quarter of northeast quarter of section 18.

In Township 33 North, Range 3 West.

East half of section 3; northeast quarter, south half of northwest quarter and west half of southwest quarter of section 10; south half of southeast quarter and south half of southwest quarter of section 19; east half of northeast quarter, southeast quarter, east half of southwest quarter and southwest quarter of southwest quarter of section 20; northwest quarter and north half of southwest quarter of section 21; west half of northwest quarter of section 28; east half, east half of northwest quarter and northwest quarter of northwest quarter of section 29; north half of northeast quarter and north half of northwest quarter of section 30; and northeast quarter of section 32.

In Township 34 North, Range 3 West.

Southwest quarter of southwest quarter of section 22; northwest quarter of northwest quarter, south half of northwest quarter and southwest quarter of section 27; and north half of northwest quarter, southeast quarter of northwest quarter, southwest quarter of northeast quarter and southeast quarter of section 34.

In Township 32 North, Range 4 West.

Southwest quarter of southeast quarter of Section 10; southwest quarter of southwest quarter of section 13; south half of southeast quarter, south half of southwest quarter and northwest quarter of southwest quarter of section 14; west half of northeast quarter, south half of northwest quarter, west half of southeast quarter and southwest quarter of section 15; south half of section 16; south half of northeast

quarter, south half of northwest quarter, north half of southeast quarter and north half of southwest quarter of section 17; south half of northeast quarter, north half of southeast quarter, southeast quarter of northwest quarter and northeast quarter of southwest quarter of section 18; north half and north half of southeast quarter of section 21; north half, north half of southeast quarter and north half of southwest quarter of section 22; north half, north half of southeast quarter and north half of southwest quarter of section 23; and west half of northwest quarter and northwest quarter of southwest quarter of section 24.

In Township 33 North, Range 4 West.

South half of northeast quarter, northwest quarter, north half of southeast quarter, southeast quarter of southeast quarter and northeast quarter of southwest quarter of section 23; south half of section 24; and north half of northeast quarter of section 25.

In Township 34 North, Range 4 West.

All of section 7; all of section 8; north half of section 9; all of section 10; north half, southwest quarter, north half of southeast quarter and southwest quarter of southeast quarter of section 11; northwest quarter and northwest quarter of southwest quarter of section 12; west half of northwest quarter and northwest quarter of southwest quarter of section 13; all of section 14; east half, east half of northwest quarter, and southwest quarter of section 15; south half of southeast quarter of section 16; north half of northeast quarter, north half of northwest quarter, southwest quarter of northwest quarter, and southwest quarter of section 18; west half of section 19; east half of southeast quarter of section 20; east half, east half of northwest quarter, and southwest quarter of section 21; north half of northeast quarter, north half of northwest quarter, southwest quarter of northwest quarter and northwest quarter of southwest quarter of section 22; north half of the northwest quarter of section 28; and northeast quarter of northeast quarter of section 29.

In Township 32 North, Range 5 West.

South half, south half of northeast quarter and south half of northwest quarter of section 9; south half of northwest quarter, and southwest quarter of section 10; west half of northwest quarter and west half of southwest quarter of section 14; all of section 15; east half, northwest quarter and north half of southwest quarter of section 16; northeast quarter of southeast quarter of section 19; north half of southeast quarter and north half of southwest quarter of section 20; and northeast quarter, south half of northwest quarter, northwest quarter of southeast quarter and north half of southwest quarter of section 21.

In Township 33 North, Range 5 West.

West half of northeast quarter, northwest quarter and northwest quarter of southwest quarter of section 1; east half, east half of northwest quarter, and southwest quarter of section 2; east half of southeast quarter and southwest quarter of southeast quarter of section 3; east half of southeast quarter and southwest quarter of southeast quarter of section 9; northeast quarter, east half of northwest quarter, southwest quarter of northwest quarter, northwest quarter of southeast quarter, and southwest quarter of section 10; northwest quarter of northeast quarter, and northwest quarter of section 11; west half of northwest quarter and west half of southwest quarter of section 15; east half, east half of northwest quarter and east half of southwest quarter of section 16; north half, north half of southeast quarter and north half of southwest quarter of section 21; west half of section 28; east half of section 29; north half of northeast quarter of section 32; and north half of northwest quarter of section 33.

In Township 34 North, Range 5 West.

East half, east half of northwest quarter and south half of southwest quarter of section 12; east half of northeast quarter, northwest quarter of northeast quarter and west half of northwest quarter of section 13; east half of northeast quarter of section 14; west half of section 25; south half of northeast quarter, southeast quarter and east half of southwest quarter of section 26; and east half of section 35.

In Township 32 North, Range 7 West.

West half of northwest quarter, west half of southeast quarter, and southwest quarter of section 3; all of section 4; east half of northeast quarter and east half of southeast quarter of section 5; east half of northeast quarter and east half of southeast quarter of section 8; all of section 9; west half, west half of northeast quarter, and southeast quarter of section 10; west half, west half of northeast quarter and west half of southeast quarter of section 15; east half, east half of northwest quarter, northwest quarter of northwest quarter and east half of southwest quarter of section 16; northeast quarter of northeast quarter of section 17; northeast quarter of section 21; and northwest quarter of section 22.

In Township 33 North, Range 7 West.

South half of northeast quarter, south half of northwest quarter, and south half of section 1; south half of northeast quarter, and southeast quarter of section 2; northwest quarter of northeast quarter, and northwest quarter of section 4; all of section 5; all of section 6; north half and northeast quarter of southeast quarter of section 7; all of section 8; west half of northeast quarter, west half of southeast quarter, and west half of section 9; east half of section 11; all of section 12; all of section 13; east half of section 14; southwest quarter of southwest quarter of section 15; southeast quarter of northeast quarter, west half of northeast quarter, northwest quarter and south half of section 16; north half, southeast quarter, north half of southwest quarter and southeast quarter of southwest quarter of section 17; east half of northeast quarter, southwest quarter of northeast quarter and north half of southeast quarter of section 18; northeast quarter, and east half of northwest quarter of section 20; north half, southeast quarter, east half of southwest quarter and northwest quarter of southwest quarter of section 21; west half of northwest quarter, and southwest quarter of section 22; east half of section 23; all of section 24; all of section 25; northeast quarter of section 26; west half of section 27; east half, east half of northwest quarter, southwest quarter of northwest quarter, and southwest quarter of section 28; south half of northeast quarter, and southeast quarter of section 29; east half of northeast quarter and east half of southeast quarter of section 32; west half of northeast quarter, west half of southeast quarter, and west half of section 33; south half of northeast quarter, and southeast quarter of section 35; and all of section 36.

In Township 34 North, Range 7 West.

All of section 10; all of section 11; west half of northeast quarter, west half of southeast quarter, and west half of section 12; north half and southwest quarter of section 13; all of section 14; all of section 15; north half, southeast quarter, and east half of southwest quarter of section 21; all of section 22; all of section 23; north half and southwest quarter of section 24; northwest quarter of section 25; north half, west half of southeast quarter, and southwest quarter of section 26; all of section 27; northeast quarter, east half of northwest quarter, east half of southeast quarter, northwest quarter of southeast quarter and northeast quarter of southwest quarter of section 28; east half, and south half of southwest quarter of section 32; all of section 33; north half of northeast quarter, southwest quarter of northeast quarter, northwest quarter and south half of section 34; and west half of northeast quarter, northwest quarter, and west half of southwest quarter of section 35.

In Township 34 North, Range 8 West.

East half, east half of northwest quarter and east half of southwest quarter of section 7; west half and southeast quarter of section 8; west half of section 17; east half of section 18; east half and southwest quarter of section 19; west half of section 20; northwest quarter and south half of section 25; south half of section 26; west half of section 29; east half, east half of northwest quarter and east half of southwest quarter of section 30; all of section 31; west half of northwest quarter and west half of southwest quarter of section 32; north half and southeast quarter of section 35; and all of section 36.

In Township 33 North, Range 9 West.

Southwest quarter of northeast quarter, south half of northwest quarter, southeast quarter, east half of southwest quarter and northwest quarter of southwest quarter of section 2; south half of northeast quarter, southeast quarter of northwest quarter, north half of southeast quarter, southwest quarter of southeast quarter, and southwest quarter of section 3; southeast quarter and south half of southwest quarter of section 4; east half and southwest quarter of section 8; north half of northwest quarter of section 9; west half of southeast quarter, and west half of section 17; east half of southeast quarter, and southwest quarter of section 18; east half of northeast quarter, northwest quarter, and southwest quarter of southwest quarter of section 19; northwest quarter, and east half of southwest quarter of section 20; west half of section 29; east half, south half of northwest quarter, northwest quarter of northwest quarter, and southwest quarter of section 30; east half, east half of northwest quarter, and southwest quarter of section 31; and west half of northwest quarter of section 32.

In Township 34 North, Range 9 West.

All of sections 12, 13, 24, 25 and 36.

In Township 33 North, Range 10 West.

All of section 1; west half of section 12; west half and southeast quarter of section 13; east half of section 24; and east half of section 25.

In Township 34 North, Range 10 West.

South half of section 13, and all of sections 24, 25 and 36.

In Township 34 North, Range 11 West.

East half of northeast quarter, and southeast quarter of section 7; north half, southeast quarter and east half of southwest quarter of section 8; west half of northwest quarter and west half of southwest quarter of section 9; west half of northeast quarter and east half of northwest quarter of section 17; and west half of section 18.

In Township 33 North, Range 12 West.

West half of northwest quarter, south half of southwest quarter and northwest quarter of southwest quarter of section 4; east half, east half of southwest quarter and southwest quarter of southwest quarter of section 5; northeast quarter, south half of northwest quarter and north half of southwest quarter of section 7; north half of northeast quarter and north half of northwest quarter of section 8; south half of northwest quarter and west half of southwest quarter of section 18; east half and northwest quarter of section 19; east half of section 30; and east half of section 31.

In Township 34 North, Range 12 West.

Southeast quarter and east half of southwest quarter of section 13; southeast quarter of southeast quarter of section 22; east half of northeast quarter, southwest quarter of northeast quarter, southeast quarter of northwest quarter, and south half of section 23; north half, west half of southeast quarter, and southwest quarter of section 24; northwest quarter of northeast quarter and north half of northwest quarter of section 25; north half of northeast quarter, north half of northwest quarter and southwest quarter of northwest quarter of section 26; east half, south half of northwest quarter, and southwest quarter of section 27; southeast quarter of section 28; all of section 33; and north half of northeast quarter, southwest quarter of northeast quarter, northwest quarter, and north half of southwest quarter of section 34.

In Township 33 North, Range 13 West.

Southeast quarter of northeast quarter and east half of southeast quarter of section 12; and east half of northeast quarter, southwest quarter of northeast quarter and east half of southeast quarter of section 13.

[No. 3.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

April 13, 1899.

A PROCLAMATION.

Whereas, it is provided by section twenty-four of the Act of Congress, approved March third, eighteen hundred and ninety-one, entitled, "An act to repeal timber-culture laws, and for other purposes", "That the President of the United States may, from time to time, set apart and reserve, in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations, and the President shall, by public proclamation, declare the establishment of such reservations and the limits thereof";

And whereas, the public lands in the State of California, within the limits hereinafter described, are in part covered with timber, and it appears that the public good would be promoted by setting apart and reserving said lands as a public reservation;

Now, therefore, I, William McKinley, President of the United States, by virtue of the power in me vested by section twenty-four of the aforesaid Act of Congress, do hereby make known and proclaim that there is hereby reserved from entry or settlement and set apart as a Public Reservation all those certain tracts, pieces or parcels of

Preamble.
Vol. 26, p. 1103.

Forest reservation,
California.

land lying and being situate in the State of California and particularly described as follows, to wit:

Boundaries. Townships eleven (11), twelve (12) and thirteen (13) North, Range sixteen (16) East, Mount Diablo Base and Meridian, California; Townships eleven (11), twelve (12) and thirteen (13) North, Range seventeen (17) East; and so much of Township eleven (11) North, Range eighteen (18) East, as lies west of the summit of the Sierra Nevada Range of mountains in El Dorado County, California.

Prior valid entries excepted. Excepting from the force and effect of this proclamation all lands which may have been, prior to the date hereof, embraced in any legal entry or covered by any lawful filing duly of record in the proper United States Land Office, or upon which any valid settlement has been made pursuant to law, and the statutory period within which to make entry or filing of record has not expired; *Provided*, that this exception shall not continue to apply to any particular tract of land unless the entryman, settler or claimant continues to comply with the law under which the entry, filing or settlement was made.

Provision.—qualification.

Reserved from settlement. Warning is hereby expressly given to all persons not to make settlement upon the tract of land reserved by this proclamation.

Name of reservation. The reservation hereby established shall be known as The Lake Tahoe Forest Reserve.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this 13th day of April, in the year of our Lord one thousand, eight hundred and ninety-nine, and of the Independence of the United States the one hundred and twenty-third.

WILLIAM MCKINLEY

By the President:

JOHN HAY

Secretary of State.

[No. 4.]

October 2, 1899.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Preamble.

Vol. 26, p. 1103.

Whereas, it is provided by section twenty-four of the Act of Congress, approved March third, eighteen hundred and ninety-one, entitled, "An act to repeal timber-culture laws, and for other purposes", "That the President of the United States may, from time to time, set apart and reserve, in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations, and the President shall, by public proclamation, declare the establishment of such reservations and the limits thereof";

And whereas, the public lands in the State of California, within the limits hereinafter described, are in part covered with timber, and it appears that the public good would be promoted by setting apart and reserving said lands as a public reservation;

Forest reservation,
California.

Now, therefore, I, William McKinley, President of the United States, by virtue of the power in me vested by section twenty-four of the aforesaid Act of Congress, do hereby make known and proclaim that there is hereby reserved from entry or settlement and set apart as a Public Reservation all those certain tracts, pieces or parcels of land

lying and being situate in the State of California and particularly described as follows, to wit:

Beginning at a point where the north-western boundary of the rancho Santa Ana intersects the township line between Townships four (4) and five (5) North, Range twenty-three (23) West, San Bernardino Base and Meridian, California; thence westerly along the township line to the south-west corner of Township five (5) North, Range twenty-four (24) West; thence northerly along the range line to the south-east corner of the rancho Los Prietos y Najalayegua; thence in a general north-westerly direction along the southern boundaries of the ranchos Los Prietos y Najalayegua, San Marcos, Tequepis, Lomas de la Purificacion and Nojoqui to the eastern boundary of the rancho Las Cruces; thence in a general southerly direction along the eastern boundary of the said rancho Las Cruces to the northern boundary of the rancho Nuestra Señora del Refugio; thence in a general south-easterly direction along the northern boundaries of the ranchos Nuestra Señora del Refugio, Cañada del Corral, Los Dos Pueblos, La Goleta, Pueblo and Mission Lands of Santa Barbara and the rancho El Rincon (Arellanes) to its most eastern point; thence in a south-westerly direction along the southern boundary of said rancho to the point where it intersects the township line between Townships three (3) and four (4) North, Range twenty-five (25) West; thence easterly along the township line to the western boundary of the rancho Santa Ana; thence north-easterly along the western boundary of said rancho to its intersection with the township line between Townships four (4) and five (5) North, Range twenty-three (23) West, the place of beginning.

Boundaries.

Excepting from the force and effect of this Proclamation all lands which may have been, prior to the date hereof, embraced in any legal entry or covered by any lawful filing duly of record in the proper United States Land Office, or upon which any valid settlement has been made pursuant to law, and the statutory period within which to make entry or filing of record has not expired: *Provided*, that this exception shall not continue to apply to any particular tract of land unless the entryman, settler or claimant continues to comply with the law under which the entry, filing or settlement was made.

Prior valid entries excepted.

Proviso.
—qualification.

Warning is hereby expressly given to all persons not to make settlement upon the tract of land reserved by this proclamation.

Reserved from settlement.

The reservation hereby established shall be known as The Santa Ynez Forest Reserve.

Name of reservation.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 2d day of October, in the year of our Lord one thousand, eight hundred and ninety-nine,
[SEAL.] and of the Independence of the United States the one hundred and twenty-fourth.

WILLIAM MCKINLEY.

By the President:

DAVID J. HILL

Acting Secretary of State.

No. 5.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

October 19, 1899.

A PROCLAMATION.

Whereas it is provided by section 13 of the act of Congress of March 3, 1891, entitled "An Act to amend title sixty, chapter three, of the Revised Statutes of the United States, relating to copyrights,"

Preamble.
Vol. 26, p. 1110.

that said act "shall only apply to a citizen or subject of a foreign state or nation when such foreign state or nation permits to citizens of the United States of America the benefit of copyright on substantially the same basis as its own citizens; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States of America may, at its pleasure, become a party to such agreement;

And Whereas it is also provided by said section that "the existence of either of the conditions aforesaid shall be determined by the President of the United States by proclamation made from time to time as the purposes of this act may require;"

And Whereas satisfactory official assurances have been given that in the Republic of Costa Rica the law permits to citizens of the United States of America the benefit of copyright on substantially the same basis as to the citizens of that Republic:

Reciprocal copy-
rights, Costa Rica.

Now, Therefore, I, William McKinley, President of the United States of America, do declare and proclaim that the first of the conditions specified in section 13 of the act of March 3, 1891, now exists and is fulfilled in respect to the citizens of the Republic of Costa Rica.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this nineteenth day of October,
one thousand eight hundred and ninety-nine and of the
[SEAL.] independence of the United States the one hundred and
twenty-fourth.

WILLIAM MCKINLEY

By the President:

JOHN HAY

Secretary of State.

[No. 6.]

October 21, 1899.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Preamble.

Vol. 26, p. 1103.

Whereas, it is provided by section twenty-four of the Act of Congress, approved March third, eighteen hundred and ninety-one, entitled, "An act to repeal timber-culture laws, and for other purposes", "That the President of the United States may, from time to time, set apart and reserve, in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations, and the President shall, by public proclamation, declare the establishment of such reservations and the limits thereof";

Vol. 30, p. 34.

And whereas, it is further provided by the Act of Congress, approved June fourth, eighteen hundred and ninety-seven, entitled, "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight, and for other purposes"; that "The President is hereby authorized at any time to modify any Executive order that has been or may hereafter be made establishing any forest reserve, and by such modification may reduce the area or change the boundary lines of such reserve, or may vacate altogether any order creating such reserve";

And whereas, the public lands in the Territory of Arizona, within the limits hereinafter described, are in part covered with timber, and it appears that the public good would be promoted by setting apart and reserving said lands as a public reservation;

Now, therefore, I, William McKinley, President of the United States, by virtue of the power in me vested by the aforesaid Acts of Congress, do hereby make known and proclaim that the boundary lines of the Forest Reservation in the Territory of Arizona, known as "The Prescott Forest Reserve", created by proclamation of May tenth, eighteen hundred and ninety-eight, are hereby so changed and enlarged as to include all those certain tracts, pieces or parcels of land lying and being situate in the Territory of Arizona, and within the boundaries particularly described as follows, to wit: -

Forest reservation,
Arizona.
Vol. 30, p. 1771.

Beginning at the north-east corner of Township thirteen (13) North, Range one (1) West, Gila and Salt River Meridian, Arizona; thence southerly along the Gila and Salt River Meridian to the south-east corner of said township; thence easterly along the Third (3d) Standard Parallel North to the north-east corner of Township twelve (12) North, Range one (1) East; thence southerly along the range line to the south-east corner of Township nine (9) North, Range one (1) East; thence westerly along the township line to the south-west corner of Township nine (9) North, Range one (1) West; thence northerly along the range line to the north-west corner of said township; thence westerly along the township line to the south-west corner of Township ten (10) North, Range two (2) West; thence northerly along the range line to the south-east corner of Township twelve (12) North, Range three (3) West; thence westerly along the township line to the south-west corner of said township; thence northerly along the range line to the north-west corner of said township; thence westerly along the township line to the south-west corner of Section thirty-five (35), Township thirteen (13) North, Range four (4) West; thence northerly along the section line to a point due west of the north-west corner of Township fourteen (14) North, Range three (3) West; thence easterly to the north-east corner of said township; thence southerly along the range line to the north-west corner of Section nineteen (19), Township thirteen (13) North, Range two (2) West; thence easterly to the north-east corner of Section twenty-four (24), said township; thence northerly to the north-west corner of Township thirteen (13) North, Range one (1) West; thence easterly to the north-east corner of said township, the place of beginning.

Boundaries enlarged.

Excepting from the force and effect of this proclamation all lands which may have been, prior to the date hereof, embraced in any legal entry or covered by any lawful filing duly of record in the proper United States Land Office, or upon which any valid settlement has been made pursuant to law, and the statutory period within which to make entry or filing of record has not expired; *Provided*, that this exception shall not continue to apply to any particular tract of land unless the entryman, settler or claimant continues to comply with the law under which the entry, filing or settlement was made.

Prior valid entries excepted.

Proviso.
—qualification.

Warning is hereby expressly given to all persons not to make settlement upon the tract of land reserved by this proclamation.

Reserved from settlement.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 21st day of October in the year of our Lord one thousand eight hundred and ninety-nine, and of the Independence of the United States the one hundred and twenty-fourth.

By the President:

WILLIAM MCKINLEY

JOHN HAY

Secretary of State.

[No. 7.]

October 25, 1899.

BY THE PRESIDENT OF THE UNITED STATES

A PROCLAMATION:

Preamble.

A national custom dear to the hearts of the people calls for the setting apart of one day in each year as an occasion of special thanksgiving to Almighty God for the blessings of the preceding year. This honored observance acquires with time a tenderer significance. It enriches domestic life. It summons under the family roof the absent children to glad reunion with those they love.

Seldom has this Nation had greater cause for profound thanksgiving. No great pestilence has invaded our shores. Liberal employment waits upon labor. Abundant crops have rewarded the efforts of the husbandmen. Increased comforts have come to the home. The national finances have been strengthened, and public credit has been sustained and made firmer. In all branches of industry and trade there has been an unequaled degree of prosperity, while there has been a steady gain in the moral and educational growth of our national character. Churches and schools have flourished. American patriotism has been exalted. Those engaged in maintaining the honor of the flag with such signal success have been in a large degree spared from disaster and disease. An honorable peace has been ratified with a foreign nation with which we were at war, and we are now on friendly relations with every power of earth.

The trust which we have assumed for the benefit of the people of Cuba has been faithfully advanced. There is marked progress toward the restoration of healthy industrial conditions, and under wise sanitary regulations the island has enjoyed unusual exemption from the scourge of fever. The hurricane which swept over our new possession of Porto Rico, destroying the homes and property of the inhabitants, called forth the instant sympathy of the people of the United States, who were swift to respond with generous aid to the sufferers. While the insurrection still continues in the island of Luzon, business is resuming its activity, and confidence in the good purposes of the United States is being rapidly established throughout the archipelago.

November 30, 1899,
set apart as a day of
national thanksgiving.

For these reasons and countless others, I, William McKinley, President of the United States, do hereby name Thursday, the thirtieth day of November next, as a day of general thanksgiving and prayer, to be observed as such by all our people on this continent and in our newly acquired islands, as well as those who may be at sea or sojourning in foreign lands; and I advise that on this day religious exercises shall be conducted in the churches or meeting-places of all denominations, in order that in the social features of the day its real significance may not be lost sight of, but fervent prayers may be offered to the Most High for a continuance of the Divine Guidance without which man's efforts are vain, and for Divine consolation to those whose kindred and friends have sacrificed their lives for country.

I recommend also that on this day so far as may be found practicable labor shall cease from its accustomed toil and charity abound toward the sick, the needy and the poor.

In witness whereof I have set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 25th day of October, in the year of our Lord one thousand eight hundred and ninety-nine, and of the independence of the United States the one hundred and twenty-fourth.

WILLIAM McKINLEY

By the President:

JOHN HAY

Secretary of State.

[No. 8.]

BY THE PRESIDENT OF THE UNITED STATES.

November 10, 1899.

A PROCLAMATION.

Whereas, by joint resolution "to provide for annexing the Hawaiian Islands to the United States", approved July 7, 1898, the cession by the government of the Republic of Hawaii to the United States of America, of all rights of sovereignty of whatsoever kind in and over the Hawaiian Islands and their dependencies, and the transfer to the United States of the absolute fee and ownership of all public, government or crown lands, public buildings, or edifices, ports, harbors, military equipment, and all other public property of every kind and description belonging to the government of the Hawaiian Islands, was duly accepted, ratified, and confirmed, and the said Hawaiian Islands and their dependencies annexed as a part of the territory of the United States and made subject to the sovereign dominion thereof, and all and singular the property and rights hereinbefore mentioned vested in the United States of America; and

Preamble.
Vol. 30, p. 750

Whereas, it was further provided in said resolution that the existing laws of the United States relative to public lands shall not apply to such lands in the Hawaiian Islands, but the Congress of the United States shall enact special laws for their management and disposition; and

Whereas, it is deemed necessary in the public interests that certain lots and plats of land in the City of Honolulu be immediately reserved for naval purposes;

Now Therefore, I, William McKinley, President of the United States, by virtue of the authority in me vested, do hereby declare, proclaim, and make known that the following described lots or plats of land be and the same are hereby, subject to such legislative action as the Congress of the United States may take with respect thereto, reserved for naval purposes, to wit:

Hawaiian Islands.
Reservation of land
for naval purposes.

1st. Esplanade lots Nos. 94, 95, 96, 97, 98 and 99. Beginning at the South corner of Richards Street and Halekauwila Street, which point is S. 30° 25' E., 343.6 feet from the East corner of the Hawaiian Electric Company building and run by the true Meridian:

S. 30° 25' E. 304.50 feet along Halekauwila St.

S. 56° 49' W. 100.12 feet along Mililani St.

N. 30° 25' W. 300.60 feet along Government Lots Nos. 112-100.

N. 54° 34' E. 100.38 feet along Richards St. to the initial point.
Area 30,255 Sq. Feet.

2nd. Esplanade lots Nos. 63, 64, 65, 66, 67 and 68. Beginning at the North corner of Alakea Street and Allen Street, as shown on Government Survey's Registered Map No. 1867 and running by true bearings:

N. 30° 25' W. 200 feet along the Northeast side of Allen Street.

N. 59° 35' E. 150 feet along the Southeast side of Kilauea Street.

S. 30° 25' E. 200 feet along Lots 62 and 69.

S. 59° 35' W. 150 feet along the Northwest side of Alakea Street to the initial point. Area 30,000 Sq. feet.

3rd. Lot at East corner of Mililani and Halekauwila Streets. Beginning at the East corner of Halekauwila and Mililani Streets, as shown on Government Survey's Registered Map No. 1955, and running by true bearings:

N. 56° 49' E. 110.5 feet along Mililani Street.

S. 3° 52' E. 69.5 feet along inner line of Waikahalulu Water Lots.

S. 56° 49' W. 79.5 feet along Bishop Estate Land.

N. 30° 25' W. 60.5 feet along Halekauwila Street to the initial point.
Area 5,728 Square feet.

4th. A plat of land in Kewalo-uka. Beginning at a point on the upper side of Punchbowl Drive, which is 863 feet South and 2817 feet East of Puowaina Trig. Station, as shown on Government Survey's Registered Map 1749, and running:

N. $00^{\circ} 10'$ W. true 630 feet along Punchbowl Drive.

S. $57^{\circ} 00'$ W. true 694 feet along Punchbowl Drive.

Thence along Punchbowl Drive in a North Easterly direction 900 feet; thence due East 840 feet (more or less) to the boundary of the land of Kalawahine; thence along boundary of the land of Kalawahine 1040 feet (more or less) to South Angle of said land; thence S. $78^{\circ} 30'$ W. true 397 feet (more or less) to Punchbowl Drive;

N. $84^{\circ} 50'$ W. true 245 feet along Punchbowl Drive to initial point. Area 20 acres (more or less).

5th. Lots on Punchbowl Slope, Nos. 608, 609 and 610. Beginning at a point on the East side of Magazine Street, 351.5 feet above the concrete post marking the East corner of Spencer and Magazine Streets, as shown on Government Survey's Registered Map No. 1749 and runs:

N. $18^{\circ} 10'$ E. true 150.0 feet along Magazine Street.

N. $49^{\circ} 12'$ E. true 226.7 feet along Government Land.

S. $24^{\circ} 11'$ E. true 91.0 feet along Government Road Reserve.

S. $77^{\circ} 21'$ E. true 179.5 feet along same.

S. $13^{\circ} 45'$ E. true 109.8 feet along Government Land to North angle of Gr. 3813 to Dr. Wood.

S. $73^{\circ} 30'$ W. true 121.3 feet along Gr. 3814 to H. M. Dow.

S. $76^{\circ} 15'$ W. true 250.0 feet along Grs. 3999 and 4000.

N. $71^{\circ} 50'$ W. true 102.5 feet along Gr. 4000 to initial Point.

Area 83,588 Sq. feet.

6th. Portion of Reef of Kaakaukukui. Beginning at the Government Survey Station known as the "Battery" Δ from which, Punchbowl Δ bears N. $48^{\circ} 18' 30''$ E. true and the Light House Vane

N. $56^{\circ} 14'$ W. distant 1608.1 feet and running as follows:

N. $37^{\circ} 40'$ W. true 760 feet along on the reef of Kaakaukukui.

S. $39^{\circ} 00'$ W. true 3100 feet along the Southeast side of main channel to a depth of 20 feet of water more or less.

S. $9^{\circ} 25'$ W. true 987 feet along the reef in about 20 feet of water.

N. $52^{\circ} 23'$ E. true 3585 feet along on the reef to a point on the sea-shore at high water mark.

N. $35^{\circ} 00'$ W. true 182 feet along the shore at high water mark.

N. $5^{\circ} 35'$ W. true 446 feet along Allen Street Extension to the Southeast corner of the Battery wall.

S. $87^{\circ} 20'$ W. true 120 feet to the initial point.

Area $76\frac{2}{3}$ acres.

7th. Punchbowl Street from Halekauwila Street to Allen Street. Beginning at the Southwest corner of Halekauwila and Punchbowl Streets, as shown on the Government blue print, and running in a Westerly direction along the U. S. Naval Reservation 572 feet to Allen Street, thence along Allen Street 50 feet, thence in an Easterly direction along the United States Naval Reservation 480 feet to land belonging to the Bishop Estate, thence 110 feet to the initial point.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this tenth day of November, in the year of our Lord one thousand eight hundred and [SEAL.] ninety-nine, and of the Independence of the United States the one hundred and twenty-fourth.

WILLIAM MCKINLEY.

By the President:

JOHN HAY

Secretary of State.

[No. 9.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

November 20, 1899.

A PROCLAMATION.

Whereas it is provided by section 13 of the act of Congress of March 3, 1891, entitled "An Act to amend title sixty, chapter three, of the Revised Statutes of the United States, relating to copyrights," that said act "shall only apply to a citizen or subject of a foreign state or nation when such foreign state or nation permits to citizens of the United States of America the benefit of copyright on substantially the same basis as its own citizens; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States of America may, at its pleasure, become a party to such agreement;" and

Preamble.
Vol. 26, p. 1110.

Whereas, it is also provided by said section that "the existence of either of the conditions aforesaid shall be determined by the President of the United States by proclamation made from time to time as the purposes of this act may require;" and

Whereas satisfactory official assurances have been given that in the Kingdom of the Netherlands and in the Netherlands' possessions the law permits to citizens of the United States of America the benefit of copyright on substantially the same basis as to subjects of the Netherlands:

Now, Therefore, I, William McKinley, President of the United States of America, do declare and proclaim that the first of the conditions specified in section 13 of the act of March 3, 1891, now exists and is fulfilled in respect to the subjects of the Netherlands.

Reciprocal copy-
rights, Netherlands.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this twentieth day of November, one thousand eight hundred and ninety-nine and of the [SEAL.] independence of the United States the one hundred and twenty-fourth.

WILLIAM MCKINLEY.

By the President:

JOHN HAY
Secretary of State.

[No. 10.]

BY THE PRESIDENT OF THE UNITED STATES

November 21, 1899.

A PROCLAMATION:

To the People of the United States:—

Garret Augustus Hobart, Vice-President of the United States, died at his home in Paterson, New Jersey, at 8-30 o'clock this morning. In him the Nation has lost one of its most illustrious citizens and one of its most faithful servants. His participation in the business life, and the law-making body of his native State was marked by unswerving fidelity and by a high order of talents and attainments; and his too brief career as Vice President of the United States and President of the Senate exhibited the loftiest qualities of upright and sagacious statesmanship. In the world of affairs he had few equals among his

Death of Garret A
Hobart, Vice-Presi-
dent of the United
States.

contemporaries. His private character was gentle and noble. He will long be mourned by his friends as a man of singular purity and attractiveness whose sweetness of disposition won all hearts, while his elevated purposes, his unbending integrity and whole-hearted devotion to the public good deserved and acquired universal respect and esteem.

Executive Offices to
be closed, etc.

In sorrowing testimony of the loss which has fallen upon the country, I direct that on the day of the funeral the Executive Offices of the United States shall be closed and all posts and stations of the Army and Navy shall display the national flag at half-mast, and that the representatives of the United States in foreign countries shall pay appropriate tribute to the illustrious dead for a period of thirty days.

In witness whereof I have set my hand and caused the Seal of the United States to be affixed.

Done at the City of Washington this twenty-first day of November
in the year of our Lord one thousand eight hundred
[SEAL.] and ninety-nine and of the Independence of the United
States the one hundred and twenty-fourth.

WILLIAM MCKINLEY.

By the President:

JOHN HAY

Secretary of State.

[No. 11.]

April 7, 1900.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Preamble.

Vol. 29, p. 901.

Vol. 26, p. 1103.

Whereas, the Olympic Forest Reserve, in the State of Washington, was established by proclamation dated February twenty-second, eighteen hundred and ninety-seven, under and by virtue of section twenty-four of the Act of Congress, approved March third, eighteen hundred and ninety-one, entitled, "An act to repeal timber-culture laws, and for other purposes", which provides, "That the President of the United States may, from time to time, set apart and reserve, in any State or Territory having public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations, and the President shall, by public proclamation, declare the establishment of such reservations and the limits thereof";

Vol. 30, p. 84.

And whereas, it is further provided by the Act of Congress, approved June fourth, eighteen hundred and ninety-seven, entitled, "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight, and for other purposes", that "The President is hereby authorized at any time to modify any Executive order that has been or may hereafter be made establishing any forest reserve, and by such modification may reduce the area or change the boundary lines of such reserve, or may vacate altogether any order creating such reserve";

Olympic Forest Reserve, Washington.

Now, therefore, I, William McKinley, President of the United States, by virtue of the power vested in me by the aforesaid act of Congress, approved June fourth eighteen hundred and ninety-seven, do hereby make known and proclaim that there are hereby withdrawn and excluded from the aforesaid Olympic Forest Reserve and restored to the public domain all those certain tracts, pieces or parcels of land particularly described as follows, to wit:

—lands withdrawn
from and restored to
public domain

Townships twenty-eight (28) North, Ranges thirteen (13) and fourteen (14) West, Willamette Base and Meridian, Washington; fractional

Township twenty-eight (28) North, Range fifteen (15) West; Sections one (1) to eighteen (18), both inclusive, Townships twenty-nine (29) North, Ranges three (3), four (4) and five (5) West; Sections four (4), five (5), six (6), seven (7) and the north half of Section eight (8), Township twenty-nine (29) North, Range twelve (12) West; all of Township twenty-nine (29) North, Range thirteen (13) West, except Sections thirteen (13), twenty-three (23), twenty-four (24), twenty-five (25) and twenty-six (26); Township twenty-nine (29) North, Range fourteen (14) West; fractional Township twenty-nine (29) North, Range fifteen (15) West; Sections one (1) to twelve (12), both inclusive, Township thirty (30) North, Range nine (9) West; Sections twenty-seven (27) to thirty-four (34), both inclusive, Township thirty (30) North, Range ten (10) West; Sections twenty-five (25) to thirty-six (36), both inclusive, Township thirty (30) North, Range eleven (11) West; Sections seventeen (17) to thirty-six (36), both inclusive, Township thirty (30) North, Range twelve (12) West; Townships thirty (30) North, Ranges thirteen (13) and fourteen (14) West; and Township thirty (30) North, Range fifteen (15) West.

That the lands hereby restored to the public domain shall be open to settlement from date hereof, but shall not be subject to entry, filing or selection until after ninety days notice by such publication as the Secretary of the Interior may prescribe. Open to settlement
etc.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this seventh day of April in the year of our Lord one thousand, nine hundred, and of the [SEAL.] Independence of the United States the one hundred and twenty fourth.

WILLIAM MCKINLEY

By the President:

JOHN HAY

Secretary of State.

[No. 12.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

April 10, 1900.

A PROCLAMATION.

Whereas, by section one of the act of July 1, 1892 (27 Stat., 62), entitled "An act to provide for the opening of a part of the Colville Reservation, in the State of Washington, and for other purposes" it is provided:

Preamble.
Vol. 27, p. 62.

"That subject to the reservations and allotment of lands in severalty to the individual members of the Indians of the Colville Reservation in the State of Washington herein provided for, all the following described tract or portion of said Colville Reservation, namely: Beginning at a point on the eastern boundary line of the Colville Indian Reservation where the township line between townships thirty-four and thirty-five north, of range thirty-seven east, of the Willamette meridian, if extended west, would intersect the same, said point being in the middle of the channel of the Columbia River, and running thence west parallel with the forty-ninth parallel of latitude to the western boundary line of the said Colville Indian Reservation in the Okanagon River, thence north following the said western boundary line to the said forty-ninth parallel of latitude, thence east along the said forty-ninth parallel of latitude to the northeast corner of the said Colville Indian Reservation, thence south following the eastern boundary

of said reservation to the place of beginning, containing by estimation one million five hundred thousand acres, the same being a portion of the Colville Indian Reservation created by executive order dated July second, eighteen hundred and seventy-two, be, and is hereby, vacated and restored to the public domain, notwithstanding any executive order or other proceeding whereby the same was set apart as a reservation for any Indians or bands of Indians, and the same shall be open to settlement and entry by the proclamation of the President of the United States and shall be disposed of under the general laws applicable to the disposition of public lands in the State of Washington," and

Whereas it is provided by section three of said act,

R. S., secs. 2304, 2305,
p. 422.

"That each entryman under the homestead laws shall, within five years from the date of his original entry and before receiving a final certificate for the land covered by his entry, pay to the United States for the land so taken by him in addition to fees provided by law the sum of one dollar and fifty cents per acre, one third of which shall be paid within two years after the date of the original entry; but the rights of honorably discharged Union soldiers and sailors, as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes of the United States, shall not be abridged, except as to the sum to be paid as aforesaid," and

Whereas by section six of said act it is provided:

"That the land used and occupied for school purposes at what is known as Tonasket school, on Bonaparte Creek, and the site of the sawmill, gristmill, and other mill property on said reservation, is hereby reserved from the operation of this act, unless other lands are selected in lieu thereof: *Provided*, That such reserve lands shall not exceed in the aggregate two sections, and must be selected in legal subdivisions conformably to the public surveys, such selection to be made by the Indian Agent of the Colville Agency, under the direction of the Secretary of the Interior and subject to his approval: *Provided, however*, That said Indians may, in lieu of said sites or either of them, select other lands of equal quantity, for such purposes, either on the vacated or unvacated portions of said reservation, the same to be designated in legal subdivisions by said Indian Agent, under the direction of and subject to the approval of the Secretary of the Interior, in which case said first-designated tracts shall not be exempt from the operation of this act; such selection to be made and approved within six months after the survey of said lands and the proclamation of the President," and

Vol. 30, p. 571.

Whereas, in a clause in the Indian Appropriation Act of July 1, 1898 (30 Stat., 571), it is provided:

"That the mineral lands only in the Colville Indian Reservation, in the State of Washington, shall be subjected to entry under the laws of the United States in relation to the entry of mineral lands: *Provided*, That lands allotted to the Indians or used by the Government for any purpose or by any school shall not be subject to entry under this provision,"

and in another clause that,

"The Indian allotments in severalty provided for in said act shall be selected and completed at the earliest practicable time and not later than six months after the proclamation of the President opening the vacated portion of said reservation to settlement and entry, which proclamation may be issued without awaiting the survey of the unsurveyed lands therein. Said allotments shall be made from lands which shall at the time of the selection thereof be surveyed, excepting that any Indian entitled to allotment under said act who has improvements upon

unsurveyed land may select the same for his allotment, whereupon the Secretary of the Interior shall cause the same to be surveyed and allotted to him. At the expiration of six months from the date of the proclamation by the President, and not before, the non-mineral lands within the vacated portion of said reservation which shall not have been allotted to Indians as aforesaid, shall be subject to settlement, entry and disposition under said act of July first, eighteen hundred and ninety-two: *Provided*, That the land used and occupied for school purposes at what is known as Tonasket School, on Bonaparte Creek, and the sight of the sawmill, gristmill and other mill property on said reservation, are hereby reserved from the operation of this act, unless other lands are selected in lieu thereof as provided in section six of the aforesaid act of July first, eighteen hundred and ninety-two, and

Whereas, all the terms, conditions and considerations required by said Acts of July 1, 1892, and July 1, 1898, precedent to the issuance of the Proclamation provided for therein, have been, as I hereby declare, complied with:

Colville Reservation, Washington.

Now, therefore, I, William McKinley, President of the United States, by virtue of the power in me vested by the statutes hereinbefore mentioned, do hereby declare and make known that all of said lands hereinbefore described, restored by the said Act of July 1, 1892, will, at and after the hour of twelve o'clock noon (Pacific standard time) six months from date hereof, to wit: the 10th day of October, nineteen hundred, and not before, be open to settlement and entry under the terms of and subject to all the conditions, limitations, reservations, and restrictions contained in the statutes above specified, and the laws of the United States, applicable thereto, saving and excepting such tracts as have been or may be allotted to or reserved or selected for, the Indians, or other purposes, under the laws herein referred to.

Certain lands opened to settlement.

Sections sixteen and thirty-six in each township will be subject to such right of the State of Washington thereto as may be ascertained and determined by the land department in the administration of the grant of lands in place to that State for the support of common schools.

School lands.

The lands which have been allotted to the Indians are for greater convenience particularly described in the accompanying schedule, entitled "Schedule of lands allotted to the Indians in restored portion of Colville Reservation, Washington, and withheld from settlement and entry by proclamation of the President, dated April 10, 1900," and which schedule is made a part hereof.

Indian allotments.

Notice, moreover, is hereby given that it is by law enacted that at the expiration of six months from the date of the proclamation by the President, and not before, the non-mineral lands within the vacated portion of said reservation which shall not have been allotted to or reserved or selected for the Indians, or for other purposes, shall be subject to settlement, entry and disposition under said Act of July 1, 1892; and all persons are hereby warned from attempting to make settlement on any of said lands prior to the date fixed for the opening thereof.

Non-mineral lands open to settlement.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this tenth day of April, in the year of our Lord nineteen hundred, and of the Independence of the United States the one hundred and twenty-fourth.

WILLIAM MCKINLEY

By the President,

JOHN HAY

Secretary of State.

Schedule.

Schedule of lands allotted to the Indians in restored portion of Colville Reservation, Washington, and withheld from settlement and entry by proclamation of the President, dated April 10, 1900.

TOWNSHIP 35 NORTH, RANGE 31 EAST.

A tract of land described as follows: Beginning at a large fir tree blazed on N. side being S. E. Cor. thence due N. 20 chains set post and made a mound thence due west 40 chains set post and made mound thence S. 20 chains set post being S. W. Cor. thence due E. 40 chains to point of beginning, in section 11 or 12.

A tract of land described as follows: Beginning at N. W. Cor. of 198 due W. 40 chains set post being S. E. Cor. thence due N. 20 chains set post thence due W. 40 chains set post thence due S. 20 chains set post thence due E. 40 chains to point of beginning, in section 10 or 11.

A tract of land described as follows: Beginning at a post and mound at N. W. Cor. thence due S. 20 chains set post thence due E. 40 chains set post S. E. Cor. thence due N. 20 chains set post thence due W. 40 chains to point of beginning, in section 6 or 7.

A tract of land described as follows: Beginning at S. W. Cor. of 200 thence due S. 20 chains set post thence due E. 40 chains set post thence due N. 20 chains, being N. E. Cor. thence due W. 40 chains to point of beginning, in section 6 or 7.

A tract of land described as follows: Beginning at S. E. Cor. of 201 thence due S. 40 chains being S. W. Cor. thence due E. 40 chains set post thence due N. 20 chains thence due W. 40 chains set post thence due S. 20 chains to point of beginning, in section 7 or 8.

TOWNSHIP 35 NORTH, RANGE 32 EAST.

A tract of land described as follows: Set post and made mound for N. E. Cor. thence due S. 20 chains set post thence due W. 40 chains set post and made mound thence due N. 20 chains set post made a mound thence due E. 40 chains to point of beginning in section 7 or 8.

TOWNSHIP 35 NORTH, RANGE 36 EAST.

SE $\frac{1}{4}$, Sec. 24; NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 25.

TOWNSHIP 35 NORTH, RANGE 37 EAST.

E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 9; lots 3, 4 and 5 of Sec. 10; lots 1 and 2 of Sec. 15; NE $\frac{1}{4}$ SW $\frac{1}{4}$ and lots 1, 2, 3, 4, 5 and 6 of Sec. 16; E $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ of Sec. 19; W $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and lots 2, 3 and 4 of Sec. 20; NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ and lots 1, 2 and 4 of Sec. 29; E. N E $\frac{1}{4}$, NW $\frac{1}{4}$ and S. $\frac{1}{2}$ Sec. 30; NE $\frac{1}{4}$ and lots 1 and 2 of Sec. 31; NE $\frac{1}{4}$ NW $\frac{1}{4}$, lots 1, 2, 3 and 4 of Sec. 32.

TOWNSHIP 36 NORTH, RANGE 28 EAST.

A tract of land described as follows: Beginning at a mound and stake run due North 20 chains thence due West 40 chains set post thence due S. 20 chains set post thence due E. 40 chains to point of beginning.

A tract of land described as follows: Beginning at NE Cor. of 188 run due N. 20 chains set post thence due W. 40 chains set post thence due S. 20 chains to N. W. Cor. 188 thence due E. 40 chains to point of beginning.

A tract of land described as follows: Beginning at N. W. Cor. of 188 thence due W. 40 chains set post thence due N. 20 chains set post

hence due E. 40 chains to N. W. Cor. of 189 thence due S. 20 chains to the point of beginning.

A tract of land described as follows: Beginning at N. W. Cor. of 190 thence due N. 20 chains set post thence due E. 40 chains set post thence due S. 20 chains to N. E. Cor. of 190 thence due W. 40 chains to point of beginning.

A tract of land described as follows: Beginning at N. W. Cor. of 191 thence due N. 20 chains set post thence due E. 40 chains set post thence due S. 20 chains to N. E. Cor. of 191 thence due W. 40 chains to point of beginning.

A tract of land described as follows: Beginning at N. W. Cor. 190 thence due W. 20 chains set post thence due N. 40 chains set post thence due E. 20 chains to N. W. Cor. 192 thence due south 40 chains to point of beginning.

A tract of land described as follows: Beginning at S. E. Cor. Sec. 32, Tp. 37 R. 28 run due S. 20 chains set post thence due E. 40 chains made rock mound thence due N. 20 chains to quarter Sec. Cor. of Sec. 33 on Tp. line, thence due W. 40 chains on Tp. line to point of beginning.

TOWNSHIP 36 NORTH, RANGE 29 EAST.

A tract of land described as follows: Set post and made mound thence due N. 20 chains set post thence due E. 40 chains set post thence due S. 20 chains set post thence due W. 40 chains to point of beginning, in section 9.

A tract of land described as follows: Beginning on ninth standard parallel at quarter Cor. of Sec. 33 thence due S. 40 chains set post thence due W. 20 chains set post thence due N. 40 chains set post thence due E. on 9th standard parallel 20 chains to point of beginning.

A tract of land described as follows: Beginning at S. W. Cor. of 215 on ninth standard parallel thence due E. 40 chains set post thence due S. 20 chains set post thence due W. 40 chains set post thence due N. 20 chains to place of beginning, in section 4 or 5.

TOWNSHIP 36 NORTH, RANGE 30 EAST.

E $\frac{1}{2}$ of NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 33; SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 34.

TOWNSHIP 36 N., R. 32 E.

NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 1; NE $\frac{1}{4}$ NE $\frac{1}{4}$ and N $\frac{1}{2}$ of SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 2; E $\frac{1}{2}$ SE $\frac{1}{4}$ of Sec. 11; NW $\frac{1}{4}$ and W $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 12; W $\frac{1}{2}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 13; E $\frac{1}{2}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$ of Sec. 14; NE $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ of Sec. 23; W $\frac{1}{2}$ SE $\frac{1}{4}$ of Sec. 26; E $\frac{1}{2}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 35

TOWNSHIP 36 NORTH, RANGE 33 EAST.

W $\frac{1}{2}$ of E $\frac{1}{2}$ of NW $\frac{1}{4}$ and W $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 1; E $\frac{1}{2}$ of E $\frac{1}{2}$ of NE $\frac{1}{4}$ of Sec. 2; NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ of Sec. 4; N $\frac{1}{2}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 5; N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ of Sec. 6.

TOWNSHIP 36 NORTH, RANGE 37 EAST.

SW $\frac{1}{4}$ SE $\frac{1}{4}$ and lot 4 of Sec. 22; lot 1 of Sec. 26; W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ and lots 1, 2, 3 and 4 of Sec. 27; SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 33; NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ and lots 1, 2, 3, 4 and 5 of Sec. 34; and lot 1 of Sec. 35.

TOWNSHIP 37 NORTH, RANGE 27 EAST.

E $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ of Sec. 1; SE $\frac{1}{4}$ NW $\frac{1}{4}$ and lots 2, 3 and 4 of Sec. 3, the E $\frac{1}{2}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ of Sec. 12, The W $\frac{1}{2}$ of E $\frac{1}{2}$ of SW $\frac{1}{4}$ and lots 1, 2, 3, 4, and 5 of Sec. 16; Lots 1 and 2 of Sec. 20, W $\frac{1}{2}$ NW $\frac{1}{4}$ of Sec. 21.

TOWNSHIP 37 NORTH, RANGE 28 EAST.

W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, lots 4, 5, 6 and 7 of Sec. 6.; N $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 7; NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 9; S $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 25; S $\frac{1}{2}$ of Sec. 32; S $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 33, N $\frac{1}{2}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 36.

TOWNSHIP 37 NORTH, RANGE 29 EAST.

N $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 27, lot 4 of Sec. 30, E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ and lot 1 of Sec. 31; S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ of Sec. 32, W $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 33.

TOWNSHIP 37 NORTH, RANGE 30 EAST.

W $\frac{1}{2}$ NW $\frac{1}{4}$ of Sec. 1, E $\frac{1}{2}$ NE $\frac{1}{4}$ of Sec. 2; SE $\frac{1}{4}$ of Sec. 3; S $\frac{1}{2}$ NE $\frac{1}{4}$ of Sec. 8; S $\frac{1}{2}$ NE $\frac{1}{4}$ and S $\frac{1}{2}$ NW $\frac{1}{4}$ of Sec. 9; N $\frac{1}{2}$ NE $\frac{1}{4}$ and N $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 10.

TOWNSHIP 37 NORTH, RANGE 33 EAST.

Lots 8 and 9, Sec. 5; Lots 3, 5, 12 and 13 of Sec. 8; E $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ and lots 1, 4, 7 and 8 of Sec. 17; NE $\frac{1}{4}$ NW $\frac{1}{4}$ and E $\frac{1}{2}$ of Sec. 20; SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 21; NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 29; SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 30; NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 31; NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$ of Sec. 32; SE $\frac{1}{4}$ and S $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 33; E $\frac{1}{2}$ SE $\frac{1}{4}$ and W $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec 34; W $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 35.

TOWNSHIP 37 NORTH, RANGE 37 EAST.

Lots 1, 2, 3 and 4, Sec. 1; SE $\frac{1}{4}$ NE $\frac{1}{4}$ and lot 1 of Sec. 2; S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 3; NW $\frac{1}{4}$ SE $\frac{1}{4}$ and lots 5, 6, 7, 8, 9, 10, 11 and 12 of Sec. 4; SE $\frac{1}{4}$ NE $\frac{1}{4}$ and lot 1 of Sec. 5; W $\frac{1}{2}$ SW $\frac{1}{4}$ and lots 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 of Sec. 9; N $\frac{1}{2}$ NE, Sec. 10; SW $\frac{1}{4}$ of Sec. 13; S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ and SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 14; SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 15; SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 16. S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ of SW $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$ of Sec. 22; E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ and lots 1 and 2 and E $\frac{1}{2}$ of Sec. 23; S $\frac{1}{2}$ SE $\frac{1}{4}$ and S $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 24; N $\frac{1}{2}$ NE $\frac{1}{4}$ of Sec. 25; N $\frac{1}{2}$ SW $\frac{1}{4}$ and lots 9, 10, 11 and 12 of Sec. 26; S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and lots 9, 10, 12, 13 and 14 of Sec. 27; Lots 1, 5, 7, 8, and 12 of Sec. 28, W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ and lots 2, 3, 4 and 5 of Sec. 33.

TOWNSHIP 37 NORTH, RANGE 38 EAST.

Lots, 1, 2, 3, 4, 5, and 6 of Sec. 18; Lots 1, 3 and 4 of Sec. 19.

TOWNSHIP 38 NORTH, RANGE 27 EAST.

SW $\frac{1}{4}$ NW $\frac{1}{4}$ and lot 6 of Sec. 2; Lots 6, 7, 8 and 9 of Sec. 3; Lots 4, 5 and 6 of Sec. 11; SE $\frac{1}{4}$ of NW $\frac{1}{4}$ and lots 7 and 8 of Sec. 14; Lot 3 of Sec. 22; W $\frac{1}{2}$ NE $\frac{1}{4}$ of NW $\frac{1}{4}$ and lots 3, 4, 5, and 6 of Sec. 23; SE $\frac{1}{4}$ SE $\frac{1}{4}$ and lot 7 of Sec. 27; E $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ and lots 5, 6, 7 and 8 of Sec. 34.

TOWNSHIP 38 NORTH, RANGE 28 EAST.

S $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 10; SW $\frac{1}{4}$ of Sec. 11; N $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 14; N $\frac{1}{2}$ NE $\frac{1}{4}$ and N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 15; NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 16; SW $\frac{1}{4}$ of Sec. 26; W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ and lots 3 and 4 of Sec. 31.

TOWNSHIP 38 NORTH, RANGE 29 EAST.

S $\frac{1}{2}$ NW $\frac{1}{4}$ and lots 2, 3, and 4 of Sec. 4; NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ and lots 3 and 4 of Sec. 5; E $\frac{1}{2}$ NE $\frac{1}{4}$ of Sec. 6.

TOWNSHIP 38 NORTH, RANGE 30 EAST.

E $\frac{1}{2}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 25; SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 26; E $\frac{1}{2}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$ of Sec. 35; W $\frac{1}{2}$ NW $\frac{1}{4}$ of Sec. 36.

TOWNSHIP 38 NORTH, RANGE 32 EAST.

E $\frac{1}{2}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 25; W $\frac{1}{2}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 36.

TOWNSHIP 38 NORTH, RANGE 33 EAST.

W $\frac{1}{2}$ NW $\frac{1}{4}$ of Sec. 1; S $\frac{1}{2}$ NE $\frac{1}{4}$ and lots 1 and 2 of Sec. 2; lot 4 of Sec. 3; lot 1 of Sec. 4; S $\frac{1}{2}$ SE $\frac{1}{4}$ of Sec. 9; S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 15; NE $\frac{1}{4}$ of Sec. 16; S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 21; N $\frac{1}{2}$ NE $\frac{1}{4}$ of Sec. 22; S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 26; N $\frac{1}{2}$ NW $\frac{1}{4}$ of Sec. 27; N $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ and Lot 1 of Sec. 28; SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 30; NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 31; and N $\frac{1}{2}$ NE $\frac{1}{4}$ of Sec. 35.

TOWNSHIP 38 NORTH, RANGE 37 EAST.

S $\frac{1}{2}$ SE $\frac{1}{4}$ of Sec. 4; SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 5; NE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 8; Sec. 9; SE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ of Sec. 10; SE $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$ of Sec. 11; S $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 12; E $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ and lots 1 and 2 of Sec. 13; E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 14; Sec. 15; E $\frac{1}{2}$, NW $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 16; N $\frac{1}{2}$ NE $\frac{1}{4}$ of Sec. 17; E $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and lot 5 of Sec. 21; NE $\frac{1}{4}$ S $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 22; N $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$ of Sec. 23; NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ and lot 5 of Sec. 25; SW $\frac{1}{4}$ SW $\frac{1}{4}$ and E $\frac{1}{2}$ of Sec. 26; SE $\frac{1}{4}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ of Sec. 27; NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and lots 2, 3, 4, and 5 of Sec. 28; SW $\frac{1}{4}$ NE $\frac{1}{4}$ and lots 3, 4 and 5 of Sec. 29; W $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and lots 1, 2, 5, 6 and 8 of Sec. 33; N. E. $\frac{1}{4}$ NE $\frac{1}{4}$, and E $\frac{1}{2}$ SE $\frac{1}{4}$ of Sec. 35; lots 1, 2, and 3 of Sec. 36.

TOWNSHIP 38 NORTH, RANGE 38 EAST.

Lots 1, 2, 3, 4 and 5 of Sec. 8; lot 5 of Sec. 19; and lots 1 and 2 of Sec. 30.

TOWNSHIP 39 N., R. 27 EAST.

Lots 2 and 4 of Sec. 10; N $\frac{1}{2}$ SW $\frac{1}{4}$ and lots 2, 3, 5 and 6 of Sec. 15; lots 5 and 6 of Sec. 16; E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ and lots 6, 8, 9, 10 and 11 of Sec. 22; SE $\frac{1}{4}$ and lots 6, 7, 8, 9, 10, 11 and 12 of Sec. 27; lots 5, 6, 7, 8 and 9 of Sec. 34.

TOWNSHIP 39 NORTH, RANGE 28 EAST.

NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ of Sec. 1; E $\frac{1}{2}$ of Sec. 12; and SE $\frac{1}{4}$ of Sec. 36.

TOWNSHIP 39 NORTH, RANGE 29 EAST.

W $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 3; SE $\frac{1}{4}$ and NW $\frac{1}{4}$ of Sec. 4; N $\frac{1}{2}$ NW $\frac{1}{4}$ of Sec. 5; W $\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ of Sec. 6; W $\frac{1}{2}$ NW $\frac{1}{4}$ of Sec. 7; N $\frac{1}{2}$, SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 9; S $\frac{1}{2}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$ of Sec. 10; W $\frac{1}{2}$ SE $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 15; S $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 33.

TOWNSHIP 39 NORTH, RANGE 30 EAST.

S $\frac{1}{4}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ of Sec. 4; E $\frac{1}{2}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$ of Sec. 8; N $\frac{1}{2}$ NE $\frac{1}{4}$ and N $\frac{1}{2}$ NW $\frac{1}{4}$ of Sec. 9.

TOWNSHIP 39 NORTH, RANGE 31 EAST.

A tract of land described as follows: Commencing at a stake marked "I. A." ran north at variation of $22^{\circ} 30'$ E. forty chains and set post at N. W. Corner of claim thence east 20 chains and set N. E. Corner thence South 40 chains setting S. E. Corner thence West 20 chains to point of beginning.

A tract of land described as follows: Commencing at N. W. Corner of No. 12 thence east 10 chains to S. W. Corner of allotment No. 13 thence due North 20 chains and set post thence due east 10 chains and set post thence due North 20 chains and set post thence due east 20 chains and set post thence due South 20 chains and set post thence due west 10 chains and set post thence due South 20 chains and set post thence due West 20 chains to S. W. Corner of allotment No. 13.

A tract of land described as follows: Commencing at N. W. Cor. of No. 13, thence due east 10 chains and set post; thence due N. 20 chains and set post; thence due E. 10 chains and set post; thence due N. 20 chains and set post, thence due E. 20 chains and set post; thence due S. 20 chains and set post thence due W. 10 chains and set post thence due S. 20 chains and set post thence due W. 20 chains to the S. W. Corner of allotment No. 14.

A tract of land described as follows: Commencing at N. W. Corner of No. 14 thence due North 40 chains and set post thence due east 20 chains and set post thence due S. 40 chains and set post thence due West 20 chains on line between Nos. 14 & 15 to place of beginning.

A tract of land described as follows: Commencing at the N. W. Corner of No. 15, thence due east 10 chains and set post thence due North 40 chains and set post, thence due east 20 chains and set post, thence due South 40 chains set post for S. E. Corner thence due west 20 chains to S. W. Corner of No. 16.

TOWNSHIP 39 NORTH, RANGE 32 EAST.

SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 2.

TOWNSHIP 39 NORTH, RANGE 33 EAST.

SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 2; lots 1 and 2 of Sec. 9; lot 1 of Sec. 10; lots 1, 2, 3 and 4 of Sec. 11; N $\frac{1}{2}$ of S $\frac{1}{2}$ of NE $\frac{1}{4}$ and lots 1, 2, 3, 4, 5, 6, 7, 8 and 9 of Sec. 12; N $\frac{1}{2}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ of Sec. 13; S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ and lots 2, 3, 4, 5 and 6 of Sec. 14; SE $\frac{1}{4}$ SE $\frac{1}{4}$ and lots 1, 2 and 4 of Sec. 15; NE $\frac{1}{4}$ NE $\frac{1}{4}$ and lots 1, 5 and 6 of Sec. 16; NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ and lots 6, 7, 8, and 9 of Sec. 17; W $\frac{1}{2}$ Sec. 23; W $\frac{1}{2}$ Sec. 24; W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ of Sec. 26; SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 29; SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 33; SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 34; E $\frac{1}{2}$ of Sec. 35.

TOWNSHIP 39 NORTH, RANGE 36 EAST.

SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 11, N. $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 13; S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 14.

TOWNSHIP 39 NORTH, RANGE 37 EAST.

SE $\frac{1}{4}$ of Sec. 8; S $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 16; SE $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ of Sec. 17; N $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ of Sec. 20; NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$ of Sec. 21; NW $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 29.

TOWNSHIP 39 NORTH, RANGE 38 EAST.

SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 12; W $\frac{1}{2}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 13; S $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 14; NW $\frac{1}{4}$ of Sec. 23.

TOWNSHIP 39 NORTH, RANGE 39 EAST.

Lots 5, 6 and 7 of Sec. 2; SE $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$ of Sec. 7; SW $\frac{1}{4}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 8; SW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 9; W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ and lot 3 of Sec. 16; E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 17; NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, and E $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 18.

TOWNSHIP 40 NORTH, RANGE 27 EAST.

E $\frac{1}{2}$ SE $\frac{1}{4}$ of Sec. 11; SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ of Sec. 12; NW $\frac{1}{4}$ of Sec. 13; E $\frac{1}{2}$ NE $\frac{1}{4}$ of Sec. 14; W $\frac{1}{2}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$, NW $\frac{1}{4}$, W $\frac{1}{2}$ of W $\frac{1}{2}$ of SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 15; lot 5 of Sec. 21; NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ and lots 2, 3 and 4 of Sec. 22; W $\frac{1}{2}$ SE $\frac{1}{4}$ of Sec. 27.

TOWNSHIP 40 NORTH, RANGE 28 EAST.

S $\frac{1}{2}$ SE $\frac{1}{4}$ and lots 3 and 4 of Sec. 19; SW $\frac{1}{4}$ of Sec. 35.

A tract of land described as follows: Beginning at a stone monument on the international line, being the N. W. Cor. of allotment 116, thence running due east on boundary line 40 chains set post at N. E. Cor. thence due S. 20 chains set post marked "I. A." being S. E. Cor. thence due W. 40 chains set post at S. W. Cor. thence due N. 20 chains to the point of beginning in section 2 or 3.

A tract of land described as follows: Beginning at S. W. Cor. of 116 thence due E. 40 chains to S. E. Cor. of 116 thence due S. 20 chains and set post being S. E. Cor. of 117 thence due W. 40 chains and set post at S. W. Cor. of allotment 117 thence due N. 20 chains to place of beginning being N. W. Cor. of No. 117.

A tract of land described as follows: Beginning at S. W. Cor. of 117 thence due E. 40 chains to S. E. Cor. of No. 117 thence due S. 20 chains to S. E. Cor. No. 118 and set post "I. A." thence due W. 40 chains to S. W. Cor. of No. 118 and set post "I. A." thence due N. 20 chains to point of beginning being N. W. Cor. of 118.

A tract of land described as follows: Beginning at S. W. Cor. of 118 thence due E. 40 chains to S. E. Cor. of 118 thence due S. 20 chains to S. E. Cor. 119 and set post "I. A." thence due W. 40 chains to S. W. Cor. of 119 and set post thence due N. 20 chains to N. W. Cor. or point of beginning.

A tract of land described as follows: Beginning at S. E. Cor. of 116 thence due E. 40 chains to N. E. Cor. of 122 and set post "I. A." thence S. 20 chains to S. E. Cor. and set post thence due W. 40 chains to S. E. Cor. of No. 117 being S. W. Cor. of No. 122 thence due N. 20 chains to point of beginning, in Sec. 2 or 3.

A tract of land described as follows: Beginning at S. E. Cor. of 117 thence due E. 40 chains to S. E. Cor. of 122 thence due South 20 chains to S. E. Cor. of 123 set post "I. A." thence due W. 40 chains to S. E. Cor. of 118 thence due N. 20 chains to point of beginning, in section 2 or 3

A tract of land described as follows: Beginning at boundary line N. E. Cor. of No. 116 thence due E. on boundary line 40 chains set post thence due S. 20 chains to N. E. Cor. of 122 thence due W. on line between 122 & 222 to N. W. Cor. of 122 thence N. 20 chains to place of beginning, in section 1 or 2.

A tract of land described as follows: Beginning at N. E. cor. of 222 on boundary line thence due E. 40 chains set post thence due S. 20 chains set post thence due W. 40 chains to S. E. Cor. of 222 thence due N. 20 chains to place of beginning, in section 1 or 2.

A tract of land described as follows: Beginning at S. E. Cor. of 223 thence due S. 20 chains set post thence due W. 40 chains to N. E. Cor. of 123 thence due N. 20 chains to N. E. of 122 thence due E. 40 chains between line of 223 and 224 to place of beginning, in section 1 or 2.

A tract of land described as follows: Beginning at S. E. Cor. of 224 thence due S. 20 chains set post thence due W. 40 chains to S. E. Cor. of 123 thence due N. 20 chains to S. W. Cor. of 224 thence due E. 40 chains between line 224 & 225 to place of beginning, in section 1 or 2.

A tract of land described as follows: Beginning at S. E. Cor. of 225 thence due S. 20 chains set post thence due W. 40 chains set post thence due N. 20 chains to S. W. Cor. 225 thence due E. 40 chains on line between 225 & 226 to point of beginning, in section 1 or 2.

A tract of land described as follows: Beginning on boundary line at N. E. Cor. of 223 thence on boundary line due E. 20 chains set post thence due S. 40 chains set post thence due W. 20 chains to S. E. Cor. of 224 thence due N. 40 chains to place of beginning, in section 1 or 2.

TOWNSHIP 40 NORTH, RANGE 29 EAST.

A tract of land described as follows: Set post on International boundary line being N. E. Cor. of 120 thence due S. 20 chains to S. E. Cor. and set post "I. A." thence due W. 40 chains and set post being S. W. Cor. of 120 thence due N. 20 chains to boundary line set post "I. A." being N. W. Cor. thence on boundary line 40 chains to point of beginning, in section 5 or 6.

A tract of land described as follows: Beginning at SE $\frac{1}{4}$ of 120 thence due S. 20 chains to S. E. Cor. and set post "I. A." thence W. 40 chains to S. W. Cor. and set post thence due N. 20 chains to N. W. Cor. thence due East 40 chains to point of beginning, Sec. 5 or 6.

NE $\frac{1}{4}$ and S. $\frac{1}{2}$ of Sec. 32; S $\frac{1}{2}$ SE $\frac{1}{4}$ and S $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 33.

TOWNSHIP 40 NORTH, RANGE 30 EAST.

E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 3; W $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 15; NE $\frac{1}{4}$ SE $\frac{1}{4}$ and all that part of the S $\frac{1}{2}$ of S $\frac{1}{2}$ of N $\frac{1}{2}$ of NE $\frac{1}{4}$ lying south and east of Myers Creek, all that part of S $\frac{1}{2}$ NE $\frac{1}{4}$ lying east of Myers Creek, and all that part of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ lying east of Myers Creek and all that part of the S $\frac{1}{2}$ SE $\frac{1}{4}$ lying east of Myers Creek in Sec. 16; W $\frac{1}{2}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$, W $\frac{1}{2}$ of NW $\frac{1}{4}$ of SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and all that part of W $\frac{1}{2}$ SW $\frac{1}{4}$ lying east of Myers Creek except one acre in Reno Quartz claim of Sec. 21; S $\frac{1}{2}$ SE $\frac{1}{4}$ of Sec. 25; S $\frac{3}{4}$ of W $\frac{1}{2}$ of NE $\frac{1}{4}$ of NW $\frac{1}{4}$, S. $\frac{3}{4}$ of E $\frac{1}{2}$ of NW $\frac{1}{4}$ of NW $\frac{1}{4}$; S. $\frac{3}{4}$ of E $\frac{1}{2}$ of W $\frac{1}{2}$ of NW $\frac{1}{4}$ of NW $\frac{1}{4}$; E $\frac{3}{4}$ of N $\frac{1}{2}$ of SW $\frac{1}{4}$ of NW $\frac{1}{4}$, SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of NW $\frac{1}{4}$ and N $\frac{1}{2}$ of NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 28; W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 29; S $\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ of Sec. 30; E $\frac{1}{2}$ NE $\frac{1}{4}$ and W $\frac{1}{2}$ NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 32; S $\frac{1}{2}$ NE $\frac{1}{4}$ of NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ of W $\frac{1}{2}$ of W $\frac{1}{2}$ of NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 33.

TOWNSHIP 40 NORTH, RANGE 31 EAST.

S $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 25.

TOWNSHIP 40 NORTH, RANGE 32 EAST.

$E\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$ and $E\frac{1}{2}$ of $E\frac{1}{2}$ of $SE\frac{1}{4}$ of Sec. 9; $SW\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}$ and $SW\frac{1}{4}$ of Sec. 10; $W\frac{1}{2}$ of $W\frac{1}{2}$ of $NE\frac{1}{4}$, $W\frac{1}{2}$ of $NE\frac{1}{4}$ of $NW\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}$ and $SW\frac{1}{4}SW\frac{1}{4}$ and all that part of $W\frac{1}{2}NW\frac{1}{4}$ lying east of Kettle River, and all that part of $NE\frac{1}{4}NW\frac{1}{4}$ lying east of Kettle River of Sec. 15; the $E\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}$ and all that part of $SE\frac{1}{4}SE\frac{1}{4}$ lying east of Kettle River in Sec. 16; lot 5 and all that part of the $NW\frac{1}{4}SW\frac{1}{4}$, $W\frac{1}{2}$ of $NW\frac{1}{4}$ of $NE\frac{1}{4}$ of $SW\frac{1}{4}$, $SW\frac{1}{4}$ of $NE\frac{1}{4}$ of $SW\frac{1}{4}$, $NE\frac{1}{4}$ of $SW\frac{1}{4}$ of $SW\frac{1}{4}$, and $SE\frac{1}{4}SW\frac{1}{4}$ lying east of Kettle River in Sec. 22, Lot 1, $W\frac{1}{2}$ of $SE\frac{1}{4}$ of $NW\frac{1}{4}$ of $SW\frac{1}{4}$, all of $NE\frac{1}{4}$ of $NW\frac{1}{4}$ of $NW\frac{1}{4}$, $SW\frac{1}{4}SW\frac{1}{4}$, and $SW\frac{1}{4}NW\frac{1}{4}$ of $SW\frac{1}{4}$ lying east of Kettle River in Sec. 26; $E\frac{1}{2}$ of $NW\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}$, $SE\frac{1}{4}SE\frac{1}{4}$ and lots 2, 3, 4, and 5 of Sec. 27; lot 3 of Sec. 30; $E\frac{1}{2}NE\frac{1}{4}$, $NW\frac{1}{4}NE\frac{1}{4}$, $E\frac{1}{2}$ of $SW\frac{1}{4}$ of $NE\frac{1}{4}$, $E\frac{1}{2}$ of $NW\frac{1}{4}$ of $SE\frac{1}{4}$ and $E\frac{1}{2}SE\frac{1}{4}$ of Sec. 34; $W\frac{1}{2}$ of $NW\frac{1}{4}$ of $NE\frac{1}{4}$ of $NW\frac{1}{4}$, $W\frac{1}{2}$ of $SE\frac{1}{4}$ of $SW\frac{1}{4}$, lots 1, 2, 3 and 4 and all that part of $SW\frac{1}{4}SW\frac{1}{4}$ lying east of Kettle River.

TOWNSHIP 40 NORTH, RANGE 33 EAST.

$SE\frac{1}{4}SE\frac{1}{4}$ of Sec. 12; $NE\frac{1}{4}NE\frac{1}{4}$, $W\frac{1}{2}NE\frac{1}{4}$, $NE\frac{1}{4}NW\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$ and $SE\frac{1}{4}SE\frac{1}{4}$ of Sec. 13.

TOWNSHIP 40 NORTH, RANGE 34 EAST.

$S\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$ and lots 1, 2 and 3 of Sec. 1; $E\frac{1}{2}SW\frac{1}{4}$ and lots 3, 6, 7, 8 and 11 of Sec. 3; $SW\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}$ and lots 1, 2, 3, 4, 5 and 6 of Sec. 4; $SE\frac{1}{4}NE\frac{1}{4}$ and $NE\frac{1}{4}SE\frac{1}{4}$ of Sec. 5; $SW\frac{1}{4}SW\frac{1}{4}$ of Sec. 7; $E\frac{1}{2}SE\frac{1}{4}$ of Sec. 8; $E\frac{1}{2}NE\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$ and lots 1, 4 and 6 of Sec. 9; $N\frac{1}{2}NW\frac{1}{4}$, $SW\frac{1}{4}NW\frac{1}{4}$ and $NW\frac{1}{4}SW\frac{1}{4}$ of Sec. 10; $SW\frac{1}{4}SW\frac{1}{4}$ of Sec. 13; $S\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}$ and $SE\frac{1}{4}SW\frac{1}{4}$ of Sec. 14; $NW\frac{1}{4}NE\frac{1}{4}$ and $NE\frac{1}{4}NW\frac{1}{4}$ of Sec. 15; $E\frac{1}{2}NE\frac{1}{4}$ of Sec. 17; $NW\frac{1}{4}NW\frac{1}{4}$ of Sec. 18; $SW\frac{1}{4}NE\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$ and $NE\frac{1}{4}SW\frac{1}{4}$ of Sec. 19; $N\frac{1}{2}NE\frac{1}{4}$, Sec. 23 $NW\frac{1}{4}NE\frac{1}{4}$ and lots 1 and 2 of Sec. 30.

TOWNSHIP 40 NORTH, RANGE 35 EAST.

$N\frac{1}{2}$ of $SE\frac{1}{4}$ of $NW\frac{1}{4}$ and lots 3, 4 and $N\frac{1}{2}$ of lot 5 of Sec. 6.

TOWNSHIP 40 NORTH, RANGE 39 EAST.

$SW\frac{1}{4}SE\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$ of Sec. 25; $SE\frac{1}{4}NE\frac{1}{4}$ and lot 1 of Sec. 35; $NE\frac{1}{4}NE\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$, $NW\frac{1}{4}$ and lots 1, 2, 3 and 4 of Sec. 36

TOWNSHIP 40 NORTH, RANGE 40 EAST

$SW\frac{1}{4}SE\frac{1}{4}$ of Sec. 11; $NW\frac{1}{4}NE\frac{1}{4}$ of, $E\frac{1}{2}SE\frac{1}{4}$ of Sec. 19; $S\frac{1}{2}NE\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}$ and $S\frac{1}{2}$ of Sec. 20; $S\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}$, $SW\frac{1}{4}SW\frac{1}{4}$ and lot 1 of Sec. 21; lots 2 and 3 of Sec. 22, lot 2 of Sec. 28; $NE\frac{1}{4}NW\frac{1}{4}$ and lots 1 and 2 of Sec. 29; $E\frac{1}{2}NE\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}$ and lot 1 of Sec. 30; lots 3 and 4 of Sec. 31.

June 12, 1900.

(No. 13.)

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Commercial agree-
ment with Portugal.
Preamble.

Vol. 30, p. 203.

Whereas His Most Faithful Majesty the King of Portugal and the Algarves has entered into a reciprocal Commercial Agreement with the United States of America pursuant to and in accordance with the provisions of Section 3 of the Tariff Act of the United States approved July 24, 1897, which Agreement is in the English text in the words and figures following, to wit:

Plenipotentiaries.

"The President of the United States of America and His Most Faithful Majesty the King of Portugal and of the Algarves, equally animated by the desire to confirm the good understanding existing between them and to increase the commercial intercourse of the two countries, have deemed it expedient to enter into a reciprocal commercial Agreement to that end; and they have appointed as their Plenipotentiaries for that purpose, to wit:—

The President of the United States of America, the Honorable John A. Kasson, Special Commissioner Plenipotentiary: and

His Most Faithful Majesty, the Viscount de Santo-Thyrso, His Majesty's Envoy Extraordinary and Minister Plenipotentiary at Washington:

Who, after an exchange of their respective full Powers, found to be in due and proper form, have agreed upon the following Articles:

ARTICLE I.

Reduced duties on
Portuguese products.

Upon the following articles of commerce being the product of the soil or industry of Portugal or of the Azores and Madeira Islands imported into the United States the present rates of duty shall be reduced and shall hereafter be as follows, namely:—

Upon argols, or crude tartar, or wine lees, five per centum ad valorem.

Upon still wines in casks, thirty-five cents per gallon; in bottles, per case of one dozen bottles, containing each not more than one quart and more than one pint, or twenty-four bottles containing not more than one pint, one dollar and twenty-five cents per case; and any excess beyond these quantities found in such bottles shall be subject to a duty of four cents per pint or fractional part thereof, but no separate or additional duty shall be assessed upon the bottles.

Upon sparkling wines, in bottles containing not more than one quart and more than one pint, six dollars per dozen; containing not more than one pint each and more than one-half pint, three dollars per dozen; containing one-half pint each or less, one dollar and fifty cents per dozen; in bottles or other vessels containing more than one quart each, in addition to six dollars per dozen bottles, on the quantities in excess of one quart, at the rate of one dollar and ninety cents per gallon.

Upon brandies or other spirits manufactured or distilled from grain or other materials, whether the product of Portugal or of the Portuguese Possessions, one dollar and seventy-five cents per proof gallon.

Upon paintings in oil or water colours, pastels, pen and ink drawings and statuary, fifteen per centum ad valorem.

ARTICLE II.

Reduced duties on
United States prod-
ucts.

Reciprocally and in consideration of the preceding concessions, upon the following articles of commerce being the products of the soil or industry of the United States imported into the Kingdom of Portugal

and the Azores and Madeira Islands, the rates of duty shall be as low as those accorded to any other country (Spain and Brazil being excepted from this provision) namely:

Tariff No. 325 Flour of cereals, except wheat.

Tariff No. 326 Maize in the grain.

Tariff No. 327 Wheat in the grain.

Tariff No. 354 Lard and grease.

Tariff No. 97 } Mineral oils, and their products not elsewhere speci-
Tariff No. 98 } fied in the Tariff.
Tariff No. 99 }

Tariff No. 373. Reaping, mowing and thrashing machines, machines for compressing hay and straw, steam-plows, and separate parts of these machines and plow shares.

Tariff No. 386. Instruments, implements and tools for the arts, manufactures, agriculture, and gardening; and upon the following articles shall not exceed the rates hereinafter stated, namely:

Upon the foregoing machines and articles described in No. 373, five reis per kilogram.

Upon the instruments, implements and tools described above in No. 386, for use in agriculture and gardening, sixty reis per kilogram.

Upon lighter mineral oils for illuminating purposes (density of 0.780 up to 0.820; point of ignition from 37° up to 49°) forty-six reis per litre.

Upon medium mineral oils (density above 0.820 and up to 0.860; point of ignition from 50° up to 150°) fifty-two reis per kilogram.

Upon tar and mineral pitch ten reis per ton.

ARTICLE III.

It is mutually understood that His Most Faithful Majesty's Government reserves the right, after three months prior notification to the United States Government of its intention to do so, to arrest the operation of this Convention in case the United States shall hereafter impose a duty upon crude cork or coffee being the product of Portugal or of the Portuguese Possessions, or shall give less favorable treatment to the following articles being the product of Portugal or of her Possessions than that accorded to the like articles being the product of any other country not under the control of the United States, namely: argols, crude tartar or wine lees; coffee; cacao; wines; brandies; cork, raw or manufactured; sardines and anchovies preserved; and fruits, not preserved; but in respect to fruits the United States reserves the right to make special arrangements applicable to any of the West India Islands.

Suspension of Convention.

ARTICLE IV.

This Agreement shall be ratified by His Most Faithful Majesty so soon as possible, and upon official notice thereof the President of the United States shall issue his Proclamation giving full effect to the provisions of Article I of this Agreement. From and after the date of such Proclamation this Agreement shall be in full force and effect, and shall continue in force for the term of five years thereafter, and if not then denounced by either Party shall continue in force until one year from the time when one of the Parties shall have notified the other of its intention to arrest the operation thereof.

Duration, etc.

Done at Washington the twenty-second day of May in the year one thousand eight hundred and ninety-nine.

JOHN A. KASSON
VISCONE DE SANTO THYRSO

SEAL.
SEAL."

Signatures.

Proclamation.

And Whereas said Convention has been duly ratified on the part of His Most Faithful Majesty, official notice whereof has been received by the President,

Now Therefore, be it known that I, WILLIAM MCKINLEY, President of the United States of America, acting under the authority conferred by said Act of Congress, do hereby suspend during the continuance in force of said Agreement the imposition and collection of the duties mentioned in the first section of said Act and heretofore collected upon the specified articles of Portuguese origin as described in said Agreement, and do declare in place thereof the rates of duty provided in the third section of said Act as recited in said Agreement to be in full force and effect from and after the date of this Proclamation, of which the officers and citizens of the United States will take due notice.

In Testimony Whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this Twelfth day of June A. D. one thousand nine hundred, and of the Independence of the United States of America the one hundred and twenty-fourth.

By the President:

JOHN HAY

Secretary of State.

WILLIAM MCKINLEY

[No. 14.]

June 29, 1900.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Preamble.

Vol. 26, p. 1103.

Whereas, it is provided by section twenty-four of the Act of Congress, approved March third, eighteen hundred and ninety-one, entitled, "An act to repeal timber-culture laws, and for other purposes", "That the President of the United States may, from time to time, set apart and reserve, in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations, and the President shall, by public proclamation, declare the establishment of such reservations and the limits thereof";

Vol. 30, p. 36.

And whereas, it is further provided by the Act of Congress, approved June fourth, eighteen hundred and ninety-seven, entitled, "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight, and for other purposes", that "The President is hereby authorized at any time to modify any Executive order that has been or may hereafter be made establishing any forest reserve, and by such modification may reduce the area or change the boundary lines of such reserve, or may vacate altogether any order creating such reserve";

And whereas, the public lands in the State of Wyoming, within the limits hereinafter described, are in part covered with timber, and it appears that the public good would be promoted by setting apart and reserving said lands as a public reservation;

Now, therefore, I, William McKinley, President of the United States, by virtue of the power in me vested by the aforesaid Acts of Congress, do hereby make known and proclaim that the boundary lines of the

Forest Reservation in the State of Wyoming, known as "The Big Horn Forest Reserve", created by proclamation of February twenty-second, eighteen hundred and ninety-seven, are hereby so changed and enlarged as to include all those certain tracts, pieces or parcels of land lying and being situate in the State of Wyoming, and within the boundaries particularly described as follows, to wit:

Big Horn Forest Reservation, Wyoming.
Boundaries enlarged.
Vol. 29, p. 909.

Beginning at the south-east corner of Township forty-eight (48) North, Range eighty-four (84) West, Sixth (6th) Principal Meridian, Wyoming; thence northerly to the north-east corner of said township; thence easterly along the Twelfth (12th) Standard Parallel North to the south-east corner of Section thirty-three (33), Township forty-nine (49) North, Range eighty-three (83) West; thence northerly along the section line to the north-east corner of Section four (4), Township fifty (50) North, Range eighty-three (83) West; thence westerly to the north-east corner of Section two (2), Township fifty (50) North, Range eighty-four (84) West; thence northerly along the section line, allowing for the proper offset on the Thirteenth (13th) Standard Parallel North, to the north-east corner of Section fourteen (14), Township fifty-three (53) North, Range eighty-four (84) West; thence westerly to the north-east corner of Section fourteen (14), Township fifty-three (53) North, Range eighty-five (85) West; thence northerly to the north-east corner of Section two (2), said township; thence westerly to the north-east corner of Section two (2), Township fifty-three (53) North, Range eighty-six (86) West; thence northerly to the north-east corner of Section two (2), Township fifty-four (54) North, Range eighty-six (86) West; thence westerly to the south-east corner of Township fifty-five (55) North, Range eighty-seven (87) West; thence northerly to the north-east corner of said township; thence westerly to the north-west corner of said township; thence southerly to the south-west corner of said township; thence westerly to the north-west corner of Township fifty-four (54) North, Range eighty-eight (88) West; thence northerly along the range line, allowing for the proper offset on the Fourteenth (14th) Standard Parallel North, to the point of intersection with the boundary line between the States of Wyoming and Montana; thence westerly along said state boundary line to its intersection with the range line between Ranges ninety-two (92) West, and ninety-three (93) West; thence southerly along said range line, allowing for the proper offset on the Fourteenth (14th) Standard Parallel North, to the north-west corner of Township fifty-four (54) North, Range ninety-two (92) West; thence easterly to the north-east corner of said township; thence southerly to the south-east corner of said township; thence easterly to the north-east corner of Township fifty-three (53) North, Range ninety-one (91) West; thence southerly to the south-east corner of said township; thence easterly along the Thirteenth (13th) Standard Parallel North to the north-west corner of Township fifty-two (52) North, Range eighty-eight (88) West; thence southerly along the range line to the north-west corner of Township fifty (50) North, Range eighty-eight (88) West; thence easterly to the north-west corner of Section three (3), said township; thence southerly along the section line to the south-west corner of Section thirty-four (34), Township forty-nine (49) North, Range eighty-eight (88) West; thence easterly along the Twelfth (12th) Standard Parallel North to the north-west corner of Township forty-eight (48) North, Range eighty-seven (87) West; thence southerly to the southwest corner of said township; thence easterly along the township line to the south-east corner of Township forty-eight (48) North, Range eighty-four (84) West, the place of beginning.

Boundaries.

Excepting from the force and effect of this proclamation all lands which may have been, prior to the date hereof, embraced in any legal entry or covered by any lawful filing duly of record in the proper

Prior valid entries excepted.

Proviso.
—qualification.

Reserved from set-
tlement.

United States Land Office, or upon which any valid settlement has been made pursuant to law, and the statutory period within which to make entry or filing of record has not expired; *Provided*, that this exception shall not continue to apply to any particular tract of land unless the entryman, settler or claimant continues to comply with the law under which the entry, filing or settlement was made.

Warning is hereby expressly given to all persons not to make settlement upon the tract of land reserved by this proclamation.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 29, day of June in the year of our Lord one thousand nine hundred, and of the Independence of the United States the one hundred and twenty-fourth.

[SEAL.]

WILLIAM MCKINLEY

By the President:

JOHN HAY

Secretary of State.

[No. 15.]

July 13, 1900.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Commercial agree-
ment with Germany.
Preamble
Vol. 30, p. 203.

Reduced duties on
German products.

Whereas the German Government has entered into a Commercial Agreement with the United States in conformity with the provisions of the third Section of the Tariff Act of the United States approved July 24, 1897, by which Agreement in the judgment of the President reciprocal and equivalent concessions are secured in favor of the products of the United States:

Therefore, be it known that I, William McKinley, President of the United States of America, acting under the authority conferred by said Act of Congress, do hereby suspend during the continuance in force of said Agreement the imposition and collection of the duties imposed by the first Section of said Act upon the articles hereinafter specified, being the products of the soil and industry of Germany; and do declare in place thereof the rates of duty provided in the third Section of said Act to be in force and effect from and after the date of this Proclamation, as follows, namely:

“Upon argols, or crude tartar, or wine lees, crude, five per centum ad valorem.

Upon brandies, or other spirits manufactured or distilled from grain or other materials, one dollar and seventy-five cents per proof gallon.

Upon still wines, and vermouth, in casks, thirty-five cents per gallon; in bottles or jugs, per case of one dozen bottles or jugs containing each not more than one quart and more than one pint, or twenty-four bottles or jugs containing each not more than one pint, one dollar and twenty-five cents per case, and any excess beyond these quantities found in such bottles or jugs shall be subject to a duty of four cents per pint or fractional part thereof, but no separate or additional duty shall be assessed upon the bottles or jugs.

Upon paintings in oil or water colors, pastels, pen and ink drawings, and statuary, fifteen per centum ad valorem.", of which the officers and citizens of the United States will take due notice.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this Thirteenth day of July A. D. one thousand nine hundred, and of the Independence of the United States of America the one hundred and twenty-fifth.

WILLIAM MCKINLEY

By the President:

JOHN HAY

Secretary of State.

[No. 16.]

RECIPROCITY WITH ITALY.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

July 18, 1900.

A PROCLAMATION.

Whereas His Majesty the King of Italy has entered into a reciprocal Commercial Agreement with the United States of America pursuant to and in accordance with the provisions of Section 3 of the Tariff Act of the United States approved July 24, 1897, which Agreement is in the English text in the words and figures following, to wit:—

Commercial agreement with Italy.
Vol. 30, p. 203.
Preamble.

"The President of the United States of America and His Majesty the King of Italy, mutually desirous to improve the commercial relations between the two countries by a Special Agreement relative thereto, have appointed as their Plenipotentiaries for that purpose, namely:—

The President of the United States of America, the Honorable John A. Kasson, Special Commissioner Plenipotentiary, etc. and

His Majesty the King of Italy, His Excellency the Baron S. Fava, Senator of the Kingdom, his Ambassador at Washington, etc.,

Who being duly empowered thereunto have agreed upon the following Articles.

ARTICLE I.

It is agreed on the part of the United States, pursuant to and in accordance with the provisions of the third Section of the Tariff Act of the United States approved July 24, 1897, and in consideration of the concessions hereinafter made on the part of Italy in favor of the products and manufactures of the United States, that the existing duties imposed upon the following articles being the product of the soil or industry of Italy imported into the United States shall be suspended during the continuance in force of this Agreement, and in place thereof the duties to be assessed and collected thereon shall be as follows, namely:—

Reduced duties on Italian products.

On argols, or crude tartar, or wine lees, crude, five per centum ad valorem.

On brandies, or other spirits manufactured or distilled from grain or other materials, one dollar and seventy-five cents per proof gallon.

On still wines, and vermouth, in casks, thirty-five cents per gallon; in bottles or jugs, per case of one dozen bottles or jugs containing each not more than one quart and more than one pint, or twenty-four bottles or jugs containing each not more than one pint, one dollar and twenty-five cents per case, and any excess beyond these quantities found in such bottles or jugs shall be subject to a duty of four cents per pint or fractional part thereof, but no separate or additional duty shall be assessed upon the bottles or jugs.

On paintings in oil or water colors, pastels, pen and ink drawings, and statuary, fifteen per centum ad valorem.

ARTICLE II.

It is reciprocally agreed on the part of Italy, in consideration of the provisions of the foregoing Article, that so long as this Convention shall remain in force the duties to be assessed and collected on the following described merchandise, being the prod-

—on United States products.

uct of the soil or industry of the United States, imported into Italy shall not exceed the rates hereinafter specified, namely:—

Upon cotton seed oil	lire 21. 50 per quintal.
“ fish, pickled or in oil, excluding the tunny, preserved in boxes or barrels, sardines and anchovies	“ 15. 00 “ “
“ other fish, preserved	“ 25. 00 “ “
“ agricultural machinery	“ 9. 00 “ “
“ detached parts of agricultural machinery:	
(1) of cast iron	“ 10. 00 “ “
(2) of other iron or steel	“ 11. 00 “ “
“ scientific instruments:	
(a) of copper, bronze, brass or steel:	
(1) with spy-glasses or microscopes, or graduated scales or circles, spy-glasses for use on land, monacles, binocles, lenses, detached and mounted	“ 30. 00 “ “
(2) not provided with any optical instrument, nor with graduated scales or circles	“ 30. 00 “ “
(b) of all kinds, in the construction of which iron is evidently predominant	“ 30. 00 “ “
“ dynamo-electrical machines:	
(1) the weight of which exceeds 1000 kilograms	“ 16. 00 “ “
(2) weighing 1000 kilograms or less	“ 25. 00 “ “
“ detached parts of dynamo-electrical machines	“ 25. 00 “ “
“ sewing machines:	
(1) with stands	“ 25. 00 “ “
(2) without stands	“ 30. 00 “ “
“ varnishes, not containing spirits nor mineral oils	“ 20. 00 “ “

The following articles shall be admitted free of duty:—
Turpentine oil.

Natural fertilizers of all kinds.

Skins, crude, fresh or dried, not suitable for fur; and fur skins.

ARTICLE III.

Approval.

This Agreement is subject to the approval of the Italian Parliament. When such approval shall have been given, and official notification shall have been given to the United States Government of His Majesty's ratification, the President shall publish his proclamation, giving full effect to the provisions contained in Article I of this Agreement. From and after the date of such proclamation this Agreement shall be in full force and effect, and shall continue in force until the expiration of the year 1903, and if not denounced by either Party one year in advance of the expiration of said term shall continue in force until one year from the time when one of the High Contracting Parties shall have given notice to the other of its intention to arrest the operation thereof.

In witness whereof we the respective Plenipotentiaries have signed this Agreement, in duplicate, in the English and Italian texts, and have affixed thereunto our respective seals.

Done at Washington this eighth day of February, A. D. one thousand and nine hundred.

Signatures.

JOHN A. KASSON [SEAL]
FAVA [SEAL]”

And Whereas said Convention has been duly ratified on the part of His Majesty the King of Italy, official notice whereof has been received by the President,

Proclamation.

Now Therefore, be it known that I, William McKinley, President of the United States of America, acting under the authority conferred by said Act of Congress, do hereby suspend during the continuance in force of said Agreement the imposition and collection of the duties mentioned in the first section of said Act and heretofore collected upon the specified articles of Italian origin as described in said Agreement, and do declare in place thereof the rates of duty provided in the third section of said Act as recited in said Agreement to be in full force and effect from and after the date of this Proclamation, of which the officers and citizens of the United States will take due notice.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this Eighteenth day of July, A. D. one thousand nine hundred, and of the Independence of the United States of America the one hundred and twenty-fifth.

[SEAL]

WILLIAM MCKINLEY

By the President:

JOHN HAY

Secretary of State.

[No. 17.]

THE CROW CREEK FOREST RESERVE.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

October 10, 1900.

A PROCLAMATION.

Whereas, it is provided by section twenty-four of the Act of Congress, approved March third, eighteen hundred and ninety-one, entitled, "An act to repeal timber-culture laws, and for other purposes", "That the President of the United States may, from time to time, set apart and reserve, in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations, and the President shall, by public proclamation, declare the establishment of such reservations and the limits thereof";

Preamble.
Vol. 26, p. 1103.

And whereas, the public lands in the State of Wyoming, within the limits hereinafter described, are in part covered with timber, and it appears that the public good would be promoted by setting apart and reserving said lands as a public reservation;

Now, therefore, I, William McKinley, President of the United States, by virtue of the power in me vested by section twenty-four of the aforesaid Act of Congress, do hereby make known and proclaim that there is hereby reserved from entry or settlement and set apart as a Public Reservation all those certain tracts, pieces or parcels of land lying and being situate in the State of Wyoming and particularly described as follows, to wit:

Forest Reservation
(Crow Creek), Wy-
oming.

Beginning at the north-east corner of Township fifteen (15) North, Range seventy-one (71) West, Sixth (6th) Principal Meridian, Wyoming; thence westerly along the township line to the north-west corner of Section three (3), Township fifteen (15) North, Range seventy-two (72) West; thence southerly to the south-west corner of Section thirty-four (34), said township; thence easterly to the south-east corner of said section; thence southerly to the south-west corner of Section eleven (11), Township fourteen (14) North, Range seventy-two (72) West; thence easterly to the south-east corner of Section twelve (12), said township; thence southerly to the south-west corner of Section thirty (30), Township fourteen (14) North, Range seventy-one (71) West; thence easterly to the south-east corner of Section twenty-five (25), said township; thence northerly along the range line to the north-east corner of Township fifteen (15) North, Range seventy-one (71) West, the place of beginning.

Boundaries.

Excepting from the force and effect of this proclamation all lands which may have been, prior to the date hereof, embraced in any legal entry or covered by any lawful filing duly of record in the proper United States Land office, or upon which any valid settlement has been made pursuant to law, and the statutory period within which to make entry or filing of record has not expired: *Provided*, that this exception shall not continue to apply to any particular tract of land unless the entryman, settler or claimant continues to comply with the law under which the entry, filing or settlement was made.

Prior valid entries
excepted.

Provided,
—qualification.

Reserved from settlement.

Name of reservation.

Warning is hereby expressly given to all persons not to make settlement upon the tract of land reserved by this proclamation.

The reservation hereby established shall be known as The Crow Creek Forest Reserve.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 10th day of Oct., in the year of our Lord one thousand, nine hundred, and of the Independence of the United States the one hundred and twenty-fifth.

WILLIAM MCKINLEY

By the President:

JOHN HAY

Secretary of State.

[No. 18.]

October 22, 1900.

A PROCLAMATION.

To the People of the United States:

Death of John Sherman.

In the fullness of years and honors, John Sherman, lately Secretary of State, has passed away.

Few among our citizens have risen to greater or more deserved eminence in the national councils than he. The story of his public life and services is as it were the history of the country for half a century. In the Congress of the United States he ranked among the foremost in the House, and later in the Senate. He was twice a member of the Executive Cabinet, first as Secretary of the Treasury, and afterwards as Secretary of State. Whether in debate during the dark hours of our civil war, or as the director of the country's finances during the period of rehabilitation, or as a trusted councillor in framing the nation's laws for over forty years, or as the exponent of its foreign policy, his course was ever marked by devotion to the best interests of his beloved land, and by able and conscientious effort to uphold its dignity and honor. His countrymen will long revere his memory and see in him a type of the patriotism, the uprightness and the zeal that go to moulding and strengthening a nation.

In fitting expression of the sense of bereavement that afflicts the Republic, I direct that on the day of the funeral the Executive Offices of the United States display the national flag at half mast and that the representatives of the United States in foreign countries shall pay in like manner appropriate tribute to the illustrious dead for a period of ten days.

Done at the City of Washington, this 22nd day of October, in the year of our Lord one thousand and nine hundred and of the Independence of the United States of America the one hundred and twenty-fifth.

WILLIAM MCKINLEY

By the President:

JOHN HAY

Secretary of State.

[No. 19.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA,

October 29, 1900.

A PROCLAMATION.

It has pleased Almighty God to bring our nation in safety and honor through another year. The works of religion and charity have everywhere been manifest. Our country through all its extent has been blessed with abundant harvests. Labor and the great industries of the people have prospered beyond all precedent. Our commerce has spread over the world. Our power and influence in the cause of freedom and enlightenment have extended over distant seas and lands. The lives of our official representatives and many of our people in China have been marvelously preserved. We have been generally exempt from pestilence and other great calamities; and even the tragic visitation which overwhelmed the City of Galveston made evident the sentiments of sympathy and Christian charity by virtue of which we are one united people.

Preamble.

Now, therefore, I, William McKinley, President of the United States, do hereby appoint and set apart Thursday, the 29th of November next, to be observed by all the people of the United States, at home or abroad, as a day of thanksgiving and praise to Him who holds the nations in the hollow of His hand. I recommend that they gather in their several places of worship and devoutly give Him thanks for the prosperity wherewith He has endowed us, for seed-time and harvest, for the valor, devotion and humanity of our armies and navies, and for all His benefits to us as individuals and as a nation; and that they humbly pray for the continuance of His Divine favor, for concord and amity with other nations, and for righteousness and peace in all our ways.

November 29, 1900,
set apart as a day of
national thanksgiving.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 29th day of October in the year of Our Lord one thousand nine hundred and of the
[SEAL.] independence of the United States the one hundred and twenty-fifth.

WILLIAM MCKINLEY

By the President:

JOHN HAY

Secretary of State.

[No. 20.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

February 23, 1901.

A PROCLAMATION.

Whereas public interests require that the Senate of the United States be convened at 12 o'clock on the 4th day of March next, to receive such communications as may be made by the Executive:

Convening special
session of the Senate.

Now, Therefore, I, William McKinley, President of the United States of America, do hereby proclaim and declare that an extraordinary occasion requires the Senate of the United States to convene at the Capitol in the city of Washington on the 4th day of March next,

at 12 o'clock noon, of which all persons who shall at that time be entitled to act as members of that body are hereby required to take notice.

Given under my hand and the seal of the United States, at Washington, the 23rd day of February in the year of Our Lord
[SEAL.] one thousand nine hundred and one, and of the Independence of the United States the one hundred and twenty-fifth.

WILLIAM MCKINLEY

By the President:

JOHN HAY

Secretary of State.

[No. 21.]

March 14, 1901.

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

EXECUTIVE MANSION, Washington, March 14th, 1901.

To the People of the United States:

Death of Benjamin
Harrison.

Benjamin Harrison, President of the United States from 1889 to 1893, died yesterday at 4:45 P. M., at his home in Indianapolis. In his death the country has been deprived of one of its greatest citizens. A brilliant soldier in his young manhood, he gained fame and rapid advancement by his energy and valor. As a lawyer he rose to be a leader of the bar. In the Senate he at once took and retained high rank as an orator and legislator; and in the high office of President he displayed extraordinary gifts as administrator and statesman. In public and in private life he set a shining example for his countrymen.

In testimony of the respect in which his memory is held by the Government and people of the United States, I do hereby direct that the flags on the Executive Mansion and the several Departmental buildings be displayed at half staff for a period of thirty days; and that suitable military and naval honors, under the orders of the Secretaries of War and of the Navy, be rendered on the day of the funeral.

Done at the City of Washington this 14th day of March, in the year of our Lord one thousand nine hundred and one, and of
[SEAL.] the independence of the United States of America the one hundred and twenty-fifth.

WILLIAM MCKINLEY

By the President:

JOHN HAY

Secretary of State.